



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Cabinet

Tuesday, 18 June 2013  
6.00 pm

Municipal Offices, Promenade, Cheltenham, GL50 9SA

<b>Membership</b>	
<b>Councillors:</b>	Steve Jordan, John Rawson, Rowena Hay, Peter Jeffries, Andrew McKinlay, Jon Walklett and Roger Whyborn

### Agenda

	<b>SECTION 1 : PROCEDURAL MATTERS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>MINUTES OF THE LAST MEETING</b> Minutes of the meeting held on 21 May 2013	(Pages 1 - 4)
<b>4.</b>	<b>PUBLIC QUESTIONS AND PETITIONS</b>	
	<b>SECTION 2 :THE COUNCIL</b> <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	<b>SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE</b> <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	<b>SECTION 4 : OTHER COMMITTEES</b> <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	<b>SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS</b>	
<b>5.</b>	<b>ANNUAL PERFORMANCE REPORT</b> Report of the Cabinet Member Corporate Services	(Pages 5 - 48)
<b>6.</b>	<b>CHELTENHAM PLAN - SCOPE CONSULTATION</b>	(Pages

		Report of the Leader	49 - 66)
7.		<b>CHELtenham PLAN - REVISED STATEMENT OF COMMUNITY INVOLVEMENT</b> Report of the Leader	(Pages 67 - 102)
8.		<b>COMMUNITY INFRASTRUCTURE LEVY - COMMENCEMENT OF PREPARATION OF DRAFT CHARGING SCHEDULE</b> Report of the Leader	(Pages 103 - 112)
9.		<b>FOOD SAFETY DELIVERY PLAN</b> Report of the Cabinet Member Housing and Safety	(Pages 113 - 132)
10.		<b>HEALTH AND SAFETY DELIVERY PLAN</b> Report of the Cabinet Member Housing and Safety	(Pages 133 - 144)
11.		<b>HOUSING OPTIONS</b> Report of the Cabinet Member Housing and Safety	(Pages 145 - 168)
12.		<b>APPOINTMENT TO OUTSIDE BODIES - THIRD SECTOR SERVICES</b> A report of the Leader	(Pages 169 - 172)
		<b>SECTION 6 : BRIEFING SESSION</b> <ul style="list-style-type: none"> <li>• Leader and Cabinet Members</li> </ul>	
13.		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS AND OFFICERS</b> Member decisions taken since the last Cabinet meeting	
		<b>SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION</b>	
		<b>SECTION 9: BRIEFING NOTES</b> Briefing notes are circulated for information with the Cabinet papers but are not on the agenda	

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### Cabinet

**Tuesday, 21st May, 2013  
6.00 - 6.15 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Sport and Culture), Peter Jeffries (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Built Environment), Jon Walklett (Cabinet Member Corporate Services) and Roger Whyborn (Cabinet Member Sustainability)
<b>Also in attendance:</b>	Councillor Diggory Seacome

### Minutes

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING  
RESOLVED THAT**

**The minutes of the meeting held on 16 April 2013 were approved and signed as a correct record subject to the following amendments :**

Agenda Item 6-third paragraph: He said that whilst Cheltenham did not have a greater problem than other places, a problem did exist and it was therefore appropriate to ask the relevant bodies to examine the report and this would then be fed back to Cabinet.

Agenda Item 7- fifth paragraph: He explained that being a full member of the Board would restrict what the member could do, but the issue should be explored further.

**4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**

There were no public or member questions or petitions.

**5. PROPOSAL TO ADOPT A LATE NIGHT LEVY**

The Cabinet Member Housing and Safety introduced the report and explained that Part 2 of the Police Reform and Social Responsibility Act 2011 introduced a new discretionary power for Licensing Authorities to introduce a late night levy. This levy can be charged to persons who are licensed to sell alcohol between midnight and 6 am as a means of raising a contribution towards the costs of policing the late-night economy.

The Cabinet Member explained that should the proposal to adopt the levy be approved, the Council would then be required to consult on its proposal with residents, the Police and Crime Commissioner, the Chief Constable and all premises licensed and club premises certificate holders whose authorisations permit the supply of alcohol during the late night supply period. It is recommended that a 12 week consultation be undertaken after which Cabinet would assess the consultation responses. The final decision to introduce the levy will be made by Full Council. If approved, the levy would be introduced across the whole licensed areas to those premises operating between midnight and 6 am. This would mean 135 premises in Cheltenham. Cheltenham Borough Council would be entitled to retain up to 30% of the net income whilst the remaining 70% must be paid to the Gloucestershire Police and Crime Commissioner. However, it was proposed that in order to use the levy in the most efficient and cost effective manner, rather than see the levy revenue split between two separate programmes, the intention would be to reach agreement with the Police and Crime Commissioner to develop a single programme delivered in partnership between the Council and the Police in line with guidance.

It was not currently proposed to apply any exemptions as the view was that this would involve an administrative cost. The Council may however decide to apply a 30 % reduction for premises that participated in business led best practice schemes.

The Cabinet Member tabled a note which provided an indication of items that the levy could fund which included taxi marshalling, Operation Scorpion, Funding for Night Safe, Supporting joint police/licensing/environmental health operations, expanding/maintaining CCTV, promoting best practice schemes, funding for research around the late night economy and supporting current initiatives.

The Cabinet Member then clarified that the word "Council" in the second resolution of the recommendations should be amended to read "authority" for clarification. This amendment was supported by members.

In response to a question the Cabinet Member Housing and Safety clarified that the implementation date would be 1 April 2014. He also clarified that should a particular case be made for an exemption under the scheme, this would be considered.

Members supported the proposal which would contribute to the cost of policing the late night economy in the town. It would also enable the police and the council to work in a creative way to tackle problems which arise. The list of items that the levy could pay for was useful and would form part of the consultation document.

### **RESOLVED**

1. To adopt a Late Night Levy in Cheltenham;
2. That the authority should consult on proposals for the introduction of a levy;

3. That the draft consultation document attached at Appendix 2 be approved;
4. That authority be delegated to the Executive Director to undertake the necessary consultation; and
5. That the arrangements for the operation of a late night levy with a target date for implementation of 1 April 2014 be noted.

**6. BRIEFING FROM CABINET MEMBERS**

There were no updates from Members.

**7. CABINET MEMBER DECISIONS TAKEN SINCE THE LAST MEETING OF CABINET**

The Leader of the Council informed Cabinet that he had taken a decision with regard to three revised applications under the Community Pride Scheme, namely to award Cheltenham in Bloom £1,500 to purchase and install interpretation boards in the Italian Gardens in Sandford Park, to award £1,500 to FOLK (Friends of Leckhampton Hill and Charlton Kings Common) to purchase and install interpretation boards to help visitors appreciate the Iron Age hillfort on top of Leckhampton Hill and to award £3,500 to the Friends of the Honeybourne Line to help them make improvements to the Queens Road entrance to the Honeybourne Line.

**Chairman**

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## Cheltenham Borough Council

### Cabinet – 18 June 2012

#### Review of the council's performance at end of 2012-13

<b>Accountable member</b>	<b>Councillor Jon Walklett, Cabinet Member Corporate Services</b>
<b>Accountable officer</b>	<b>Richard Gibson, Strategy and Engagement Manager</b>
<b>Accountable scrutiny committee</b>	<b>Overview and Scrutiny Committee</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	The report takes information and data from our performance management system to enable Cabinet to review the corporate performance of the organisation at the end of the financial year 2012-13 in order that Council can agree the report at its meeting on 24th June 2013
<b>Recommendations</b>	<b>Cabinet to endorse the review of performance in 2012-13 ahead of the report going to Council on 24 June 2013.</b>

<b>Financial implications</b>	None as a result of this report
<b>Legal implications</b>	None as a result of this report
<b>HR implications (including learning and organisational development)</b>	None as a result of this report
<b>Key risks</b>	<p>The business planning process helps the council manage risk in a number of areas, but particularly through creating a strategic framework for the management of projects and initiatives.</p> <p>If we do not respond to performance information, then we may not direct change and improvement in a positive direction.</p>
<b>Corporate and community plan Implications</b>	This report sets out performance information relating to the delivery of corporate priorities in 2012-13.
<b>Environmental and climate change implications</b>	None identified as a result of this report

## 1. Background

- 1.1 The council agreed its corporate strategy action plan 2012-13 in March 2012. The action plan set out our 5 objectives and 10 outcomes and a range of milestones and indicators to measure performance in 2012-13.
- 1.2 The performance report takes information and data from our performance management system to provide Cabinet with an overview of how the council performed last year. There are three performance appendices – Appendix 2 is an overview of performance against the 10 outcomes in terms of what went well and what didn't go so well. Appendix 3 provides a more detailed picture of the progress made against the corporate strategy milestones and indicators. Appendix 4 lists out how Cheltenham Borough Homes has contributed to the delivery of the council's outcomes.

## 2. 2012-13 Performance Overview

### 2.1 Corporate Strategy milestones

2.2 In the 2012-13 action plan, we identified 78 milestones to track our progress. Out of these:

- 56 (72%) of milestones were completed at the end of the year.
- 16 milestones are classed as being amber as there are plans for their completion within a reasonable timeframe.
- 6 milestones are red and will not be achieved within a reasonable timeframe.



The six red milestones are:

Milestones	owner	Progress
Completion of Joint Core Strategy (JCS) public consultation on preferred option.	Mike Redman	Further work is currently being undertaken by consultants Cambridge Centre for Planning and Research to be reported to Member Steering Group in May 2013. This will assist in reviewing the Objectively Assessed Need in light of projections arising from 2011 Census.  To ignore the release of this data could make the JCS unsound. This additional work has impacted upon the JCS programme, pushing the public consultation back to September 2013. This delay has been agreed by JCS Cross-Boundary Programme Board.
Consideration of JCS preferred option by Council for purposes of public consultation.	Mike Redman	The preferred option will not now be considered by the partner councils until September 2013, following additional evidential work commissioned by the Cambridge Centre for Housing and Planning Research looking at economic requirements. This process will need to agree both the objectively assessed need for development (including that required to support the economy) and the strategic locations for growth within the JCS area.
Consideration of revisions to JCS in light of 2011/12 public consultation by CBC planning working group	Mike Redman	A timetable for the Cheltenham Plan has now been established, together with revised milestones for the JCS which will reach the preferred option stage in September 2013, with planned adoption after public examination following sequentially in 2014.



Community governance review of parish council boundaries – agree terms of reference	Richard Gibson	A decision was made by council to not proceed with the review as planned - will now be postponed to tie in with parish elections in 2018
Community governance review – Undertake consultation	Richard Gibson	as above
Community governance review – Report to council recommending future parish council boundaries	Richard Gibson	as above

### 2.3 Performance indicators



In the 2012-13 action plan, we identified 52 key indicators to track our progress. Out of these:


- 32 were indicators which CBC is directly accountable for and targets have been set.
- 12 were indicators which CBC is directly accountable for and no targets have been set
- 8 were community-based indicators for economic development and community safety

Out of the 32 CBC indicators with targets:

- 26 (81%) were met;
- 3 (9%) are currently red, meaning that they did not meet targets;
- 3 (9%) have not yet been updated;

The three red indicators are:

Indicator	Status	end of year target	Actual	Commentary
Amount of household waste reused, recycled and composted (quarterly)		48%	45.14%	<p>Whilst the total amount of waste recycled improved by 100 tonnes during 2012/13, the amounts of garden waste collected were below that estimated, which is assumed to be because of the wet summer. This shortfall together with an increase of 1,000 tonnes of general waste collected compared to the previous year as a result of the continued collection of side waste in a number of areas within Cheltenham and the large amounts of waste produced after the snowfall, has impacted on the total percentage calculations and associated measured performance.</p> <p>The 'no side waste' and 'closed bin lid' policy enforcement began being introduced on a phased approach in July 2012 and had a positive effect in reducing the total amounts of general waste collected. Whilst it is not possible to provide an accurate estimation, the total increase in general waste would have undoubtedly been higher if this initiative hadn't been launched, which would have had more of a negative impact on performance.</p>
Attendance on the Re-Active programme (quarterly & cumulative)		12000	9,417	<p>Attendances registered through the reactive concessions schemes were affected by reduced referral numbers from health partners and changes in pricing which had caused some confusion for some of the clients and a degree of migration onto other concession schemes.</p>

				<p>The shortfalls seen in the first part of the year were not mirrored in second half of the year and low initial numbers skewed the result across the year. The year closed with 9417 attendance recorded against a target of 10350.</p> <p>It is noteworthy that the attendances at the centre generally were ahead on previous years and against target achieving 304,000 versus a target of 302,000.</p> <p>In summary trends and actual attendances show a strong growth and uptake in the concession schemes on offer despite the small changes in one of two products.</p>
Number of reactive concession referrals (quarterly & cumulative)		350	281	<p>These link directly to the indicator above (attendances on the Reactive programme). Significant shortfalls in the first 6 months of the year ensured that the target would not be met. Reduced NHS services linked to mental health and alternative schemes in combination with lower referrals, pricing changes resulted in a 33% shortfall Apr - Sep. Actions over pricing, product and work with remaining NHS partners saw recovery in the second part of the year with referrals returning to target levels. Sadly the cold weather in March saw the numbers in that single month fall very short skewing the 2nd half of the year. Overall the year saw 281 referrals to reactive concession cards against a target of 383.</p> <p>All concessions registered started in March 2012 at 3003 and by March 2013 had grown to 3100.</p> <p>Wider membership also grew from 1189 to 1621 members - a growth of over 36%.</p>

### 3. Consultation and feedback

- 3.1** The draft performance report was presented to the council's Overview and Scrutiny Committee on 16<sup>th</sup> May 2013. Matters of interest included the Joint Core Strategy and the Parish Council boundary review where milestones were not met and the waste and recycling performance indicator which was below target. The committee was satisfied that appropriate mechanisms were in place to enable the effective scrutiny of future performance on these three matters.
- 3.2** Other performance matters raised included progress on meeting the carbon emissions reduction target, provision of activities for young people and the future approach to neighbourhood management. Again the committee was satisfied that elected members had opportunities to contribute to the council's approach to the first two matters and would consider looking at neighbourhood management at a future meeting.

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<b>Report author</b>	<b>Contact officer:</b> Richard Gibson, Strategy and Engagement Manager. 01242 235 354 richard.gibson@cheltenham.gov.uk
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Review of outcomes 2012-13</li><li>3. Corporate Performance 2012-13</li><li>4. CBH contributions to CBC Corporate Plan 2012-13</li></ol>
<b>Background information</b>	2012-13 Corporate Strategy action plan, Report to Council, 28 <sup>th</sup> March 2012

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
CD5a	If the division does not use performance information and feedback from customers, communities and elected members to effectively monitor the delivery of commissioned services in stage 4 of the commissioning cycle, then we will not be able to use this information to inform future commissioning exercises.	Jane Griffiths	March 2013	2	3	6	reduce	Development of consistent performance management reporting for commissioned services  Build into the Futures Council programme	31-Mar-14	Rachel McKinnon	on commissioning division risk register

**Explanatory notes**

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close

Review of outcomes 2012-13

Outcomes	What has been accomplished so far to deliver the outcome	What are the obstacles/blockages that may affect delivery of this outcome?
<p>Cheltenham has a clean and well-maintained environment.</p>	<p>During 2012/13 the council started to enforce its no side waste and closed lid policy on a phased basis to encourage more recycling, reduce the number of black bags on pavements and reduce the amount of waste to landfill. Officers are working with residents who are finding it difficult to manage their waste and encouraging them to use the recycling facilities which are available.</p> <p>Cabinet in December approved the waste policy which sets out the councils policies in relation to waste and recycling. A similar policy will be drawn up for street cleansing.</p> <p>The number of subscribers to the garden waste scheme is continuing to increase.</p> <p>Ubico was established on 1 April 2012 and are delivering the services for CBC. Good working relationships have been established between the company and the council to ensure that the outcomes can be achieved.</p> <p>During the wet weather and flooding there was a focus from street cleaning on ensuing where possible gutters and drains were kept clear.</p> <p>Cabinet has agreed to join the joint waste committee from 1 April 2013 which will provide an opportunity to share ideas and best practice and develop service improvements.</p> <p>The scrutiny committee have undertaken a review of the impacts of bad weather on the grass verges contract and also the impact of snow on waste and recycling and identified a number of actions which have been approved by cabinet.</p> <p>The council and Ubico have continued to work with residents to undertake litter picks, special street cleaning and maintenance of parks and gardens through friends groups.</p>	<p>The wet weather over the summer impacted on the growing season and also on the weed contract. The snow in January resulted in a disruption to service. The way in which the council dealt with the matter came under scrutiny and suggested improvements have been put in place following a lessons learnt exercise.</p> <p>So far in those areas where the "no side waste" is being enforced there has been little public reaction and most people understand the need to recycle. It has however increased the demand for recycling bins. There are areas of the town however where it may be harder to implement which is why the scheme is being undertaken in a phased approach.</p> <p>The actual turn-out for Percentage of household waste reused, recycled and composted was 45.14%, 3% below the target of 48%. Although the amount of waste for recycling increased by 100 tonnes, there was also an increase of 1,000 tonnes of general waste collected which impacted on the percentage calculations.</p>

Outcomes	What has been accomplished so far to deliver the outcome	What are the obstacles/blockages that may affect delivery of this outcome?
<p>Cheltenham's natural and built environment is enhanced and protected.</p>	<p>The Promenade (east) footway replacement scheme was completed, with agreed enhanced materials (York stone) funded by CBC. The Promenade (west) footway is now underway.</p> <p>Following first stage public consultation on the Joint Core Strategy (JCS) and in light of the new National Planning Policy Framework, a nationally respected consultant was commissioned to review the validity of advice on the objectively assessed need for housing within the JCS area. A report to Council on this issue was considered on 24th September and additional work requested in relation to household formation. An O&amp;S JCS task group was established to take this work forward and report its findings to the JCS Member Steering group (MSG).</p> <p>The O&amp;S JCS task group commissioned work on household formation from the Cambridge Centre for Housing and Planning Research. Its findings will be reported to O&amp;S in January and O&amp;S will make recommendations to the JCS MSG.</p> <p>The Urban Design team supported a number of community-led street-scape projects including the improvements to the Road Block in Mersey and Avon Roads in Whaddon and the Bath Road project which is nearing completion.</p>	<p>Further work is currently being undertaken by consultants Cambridge Centre for Planning and Research to be reported to Member Steering Group in May 2013. This will assist in reviewing the Objectively Assessed Need in light of projections arising from 2011 Census.</p> <p>To ignore the release of this data could make the JCS unsound. This additional work has impacted upon the JCS programme, pushing the public consultation back to September 2013. This delay has been agreed by JCS Cross-Boundary Programme Board.</p>
<p>Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.</p>	<p>The council has commissioned new lighting in Regent Arcade car park which will save 200,000kg of CO2 as well making financial savings. We are also progressing a number of ICT related projects which will reduce our carbon emissions.</p> <p>Cabinet in November considered a report on the feasibility of whether the council should adopt a target of 40% reduction by 2020. Cabinet agreed to keep the current carbon reduction target of 30% by 2015, and approved further work to:</p> <ul style="list-style-type: none"> <li>• Explore the potential for Smart metering to reduce costs</li> <li>• LED lighting will be installed in September to the main pool hall at Leisure@</li> <li>• The infrastructure is in place to facilitate the installation of a power pector in May.</li> </ul>	<p>Given the current financial situation it is important that projects which seek to reduce carbon emissions are seen as an "invest to save" initiative and that clear financial and environmental aspects are demonstrated when putting forward the business cases.</p> <p>The carbon emissions figures are not yet available as not all the energy bills in yet. Figures will be calculated and set out in the annual emissions report</p>

Outcomes	What has been accomplished so far to deliver the outcome	What are the obstacles/blockages that may affect delivery of this outcome?
<p>Cheltenham has a strong and sustainable economy</p>	<p>The council launched the second round of the Promoting Cheltenham Fund; a total of £141,500 was allocated to 22 projects.</p> <p>Cheltenham Tourism were successful in securing a £25k grant from the Promoting Cheltenham Fund for the development of a new tourism website - Marketing Cheltenham.</p> <p>Planning permission has been secured for North Place/Portland Street site subject to finalisation of Unilateral Undertaking. Contracts have been exchanged with the deal planned to be completed in the summer</p> <p>Planning permission for Phase 2 works to improve the Brewery complex were approved in July 2012, subject to a Section 106 agreement to secure appropriate planning obligations.</p> <p>In Cheltenham 116 new businesses started up in October 2012, 29 more than the previous month and 26 more than in October 2011. This equates to a rate of 15.5 start - ups per 10,000 working age individuals. In terms of industry the most start - ups were in the Real estate, professional services and support activities sector. This reflects the picture seen at County level.</p> <p>Signs of economic growth continue in Cheltenham as many other shops have recently opened their doors, highlighting the town is still an attractive place for retailers to invest in. New arrivals included US organic and natural food retailer Whole Foods Market, which this autumn opened only it's second UK shop outside London. Pitta Place, a healthy fast food alternative in the High Street, betting shop Paddy Power and The Present People in the Regent Arcade. There are also Expansion plans for TK Maxx and River Island, as well as the arrival of H&amp;M and Toys R Us later this year.</p>	<p>The unemployment rate, at 3.1% remains higher than in Gloucestershire as a whole; there are three wards which are in the 10% wards with the highest claimant rates in the county; St. Marks (5.4%), Hesters Way (6.1%) and Oakley (6.4%).</p> <p>In terms of young people not in education, employment or training, Cheltenham has the highest rate in the county at 5.1%, Gloucester has a rate of 4.6%.</p>

Outcomes	What has been accomplished so far to deliver the outcome	What are the obstacles/blockages that may affect delivery of this outcome?
<p>Communities feel safe and are safe.</p>	<p>Tackling acquisitive crime – a rise in domestic burglaries prompted a huge amount of partnership working to address this rise earlier this year; crime rates have now decreased; over 57% decrease since last year.</p> <p>Reducing alcohol related violence (RARV) – CBC has reinvigorated the RARV project in response to the rises in violent crime associated with the night time economy.</p> <p>Supporting neighbourhood management – CBC continued to work with communities through the 14 neighbourhood coordination groups to tackle the issues of most importance to them.</p> <p>Tackling anti-social behaviour (ASB) – CBC has continued to work in partnership to tackle anti-social behaviour via the ASB steering group - ASB rates are down 41% from last year.</p> <p>Safeguarding – CBC helped work in partnership through the Gloucestershire Safeguarding Children’s Board (GSCB) and the Cheltenham Safeguarding Forum to promote the importance of safeguarding. This including hosting a seminar on safeguarding in February.</p> <p>A total of 101 affordable housing completions were logged in the year; this was made up of 27 shared ownership properties, 30 Social rent properties, 18 Affordable rent properties and 26 Supported accommodation.</p> <p>The council have adopted a housing and homelessness strategy which sets out a number of outcomes as well as a high level delivery plan as to how these outcomes will be delivered. The strategy includes the council’s housing renewal policies for private rented sector.</p> <p>The housing options service is being reviewed to ensure that it is delivering against the outcomes as identified within the strategy and whether the service needs to be redesigned to meet future need and demands.</p> <p>The council continues to work with the supporting people partnership which looks at housing support needs.</p>	<p>Recent rises in violent crime is being monitored and responded to</p>
<p>People have access to decent and affordable housing.</p>	<p>The demand for housing remains high and welfare reforms will only increase the pressure on affordable housing.</p> <p>The supporting people programme has a challenging decommissioning remit which could impact on vulnerable people. CBC has been working via the Supporting People Partnership to mitigate any potential impacts.</p>	



Outcomes	What has been accomplished so far to deliver the outcome	What are the obstacles/blockages that may affect delivery of this outcome?
<p>People are able to lead healthy lifestyles.</p>	<p>The council and CBH have identified development opportunities and funding solutions for St Pauls phase 2, Cakebridge Place and a number of garage sites and the appropriate decisions have been made to enable this to progress in 2013/14.</p> <p>The council working with CBH were able to identify additional resources within the Housing Revenue Account (HRA) to help mitigate the impact of welfare reform on tenants and also to put in additional community infrastructure. The HRA has also been used to provide PV panels in some properties which will help reduce the cost of electric for the tenants.</p> <p>The supporting people partnership has let new contracts for vulnerable adults with complex needs which has resulted in additional provision in Cheltenham - previously all support was based in Gloucester.</p> <p>The council and its partners have been working with those who will be affected by the welfare reforms.</p>	<p>In terms of the active referral programme, CBC has met with the referring partners and the main cause for the drop in referrals and subsequent activity has been a change in referring personnel from 2gether trust has moved departments and reorganisation has meant a drop in referrals. The physiotherapy teams have also undergone significant organisational change and have now put actions in place to restart the referral processes.</p> <p>In February and March, overall trading was quieter than hoped in some areas of business, forward enquiries and bookings into next year were strong, forthcoming maternity leave will see increased waiting times for referral schemes despite the backfill support available.</p>







Outcomes	What has been accomplished so far to deliver the outcome	What are the obstacles/blockages that may affect delivery of this outcome?
<p>Our residents enjoy a strong sense of community and involved in resolving local issues.</p>	<p>Leisure@ has seen continued strong performance and some progress with NHS partners. Overall footfalls are higher than target including those target groups in the community. General Membership levels continue to recover boosted by the summer promotions and at the end of September membership was above target for the year. Enrolments on courses have again been the largest on record with well over 1000 young people enrolled on courses.</p> <p>This year has seen a huge amount of activity to build stronger communities;</p> <ul style="list-style-type: none"> <li>• Two asset-based community development projects were supported and both have now secured additional funding from Barnwood Trust;</li> <li>• £1m secured from the Lottery to deliver a Big Local project in the St. Peters and the Moors - activity underway to engage and involve residents;</li> <li>• A new PACT project launched to support residents near the Honeybourne Lane;</li> <li>• 16 groups received community pride grants to improve their neighbourhoods and 14 groups received smaller grants up to the value of £250 to run small-scale projects, events and activities to help them build better communities;</li> <li>• Community Pride grants were secured by five new community groups</li> <li>• 19 community-based organisations secured funding to deliver positive activities for young people through the second year of the positive activities fund;</li> <li>• The Inspiring Families project was worked with 30 vulnerable families to turn their lives around as part of the government's troubled families project;</li> <li>• The council published a book to celebrate the Queens Diamond Jubilee</li> </ul>	<p>A decision was made by council to not proceed with the community governance review as planned - will now be postponed to tie in with parish elections in 2018.</p>
<p>Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.</p>	<p>The work to the Art Gallery and Museum has continued throughout 2012-13 and although behind original schedule, good progress is now being made. The contractors "ISG" have now indicated a revised date for completion of the major part of works by the 30th April 2013. However, work will still continue on the adjoining walls of No.51 and the 1989 building. From the 1 May, work will start on some areas of the fitting out programme.</p>	<p>Due to the delay in handover of the building by ISG, this has a knock on effect to internal fit-out completion date, now revised to 31 July with the opening scheduled for later in 2013.</p>

Outcomes	What has been accomplished so far to deliver the outcome	What are the obstacles/blockages that may affect delivery of this outcome?
<p>The council delivers cashable savings, as well as improved customer satisfaction overall and better performance through the effective commissioning of services.</p>	<p>Press and media interest has increased as the completion of the major building work nears. The fundraising campaign is continuing to be supported through various events by the Friends of Cheltenham AG&amp;M and the Cheltenham AG&amp;M development trust. This included the launch of a public fundraising specific website in February - MyFace</p> <p>The council has delivered a number of initiatives that have delivered cashable savings over the past year.</p> <ul style="list-style-type: none"> <li>• The GO Shared Services (GOSS) programme has seen the introduction of a shared approach to our finance, HR, payroll and procurement services across four councils – West Oxfordshire, Cotswold, Forest of Dean and Cheltenham. GOSS also provides services to Ubico and CBH. GOSS is estimated to save CBC £270k.</li> <li>• We have set up a shared ICT service with Forest of Dean District Council which will create additional resilience in the service, create the framework for a £1m investment programme and will deliver annual savings of £159,500 per annum by 2015/16.</li> <li>• We have set up Ubico with Cotswold DC, which will save £91k.</li> </ul> <p>The council found savings / increased income of £1.2m to meet the 2013-14 budget gap.</p>	<p>The implementation of the HR self-service function of the new agresso business world platform has been delayed though is scheduled to be implemented in May 2013.</p>

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## Appendix 3 - Corporate Performance Quarter 4 2012-13

### Cheltenham has a clean and well-maintained environment.

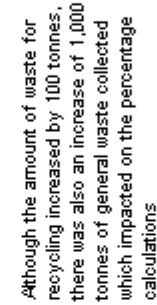
Improvement Action	Milestones	End Date	Lead	Progress
We will increase take-up of the garden waste and trade waste schemes.	Explore opportunities to increase plastic recycling for consideration in the 2013/14 budget.	Fri-30-Nov-12	Rob Bell, Scott Williams	
	Implement the roll out of the garden waste bag scheme and monitor take-up.	Sun-31-Mar-13	Rob Bell, Scott Williams	
	New company established	Sun-1-Apr-12	Jane Griffiths, Rob Bell	
We will ensure a smooth implementation of the new Local Authority Company, Ubico, from 1 April 2012.	Transfer of SITA employees (Cotswold).	Mon-6-Aug-12	Jane Griffiths, Rob Bell	
	Work with other partners who wish to join the company.	Sun-31-Mar-13	Jane Griffiths, Rob Bell	
We will work with GCC and other districts on the development of a Joint Waste Committee.	To review the business case and report back to Cabinet.	Sun-30-Sep-12	Jane Griffiths	
				Q4 An options appraisal / feasibility study has been developed. This shows that any increase in the provision of plastic recycling from kerbside will require a change of vehicle. The lengthy lead time for procurement of new vehicles and uncertainty over industry guidance on mixed glass recycling has meant that changes to kerbside recycling are not possible for 2013/14. Officers are continuing to explore options and will focus on improvements to the bring site service which is set out in the 2013-14 corporate strategy action plan as action ENV1
				Q4 Roll-out implemented though take up continues to be limited. However side waste enforcement hasn't been rolled out in most of the areas where the bag scheme is operational and so take up may increase when the side waste/closed lid policy is operational.
				Q4 - Company established (Ubico Ltd) with 50/50 ownership between Cheltenham Borough Council and Cotswold District Council. Ubico Ltd commenced trading in April 2012 providing services for Cheltenham Borough Council. Cotswold services and staff were transferred to Ubico in August 2012.
				Q4 Complete - as above
				Q4 - TBC have delayed a decision regarding joining the Ubico partnership until a technical matter regarding VAT has been resolved. In the meantime, Ubico continue to provide management services to TBC. This matter is still outstanding and will be rolled into 2013/14
				Q4 - Cabinet at their meeting in December endorsed their previous decision to join the joint waste committee with effect from 1 April 2013. The IIA was signed at the end of March and the new joint waste committee and joint management unit established from 1 April with responsibilities delegated to the committee. A member seminar was held so that there was a greater understanding of the implications of joining the committee.

Cheltenham has a clean and well-maintained environment.

**Overall Summary** Serious concerns Below Target but recoverable = On Target = Below target but recoverable = Serious concerns

Service Indicators

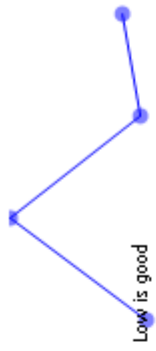


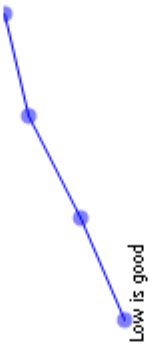
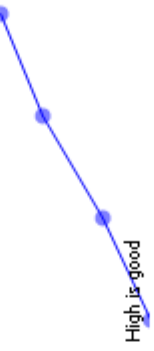
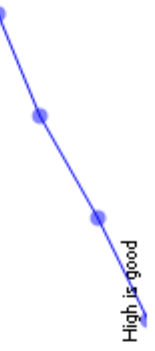
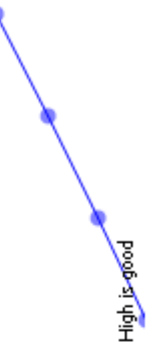
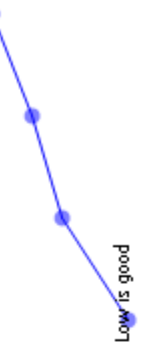
Indicator	Baseline	Target	Current	Comments	Status
Percentage of collections completed on schedule	new indicator	99.90 %	99.97 %	data for Q3	
Residual household waste per household (kg/h'hold), quarterly and cumulative	590kg	489.0	446.0		
Percentage of household waste reused, recycled and composted (quarterly)	48%	48.00 %	45.14 %	Although the amount of waste for recycling increased by 100 tonnes, there was also an increase of 1,000 tonnes of general waste collected which impacted on the percentage calculations	



**Cheltenham's natural and built environment is enhanced and protected**

Improvement Action	Milestones	End Date	Lead	Progress
<p>We will implement the recommendations of the Built environment commissioning review and prepare for market testing in 2013.</p>	<p>Business plan setting out how service will deliver the agreed outcomes.</p>	<p>Thu-31-May-12</p>	<p>Mike Redman</p>	<p>Three year business plan and associated performance matrix submitted to the commissioning division.</p> <p>Q4 - performance reports being submitted quarterly to the Commissioning division, with associated review meetings taking place in tandem.</p>
<p>We will implement the recommendations of the Built environment commissioning review and prepare for market testing in 2013.</p>	<p>First interim review of performance.</p>	<p>Thu-20-Sep-12</p>	<p>Mike Redman</p>	<p>Building Control commissioning review now included within the Corporate Business plan for 2013-14, but market testing of Built Environment was dropped from the corporate workplan as a result of changing priorities.</p> <p>Significant divisional achievements recorded in respect of development activity, work in support of the Cheltenham Development Task Force and to manage the transition of the on-street parking service to GCC's chosen private contractor, thus necessitating the implementation of a revised off-street parking solution for CBC.</p> <p>Q4 - Further work being undertaken by consultants Cambridge Centre for Planning and Research to be reported to MSG May 2013. This will assist in reviewing the Objectively Assessed Need in light of projections arising from 2011 Census. To ignore the release of this data would make the JCS unsound. Additional work has impacted upon the JCS programme, pushing public consultation back to September 2013. Revised programme agreed by JCS Cross Boundary Programme Board. This is set out in the 2013-14 corporate strategy action plan as action ENV5</p>
<p>We will listen to the feedback from the developing options consultation and bring forward the preferred option for the Joint Core Strategy for council approval in 2012.</p>	<p>Completion of public consultation on preferred option.</p>	<p>Fri-15-Nov-13</p>	<p>Mike Redman</p>	<p>Q4 - the preferred option will not now be considered by the partner Councils until September 2013, following additional evidential work commissioned by the Cambridge Centre for Housing and Planning Research looking at economic requirements. This process will need to agree both the objectively assessed need for development (including that required to support the economy) and the strategic locations for growth within the JCS area. This is set out in the 2013-14 corporate strategy action plan as action ENV5</p>
<p>We will listen to the feedback from the developing options consultation and bring forward the preferred option for the Joint Core Strategy for council approval in 2012.</p>	<p>Consideration of preferred option by Council for purposes of public consultation.</p> <p>Consideration of revisions to JCS in light of 2011/12 public consultation by CBC planning working group.</p>	<p>Mon-30-Sep-13</p>	<p>Mike Redman</p>	<p>Q4 - A timetable for the Cheltenham Plan has now been established, together with revised milestones for the JCS which will reach the preferred option stage in September 2013, with planned adoption after public examination following sequentially in 2014. This is set out in the 2013-14 corporate strategy action plan as action ENV5</p>

Service Indicators

Indicator	Baseline	Target	Current Comments	Status
Percentage of planning appeals allowed	42%		33.0%	
Number of days to process an application from receipt to issuing of decision	65 days		61	
Number of projects implemented as a result of working with local interest groups on street redesign projects	1	2	3 *Whaddon project complete. *Bath Road project - hearing completion. Further work this quarter - GCC highway safety scheme (completed); installation of planters (completed) - CBC Community Pride funding, refresh existing street furniture (completed), design work for information panels and welcome signs, preparatory work for front garden design and planting project - both CBC Environment Fund; design work for public art (complete) and planning permission secured - CBC Public Art Panel funding.	
Number of planning applications appealed	29		20	
Number of planning applications approved	1512		1,486	
Number of planning applications determined	1577		1,554	
Number of planning applications received	1590		2,020	
Number of planning applications refused	57		68	



## Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.

### Who has helped complete this card?

Jane Griffiths  
Gill Morris  
David Roberts

### What has been accomplished so far to deliver the outcome?

The council has commissioned new lighting in Regents Arcade car park which will save 200,000kg of CO2 as well as financial savings. It is progressing a number of ICT related projects which will reduce our carbon emissions, as well as a number of property related projects. It is anticipated that the total CO2 emissions savings will be in the region of 570,000kg. Cabinet in November considered a report on the feasibility of whether the council should adopt a target of 40% reduction by 2020. Cabinet agreed to keep the current carbon reduction target of 30% by 2015, and approved further work to:

- explore the potential for Smart metering to help in Bridging the Gap
- LED lighting will be installed in September to the main pool hall at Leisure@
- The infrastructure is in place to facilitate the installation of a power perceptor in May.
- continue to explore other initiatives to deliver financial and carbon savings

### How has this been promoted?

The intranet and the internet are used to promote the projects which are underway and are also used as a way of raising awareness amongst employees and members. Each division has been asked to update its climate change risk assessment. Property Services to arrange implementation

### What are the obstacles/blockages that may affect delivery of this outcome?

Given the current financial situation it is important that projects which seek to reduce carbon emissions are seen as an invest to save initiative and that clear financial and environmental aspects are demonstrated when putting forward the business cases

### Given any obstacles/blockages you now see-what are the next steps?

Cabinet in November indicated that they aspire to a target of 40% by 2020 and approved further work to:

- look in more detail at the case for installing a biomass boiler at Leisure@ as a potential replacement for the combined heat and power (CHP) unit on expiry of the lease in 2015
  - explore additional projects which reduce the council's carbon footprint
3. Cabinet requires consideration of carbon emissions as a key criterion in developing the accommodation strategy
  4. Cabinet requests that cabinet reports relating to all future council projects identify the likely impact on the council's carbon emissions

<b>Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.</b>				
<b>Improvement Action</b>	<b>Milestones</b>	<b>End Date</b>	<b>Lead</b>	<b>Progress</b>
We will implement a range of energy saving initiatives that will reduce the council's carbon emissions.	Evaporative cooling installed in the server room at the Municipal Offices.	Mon-31-Mar-14	David Roberts	A
	Grosvenor Terrace car-park upgraded.	Mon-31-Mar-14	David Roberts	A
	Low energy LED lighting installed in the swimming pool hall at Leisure@.	Mon-30-Sep-13	David Roberts	A
	Voltage optimisation project implemented in council buildings.	Fri-31-May-13	David Roberts	A


Q4 - Design and build solution will be required that will be subject to Listed Building consent and Business Case. Currently on hold pending relocation to alternative premises.

Q4 - carbon reduction measures will be considered as part of the review to determine priorities of identified Capital Schemes.

Q4 - Various LED units trialled. Optimum design solution being sought. Will be considered as part of the Capital Scheme review which will determine investment priorities.

Q4 - Infrastructure in place, power perfect to be installed by end of May.

Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.

**Overall Summary** 

**G** = On Target   
 **A** = Below target but recoverable   
 **R** = Serious concerns

Environment Indicators

Indicator	Baseline	Target	Current Comments	Status
Water usage	Figures for year 2011/12 will be used to set a baseline		calculating water usage is proving to be more difficult than first anticipated; the information either isn't available or isn't in an accessible format	Low is good
Reduction in CO2 emissions from energy use, fuel use	4,661 tonnes CO2 (2005/06) - we now report our emissions as CO2e (carbon dioxide equivalent) not just CO2 and using DEFRA reporting guidelines baseline has changed to 5,557 tonnes CO2e for 2005/6	4,600	Carbon emissions figures are not yet available as not all the energy bills in yet. Figures will be calculated and set out in the annual emissions report	High is good
Office recycling	Figures for year 2011/12 will be used to set a baseline		Information not yet available	High is good
Gas and electricity consumption	10,992,635 kWh (2008/9)	9,883,371	Information not yet available	Low is good

Improvement Action	Milestones	End Date	Lead	Progress
We will undertake a review of 2011 Promoting Cheltenham Fund to inform how the 2012 funds are allocated.	Assess applications and award funding.	<u>Tue-31-Jul-12</u>	<u>Richard Gibson</u>	Q4 COMPLETE - Final decisions made and published. In total 42 applications were received, with a cumulative request for £532,000. These were assessed by a panel and a report went to cabinet on 17 July making decisions about how the funding would be allocated.
	Launch 2012 round with clear application guidelines and promote widely.	<u>Mon-30-Apr-12</u>	<u>Richard Gibson</u>	Q4 COMPLETE 2012 round launched in April 2012
	Complete plans to revitalise Grosvenor Terrace car park.	<u>Sat-31-Aug-13</u>	<u>Jeremy Williamson</u>	Q4 First phase improvement repairs and maintenance complete; The car park has been re-named Town Centre East. A signage project has been fully scoped and ready for implementation as soon as the development of North place and Portland Street commences.
We will make significant progress on our plans to revitalise Cheltenham's town centre through Cheltenham Development Task Force.	Complete the sale of North Place/Portland Street which itself is predicated on receipt of a planning permission.	<u>Fri-31-Aug-12</u>	<u>Jeremy Williamson</u>	Q4 - Planning secured for North Place/Portland Street site subject to finalisation of Unilateral Undertaking. Contracts exchanged; deal will be completed in the summer
	Consultation on the opportunity of AGM redevelopment to bring forward plans to regenerate St. Marys Churchyard.	<u>Fri-31-Aug-12</u>	<u>Jeremy Williamson</u>	Q4 - discussions continue with various partners including the diocese.
	Use development opportunities to improve access to the Brewery site from the High Street and improve the local street-scene.	<u>Sun-30-Sep-12</u>	<u>Jeremy Williamson</u>	Q4 - Planning permission for Phase 2 works to improve the Brewery complex were approved in July 2012, subject to a Section 106 agreement to secure appropriate planning obligations. Brewery aiming to finalise S106 in order to trigger stopping-up order on Baynham way.
	Invest collaboratively with GCC over Promenade East public realm improvements.	<u>Sun-30-Sep-12</u>	<u>Jeremy Williamson</u>	Q4 - COMPLETE and next phase Promenade West has begun.
We will commission support and advice for local businesses so that they are more resilient.  We will prepare for the move of our Tourist Information Centre to the redeveloped Art Gallery and Museum ready for opening in April 2013.	Work with GCC to review findings from Junction efficiency trial on St. Margaret's Road.	<u>Sat-30-Jun-12</u>	<u>Jeremy Williamson</u>	Q4 - Junction efficiency trial took place in November 2012 and deemed a success subject to future amendments and funding being available for the changes.
	Ensure that the business support service is in place as soon as possible.	<u>Sat-30-Jun-12</u>	<u>Richard Gibson</u>	Q4 - Contracts have now been entered into with Glos Enterprise Ltd who commenced the sessions in January
	Explore funding for a new tourism website.	<u>Mon-30-Apr-12</u>	<u>Jane Lillystone</u>	Q4 Funding secured Cheltenham Tourism were successful in securing a £25k grant from the Promoting Cheltenham Fund for the development of a new tourism website - Marketing Cheltenham. Since April, a number of consultation events /

					sessions have taken place with key external and internal stakeholders - including Cotswold Tourism. Following these sessions, a working group is currently being drawn together to regularly advise and link into the development of a brief for the procurement of a designer / content.
	Review of signage within the town (i.e. signposting visitors to the new building) will need to be considered as part of the re-location plans.	Sun-31-Mar-13	Jane Lillystone		Q4 Input into this project is now complete. Staff have attended meetings with the Wayfarers strategy group inputting into this key project to ensure that the TIC is signposted.
	Testing new ways of delivering joint TIC / AG&M customer services prior to the move, ready for the opening.	Sat-1-Jun-13	Jane Lillystone		Q4 Work will progress on this until the reopening of the new building and the relocation of the TIC.








Cheltenham has a strong and sustainable economy


**Overall Summary** Serious concerns = On Target = Below target but recoverable = Serious concerns

Community Indicators

Indicator	Baseline	Target	Current Comments	Status
Unemployment claimant rate	3.3% (January 2012)		3.1% At March 2013, the claimant count stood at 3.1%, which compares to a rate of 2.7% in Gloucestershire.	
Proportion of young people not in education, employment or training	5.7% (January 2012)		6.1% Figures as at March; Cheltenham has the highest NEET rate in the county. Gloucester has a rate of 4.6%	



<b>Communities feel safe and are safe.</b>					
<b>Improvement Action</b>	<b>Milestones</b>	<b>End Date</b>	<b>Lead</b>	<b>Progress</b>	
We will work in partnership to reduce the impact of alcohol to individuals and families and alcohol-related violence.	Review the Reducing Alcohol Related Violence Project and update the principles and Codes of Practice to meet changes to current licensing legislation.	<u>Wed-31-Oct-12</u>	<u>Trevor Gladding</u>		Q4 - On going process also now linking in to P&CC's Crime Plan. Codes of Practice & Best Bar None Scheme continuing to be updated and will now include involvement of Cardiff Model (Information received from A&E admissions re misuse of alcohol resulting in violence). Also looking at appropriate ways to update and refresh original research documents with a view to cascading this project in one form or another to other districts across the county in line with the above Crime Plan
	Support the establishment of a Task and Finish Group to consider how best to reduce the harm that alcohol causes to vulnerable people.	<u>Sat-30-Jun-12</u>	<u>Richard Gibson</u>		Q4 - Task and Finish group continues to meet; and is bringing a proposal to fast-track street drinkers through the treatment pathway to Positive Lives Partnership on 17 Jan. Action day planned to target street drinkers with information and support on 18 Jan. Second under age drinking operation carried out in October half term and some youth work outreach sessions to be done in Hatherley Park in response to reports from there.
We will continue to work in partnership to reduce incidences of anti-social behaviour and the harm this causes to communities	The Anti Social Behaviour Working Group to explore whether gating orders would be beneficial in addressing anti-social behaviour (and burglary) and to explore potential funding streams.	<u>Sun-31-Mar-13</u>	<u>Trevor Gladding</u>		Q4 -Following an ongoing scoping exercise, an appropriate location has been identified and action is being taken to take this forward subject to funding requirements.
	The Anti Social Behaviour Working Group to respond to national guidelines resulting from the Hidden in Plain Sight final inquiry report into disability related harassment.	<u>Sun-31-Mar-13</u>	<u>Trevor Gladding</u>		Q4 - Still awaiting appropriate guidance following the progress of the new Draft ASB Act currently working it's way through the legal process which is being undertaken by the County ASB Strategic Partnership with support from the GSSJC. This is set out in the 2013-14 corporate strategy action plan as action COM1
We will explore how best the council can work in partnership to tackle high-profile crime; the current focus is on burglary in the town.	To complete a partnership review of the Anti Social Behaviour Working Group to ensure its efficiency and effectiveness and monitor progress.	<u>Wed-31-Oct-12</u>	<u>Trevor Gladding</u>		Q4 - Review of ASB Working Group carried out and changes made to it's structure and the way that it operates ensuring that it is fit for purpose re efficiency and effectiveness and progress will be monitored.
	To review the effectiveness of phase 1 of the CCTV on the Honeybourne Line project in reducing domestic burglary (and ASB) and look for ways to attract external funding to implement phase 2.	<u>Wed-31-Oct-12</u>	<u>Trevor Gladding</u>		Q4 - A review will be carried in July 2013 together with how the introduction of the Honeybourne Line PACT ( People and Communities Together) initiative launched in February 2013 has impacted on the number of reported incidents of burglary, low level crime and asb. Action is now at a planning stage to implement phase 2 of CCTV along the Honeybourne Line between Waitrose and the POW Stadium.
	To support the Burglary Task and Finish Group deliver its actions and work to ensure that resources are in place to deliver all elements linked to this outcome including prevention, enforcement, intelligence, and communications.	<u>Wed-31-Oct-12</u>	<u>Trevor Gladding</u>		Q4 - Task and finish group continues to meet with a new focus on all acquisitive and emerging crime.

	<p>To work with the new Police and Crime Commissioner to ensure that we gain their support for enhancing partnership working in Cheltenham to tackle crime.</p>	<p><u>Sun-31-Mar-13</u></p>	<p><u>Chief Executive</u></p>		
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Communities feel safe and are safe.

**Overall Summary** Serious concerns  
Below Target but recoverable  
On Target

Community Indicators

Indicator	Baseline	Target	Current	Comments	Status
Incidents of recorded violence in the Town Centre (Friday & Sat eve.)	262 (2011-...		87.00	Total for 2012-13 is 281 which is a 7.3% increase from last year.	
Domestic burglary incidents	1,453 (2011-...		155.00	619 in total in 2012-13, a 57% decrease from 2011-12	
Number of anti-social behaviour incidents	5,548 (2011-...		792	Total for the year is 3,234, a decrease of 41% from 2011-12	
Number of incidents of domestic abuse	153 (2011-12		16	Total is 129 for 2012-13, a reduction of 15% from 2011-12	
Number of Repeat incidents of domestic abuse	51 (2011-...		0	Number of repeats is 42, 17% less than in 2011-12	
Total volume of recorded crime per annum	9,565 (2011-...	10,039	1,792	Total figure for 2012-13 is 7,481, a 21.8% reduction from 2011-12	
Serious acquisitive crime incidents	2,366 (2011-...		295.00	Total for the year is 1,221, a decrease of 48% from 2011-12	



## People have access to decent and affordable housing.

Improvement Action	Milestones	End Date	Lead	Progress
We will support Cheltenham Borough Homes so that they are able to progress the St. Pauls regeneration project.	Agree plans for phase 2.	Sun-31-Mar-13	Jane Griffiths	Q4 Cabinet and council have given all the necessary approvals for the work on St Pauls phase 2 to commence in 2013/14. CBH have been able to secure via a development partner some HCA funding.
	Complete phase 1 of St. Pauls regeneration project	Sun-31-Mar-13	Jane Griffiths	Q4 Residents are now living in the area and the site is due for official opening in April 2013.
We will undertake a commissioning review about the best way to deliver our housing options service.	Complete initial options appraisal	Wed-31-Oct-12	Jane Griffiths	Q4 Cabinet considered the report at their meeting in December with the conclusion that there are 2 potential commissioning options for Housing Options be endorsed, i.e. in-house and transfer the service to CBH and that a further report be brought back to Cabinet in June 2013
We will develop local policies in response to the government proposals for benefits changes.	Delivered via activities identified with the Housing & Homelessness Strategy.	Sun-31-Mar-13	Jane Griffiths	Work is ongoing with those impacted by the welfare reforms. Publicity for the changes and support for those who may need help to move or think about their options
We will complete our housing review and publish a new housing and homelessness strategy and develop local policies in response to the government proposals for benefits changes.	To publish the new Housing & Homelessness Strategy following consultation and cabinet approval.	Tue-31-Jul-12	Jane Griffiths	COMPLETE The strategy was approved by cabinet in July.
We will enable the provision of more social housing.	Within the context of the HRA business plan to consider proposals for new build social housing.	Sun-31-Mar-13	Jane Griffiths	Q4 CBH are still progressing development opportunities on other sites and St Pauls phase 2 and development on garage sites will commence in April 2013.

People have access to decent and affordable housing.

**Overall Summary**

Service Indicators

Indicator	Baseline	Target	Current	Comments	Status
Gross housing completions	150	0	284	Annual indicator - Year end data will not be available until monitoring work is complete.	G
Net housing completions		0	276	Year end data will not be available until monitoring work is complete.	G
Affordable housing completions	23	50	101	Owner occupied - 27 (shared owners 10) Social rent - 30 Affordable rent - 18 Supported accommodation - 26	G
Number of households living in temporary accommodation	16 as at 31st March 2012	24	12	08.04.13 04Yr end data not yet collared 12.04.13 Data confirmed	G
Number of homelessness acceptances	42	54	2		G

High is good



Low is good

High is good

Low is good

Low is good

**People are able to lead healthy lifestyles.**










Improvement Action	Milestones	End Date	Lead	Progress
<p>We will bring forward thoughts about the next steps on how best we provide Leisure@ and sports, play and healthy lifestyles as part of our leisure and culture commissioning review.</p>	<p>Discussions to take place with NHS Commissioners to explore future opportunities for direct provision of health related activities, alongside the traditional mix leisure activities that appeal to casual users and members in a challenging and increasingly competitive leisure market.</p>	<p>Wed-31-Oct-12</p>	<p>Craig Mortiboys, Stephen Petherick</p> 	<p>Q4 Meetings continued with current health partners to continue the partnerships noted in Q3. The target populations with known health inequalities continued to benefit from access to concession schemes and uptake on the programmes again exceeded expectation in the last quarter of the year. £40k secured from NHS Gloucestershire to support joint working to deliver Healthy Lifestyles work during 2013/14 which will be commissioned and co-ordinated through the Positive Lives Partnership and Healthy Lifestyles Development Officer. Leisure@ continues to work directly with local GP practices across the Borough, into Cotswold &amp; Tewkesbury areas to provide the Reactive GP referral scheme. Beyond this scheme partnerships are in place and performing well with the local Physiotherapy teams delivering 2 programmes, Back 2 Fitness (general rehabilitation &amp; pain management), ACL (Anterior Cruciate Ligament pre &amp; post operative support programmes), we work with stroke rehabilitation, respiratory failure group, substance abuse groups, British Lung Foundation &amp; Cystic Fibrosis. Ongoing programmes are delivered with the 2gether trust although the direct referral scheme with that group has fallen foul of NHS reorganisation.</p>
<p>We will use the opportunity of the Olympics and the torch relay to create a legacy that increase participation levels and promotes more healthy active lifestyles.</p>	<p>Ensure a well managed Olympic Torch Relay through the town and associated evening celebration event at Cheltenham Racecourse.</p> <p>Successfully deliver a series of Olympic related initiatives and events during Summer 2012 in conjunction with local sports clubs and community partners.</p>	<p>Wed-23-May-12</p> <p>Fri-31-Aug-12</p>	<p>Craig Mortiboys</p> <p>Craig Mortiboys</p> 	<p>Complete Torch Relay successfully promoted, organised and managed on Wednesday 23rd May. Police estimated that as many as 30,000 people lined the streets along the route to celebrate the passing of the flame with the largest crowds seen on Bath Road, Montpellier and the Promenade. Series of local community events supported along the route as well as the main event at Cheltenham Racecourse which attracted a further crowd of approx 25,000.</p> <p>Complete Easter Sports programme successfully delivered in April 2012, as an introductory programme ahead of the Olympics. Schools Event delivered at Leisure@ on May 23rd to celebrate the Torch Relay day, with lots of schools and pupils taking part Gloucestershire School Games supported in Cheltenham on 15th/16th June in conjunction with Active Gloucestershire and the Cheltenham School Sport Network Summer of Sport school holiday programme delivered during July/August attracted a record breaking total of 1818 attendances, with many of the sports specific courses in conjunction with local sports clubs being fully booked. The Sport Development Team also supported the Leisure@ Open Day that incorporated a Gold Challenge fundraising event in partnership with th4e National Star College.</p>

**Overall Summary** ■ Serious concerns ■ On Target R = Below target but recoverable A = On target R = Serious concerns



Service Indicators

Indicator	Baseline	Target	Current	Comments	Status
Number of Under 16 swims (quarterly & cumulative)	49,700	51,001	53,686	Free swimming continues to prove a valuable tool in encouraging families to swim	<span style="color: green;">G</span> High is good
Attendance on the Re-Active programme (quarterly & cumulative)	1,000	12,001	9,417	Attendance continued to be stable in the 4th quarter with Q3 and Q4 attendance ahead of target but insufficient to fill the shortfall from Q1 and Q2 which was effected by reduced referral numbers and changes in pricing which caused some confusion for the clients and a degree of migration onto other concession schemes.	<span style="color: red;">R</span> High is good
Number of reactive concession referrals (quarterly & cumulative)	250	361	281	qtr 4 referrals were particularly low in March at only 9 of which 1 came through the back to fitness scheme. Significant shortfalls in the first 6 months of the year ensured that the target would not be met. Reduced NHS services linked to mental health and alternative schemes in combination with lower referrals, pricing changes resulted in a 33% shortfall Apr - Sep.	<span style="color: red;">R</span> High is good
Number of GP referrals (quarterly & cumulative)	250	351	366	Good referrals seen in January & Feb 2013, leave and sickness in March caused some slippage and an increase on waiting lists as a result	<span style="color: green;">G</span> High is good
Annual attendances at sport and play children's holiday programmes	9247 for summer 2011	1,488	10,570	The Play Development team delivered a small February half term programme with total attendances of 82. During the Easter school holidays, sports development projects had 282 attendances and play schemes had 130 attendances. Total attendances during Quarter 4 were 484	<span style="color: green;">G</span> High is good
Concession card membership (quarterly & cumulative)	227	2,501	2,939		<span style="color: green;">G</span> High is good
Overall footfall (measure of transactions) at leisure@ (quarterly & cumulative)	294,500	302,001	304,162	Quarter 4 footfalls were as expected overall contributing to overall footfall for the year being ahead of target	<span style="color: green;">G</span> High is good
Attendance at Active Life sessions (quarterly & cumulative)	35,000	55,001	62,070	attendance on these targeted programmes and schemes continues to deliver above expectations and has completed the year ahead of target	<span style="color: green;">G</span>

## Residents enjoy a strong sense of community

Improvement Action	Milestones	End Date	Lead	Progress
We will undertake a community governance review of parish boundaries ahead of parish elections in 2014.	Agree terms of reference	Sat-30-Jun-12	Richard Gibson	 Q4 - Decision made by council to not proceed with the review as planned - will now be postponed to tie in with parish elections in 2018
We will undertake a community governance review of parish boundaries ahead of parish elections in 2014.	Undertake consultation	Fri-30-Nov-12	Richard Gibson	 Q4 as above
We will undertake a community governance review of parish boundaries ahead of parish elections in 2014.	Report to council recommending future parish council boundaries	Sat-31-Mar-12	Richard Gibson	 Q4 as above
We will work in partnership to enable more voluntary and community sector organisations to provide positive activities for young people.	For the Positive Lives Partnership to take a report from County Community Projects, Aston Project, Targeted Youth Support Service and others to build up a detailed picture of current provision (gaps, risks and opportunities), an assessment of the impacts on communities of the lack of youth activities and build a business case for a community-based approach. To review the building resilience contract with County Community Projects and put arrangements in place to deliver the second year of the funding.	Tue-31-Jul-12	Richard Gibson	 Q4 - Decision made to renew contract with CCP, new outcomes agreed and positive meeting held with partners and elected members in December and February to agree key legacy activities from the building resilience project
		Tue-31-Jul-12	Richard Gibson	 Q4 – COMPLETE Formal evaluation of the contract undertaken and results published.
	We will organise the 2012 Borough council elections	Thu-3-May-12	Kim Smith, Rosalind Reeves	 Q4 - COMPLETE Completed within the statutory timescales - 20 councillors elected.
	We will organise the Police and Crime Commissioner elections	Thu-15-Nov-12	Kim Smith, Rosalind Reeves	 Q4 COMPLETE all planning completed, elections took place on 15 November.
We will deliver the 2012 elections in May and November elections for the Police and Crime Commissioner.	We will prepare for the county council elections being held in May 2013  We will support new councillors through an induction programme and provide ongoing support for all councillors	Sun-31-Mar-13  Tue-31-Jul-12	Kim Smith, Rosalind Reeves  Kim Smith, Rosalind Reeves	 Q4 All work to prepare for the county elections is on target   Complete the roll out of the induction programme to new councillors has now been completed. New members were asked to complete a questionnaire giving their feedback and this was reported to SLT. Generally new members were very satisfied with the induction programme with the majority of sessions scoring a 4 (good) on a scale of 1-5. They particularly welcomed the buddying from SLT and mentoring from fellow councillors and the general support they received from Democratic Services. Issues they raised related to members ICT provision and contact procedures for areas outside the council such as Glos. Highways.

Residents enjoy a strong sense of community

**Overall Summary**  Serious concerns  = Below target but recoverable  = Serious concerns

Community Indicators





Indicator	Baseline	Target	Current	Comments	Status
Number of VCS organisations supported by GAVCA	18 (Sept 2011)	26	36	Support provided on a range of issues: governance, trustee support, income and fundraising, information services.	

High is good


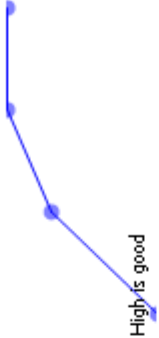

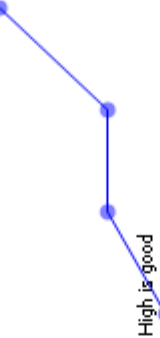

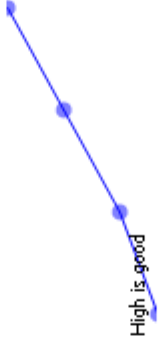

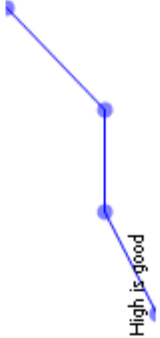


## Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.

Improvement Action	Milestones	End Date	Lead	Progress
We will progress the Art Gallery and Museum redevelopment in order that it is able to open on time from June 2013 and within budget.	Completion of construction programme	Tue-30-Apr-13	Jane Lillystone	<p>Q4</p> <p>Following further discussions with ISG, they have now indicated a revised date for completion of the major part of works by the 30th April 2013. However, work will still continue on the adjoining walls of No.51 and the 1989 building. From the 1 May, work will start on some areas of the fitting out programme..</p>
We will investigate the possibility of major capital investment into the Town Hall to help promote the building as a first class entertainment venue.	Completion of internal fit-out	Mon-30-Sep-13	Jane Lillystone	<p>Q4</p> <p>Due to the delay in handover of the building by ISG, this has a knock on effect to internal fit-out completion date, Revised date for fitting out of some areas from the 1 May.</p>
We will test outcomes for the Town Hall and Pittville Pump Room with councils who provide other similar venues.	Feasibility review depending on outcome of option appraisal	Tue-30-Apr-13	Gary Nejrup, Pat Pratley	<p>Q4</p> <p>Tender has been awarded to Charcoal Blue and a revised end date has been agreed as the 30th April 2013. Charcoal Blue have held meetings with stakeholders and council staff and are working on the first 2 stages of the feasibility study. The final presentation will be presented on the 29th April.</p>
We will review organisational options for Art Gallery and Museum service balancing value for money with the need to deliver a range of agreed outcomes.	Initial scoping of investment required for options appraisal	Tue-31-Jul-12	Gary Nejrup, Pat Pratley	<p>Q4</p> <p>Tender has been awarded to Charcoal Blue</p>
We will test outcomes for the Town Hall and Pittville Pump Room with councils who provide other similar venues.	Outcomes reviewed as part of options appraisal	Tue-31-Jul-12	Pat Pratley	<p>Q4</p> <p>We have informally tested our outcomes for these venues with one other trust, eg, Colston Hall in Bristol PQQ evaluation taking place and progressing according to timeline.</p>
	Report to Cabinet on the options for the delivery of the outcomes for the Art Gallery and Museum	Tue-31-Jul-12	Pat Pratley	<p>Q4</p> <p>Art Gallery and Museum provision is being considered as part of the overall PQQ process.</p>

Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.












**Overall Summary**  **Serious concerns**  = Below target but recoverable  = Serious concerns  = On Target











Service Indicators





Indicator	Baseline	Target	Current	Comments	Status
Number of people accessing the AGM engagement programme (quarterly & cumulative)	20,000	25,001	79,993	closed at the end of December 2012, the website is still continuing to attract a large number of hits/enquiries and from April 2012 to March 2013 a total of 228,714 people have viewed our web sites for the AGM and the Arts &	 High is good 
Town Hall/PPR hire income generated (quarterly & cumulative)	£305,000	350,301	352,472	The Hire income for the PPR & TH are 2% above target for the year end	 High is good 
Town Hall/PPR website visits (quarterly & cumulative)	120,000	160,001	286,414	Website functionality continues to be strong with marketing campaigns directing people to book online.	 High is good 
Town Hall/PPR total income (quarterly & cumulative)	£479,952	535,176	568,329	significant rise in ticket sales. We also saw increases in catering at the PPR, due to dinner dances and weddings and increases in hires of both venues due to several new events happening in the town	 High is good 
Town Hall/PPR catering commission (quarterly & cumulative)	£100,962	106,701	112,102	Catering Commission for the year came in at 14% above target	 High is good 
Town Hall/PPR ticket sales (quarterly & cumulative)	£68,200	76,175	103,756	Had a very successful 3rd & 4th Quarter. Ticket sales for year end are 50% above baseline	 High is good 



## We will meet our 'Bridging the Gap' targets for cashable savings and increased income

Improvement Action	Milestones	End Date	Lead	Progress	
We will move to the GO shared service arrangements for Finance, HR, payroll and procurement support.	GO Shared Services savings to commence.	Mon-1-Oct-12	Pat Pratley		Q4 - GOSS restructure complete and savings as per the business plan taken as part of budget savings for 13-14. This action is complete.
	Implementation of Agresso ERP system in CBC.	Tue-10-Apr-12	Pat Pratley		Q4 - The Agresso system has been implemented in CBC in April 2012, the introduction of the HR self service module is now underway and will be complete in May 2013
	TUPE (Transfer of Undertakings (Protection of Employment) Regulations) transfers of staff to GO Shared Services (Cotswold as the employing council).	Mon-30-Apr-12	Pat Pratley		TUPE took place as planned. This action is complete.
We will develop and publish a fully-costed asset management strategy and contribute to the wider review of asset management being led by Leadership Gloucestershire.	Develop the AMP to capture corporate aspirations for the council's property portfolio.	Sun-30-Jun-13	David Roberts		The development of the AMP will be considered as part of the capital project review This action (VFM6) is in the 2013-14 corporate strategy action for completion by Sept 2013
	We will agree an accommodation strategy based on analysis of the options agreed by Cabinet in July 2011.	Sun-31-Mar-13	David Roberts		Positive progress with regard to potential acquisition on one of the identified alternatives. This action (VFM5) is in the 2013-14 corporate strategy action.
	We will continue to explore opportunities to work collaboratively with other Authorities and public sector bodies.	Mon-31-Mar-14	David Roberts		Regular attendance at the One Gloucestershire Estates Strategy meetings. Continual review of respective frameworks to investigate potential cost savings
We will implement new scrutiny arrangements that enable us to provide a better overview of our commissioning projects.	Implement new arrangements after elections and complete induction	Tue-31-Jul-12	Rosalind Reeves, Sara Freckleton		Q4 Complete - new arrangements are in place. Induction was undertaken and feedback and lessons learnt has been captured
	Ongoing support for new arrangements during first 6 months and complete review of first year by July 2013	Wed-31-Jul-13	Rosalind Reeves, Sara Freckleton		Q4 - officers are supporting the new scrutiny task groups which are being well received by members. Continuing to promote the work of scrutiny and encourage wider involvement from across the council
	Work with members and officers to refine new arrangements and develop new procedures	Thu-31-May-12	Rosalind Reeves, Sara Freckleton		Q4 - Arrangements put in place and guidance and advice issued on how new arrangements will work
We will move to the full partnership arrangements for audit.	TUPE transfers of staff to Cotswold D.C.	Mon-30-Apr-12	Mark Sheldon		Staff TUPEd to Cotswold DC as planned on 1/4/12
	We will have competed an annual audit cycle supported by the partnership.	Sun-31-Mar-13	Mark Sheldon		Q4 - The Audit Partnership has successfully supported each partner council for a full cycle. A significant amount of work has been undertaken to streamline and standardise approach to audit committees. The sharing of management and audit resource across the partner councils has delivered the service in accordance with the service level agreement, delivered the audit plan and generated the benefits outlined in the business case i.e. built resilience, shared best practice and expertise and delivered savings.

<p>We will review the current structure and service provision for ICT and undertake a sourcing project with a particular focus on a shared service model.</p>	<p>We will develop an updated ICT strategy which determines the way forward for the service and gained Cabinet / Council approval.</p> <p>We will have considered the potential for a shared service with other councils.</p> <p>We will have agreed a local policy in response to the localisation of council tax benefit which deals with the implication of a 10% cut in government support.</p> <p>We will have determined the impact on the MTFS of the government proposals for retention of business rates.</p> <p>We will have identified savings and additional income (including those from commissioning) to meet the budget gap identified for 2013/14.</p> <p>We will have redeveloped a budget strategy for 2013/14 for approval by Cabinet.</p>	<p>Tue-30-Oct-12</p> <p>Wed-30-May-12</p> <p>Mon-31-Dec-12</p> <p>Mon-31-Dec-12</p> <p>Tue-18-Dec-12</p> <p>Tue-16-Oct-12</p> <p>Mon-31-Dec-12</p> <p>Wed-31-Oct-12</p>	         	<p>Mark Sheldon</p> <p>Mark Sheldon</p> <p>Mark Sheldon</p> <p>Mark Sheldon</p> <p>Mark Sheldon</p> <p>Mark Sheldon</p> <p>Amanda Attfield</p> <p>Amanda Attfield</p>	<p>Q4 - The capital expenditure to support CBC ICT infrastructure upgrade strategy was approved by council in February 2013.</p> <p>Q4 - The shared service between FOD and CBC was created on 1/4/13. The roadmap for 4 way sharing of ICT was supported by the Joint Monitoring and Liaison group.</p> <p>Q4 - policy now agreed across the county. All necessary system changes to convert the previous benefit scheme into a local council tax discount have been completed and council tax bills issued.</p> <p>Q4 - The pooling arrangements and practical housekeeping for operation of the pool has been signed off by the Gloucestershire CFO's and the pool became effective wef 1/4/13.</p> <p>Q4 - The final budget proposals for 2013/14 were agreed by Council on 8/2/13. The budget identified savings and additional income which met the final funding gap of £1.245m, from a variety of sources, including shared services and savings from commissioning reviews and delivered a council tax freeze for 2013/14.</p> <p>Q4 - the final budget proposals included a budget strategy which demonstrated how the council proposed to work towards bridging the projected funding gap over the period of the MTFS. It includes targets for future workstreams including future shared services, commissioning reviews and the accommodation strategy.</p> <p>Q4 - In December 2012, our IIP assessor undertook a Strategic Review. In the context of the level of change that was taking place within the council, she concluded the council required a further 12 months before it would be in position to undertake a re assessment against the standard. In the meantime, the council retains recognition of the award. The decision whether to apply for reassessment in December 2013, will be considered as part of the future council workstream 3 - Performance &amp; Organisational Culture.</p> <p>SLT agreed that any actions / re-accreditation for IIP would be considered as part of the Cheltenham Futures Workstream 3. If a decision was made not to apply for re-accreditation, then CBC would need to be clear how it would ensure to maintain its people management standards.</p>
<p>We will continue to develop the 'Bridging the Gap' programme for delivering future year's savings including for the commissioning reviews</p> <p>We will implement the actions agreed from the Investors in People strategic review.</p>					

BRG programme savings / income target for 2012/13	2012/13 budget	1,120,001	1,200,000	Delivered target savings and income		High is good
Medium Term Financial Strategy (MTFS) funding gap	MTFS estimate @ Feb 2012 2013/14 -2017/18) - £2.1m	2,096,999	303,541	£3.3m in February 2013. A budget strategy was developed and approved by council in February 2013 which outlined how the council plans to reduce the MTFS budget gap to a residual gap of c£303k over the period		Low is good
BRG programme savings / income target for 2013/14	MTFS estimate @ Feb 2012 (2013/14) - £734k	734,001	1,244,800	Budget gap increased to £1.2m. Savings and additional income identified and approved by council in February 2013.		High is good
Percentage of staff appraisals completed	2011-12 100%	100.00 %	100.00 %	version of the Learning Gateways is being revised and it is not possible to extract the current appraisal status from the system, however, managers have confirmed that current employees have received appraisal		High is good
No. days lost due to sickness absence	TBA for 2011-12	6.99		Agresso system has now been installed and verified. It is expected that the detailed absence reports will be generated within the next few weeks. However, apart from the normal seasonal variation, the overall absence figure remains within target		Low is good
number of Freedom of Information internal reviews	3		3			Low is good
Number of stage 3 complaints	8		11			Low is good
number of complaints forwarded to the LGO complaint investigation decisions	stage 2 complaints = 8 / stage 2 complaints = 7 / stage 1 complaints = 196 / LGO decisions = 0		0	LGO decisions = not available yet, they usually issue their Annual Review Letters by June		Low is good

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# CBH contributions to CBC Corporate Plan 2012-13

<b>CBH contribution for 2012/13</b>	
<p><b>CBH Objectives</b></p>	<p><b>CBC Outcomes</b></p>
<p><b>Enhancing and protecting our environment.</b></p>	<p>Cheltenham has a clean and well-maintained environment.</p>
<p><b>Cheltenham's natural and built environment is enhanced and protected.</b></p>	<ul style="list-style-type: none"> <li>▶ Fly tipping was removed by CBH Estate Cleaning Team: 3,719 individual fly tipping requests were dealt with in 2012/13 which was over 10% up on the previous year. 99.8% of requests were handled within the target of 5 working days.</li> <li>▶ 100% of emergency requests (where there is a risk to public health) were responded to within two working hours from receipt of instruction.</li> <li>▶ 100% of emergency requests for fly tipping (where there is a risk to public health) are responded to within two working hours from receipt of instruction, between the hours of 0800 and 1500 hours Monday to Friday.</li> <li>▶ CBH's community involvement and development regularly co-ordinate community events. 'Fido Fiesta Day' was a new initiative specifically aimed at promoting responsible dog ownership. The event included fun activities and various stands providing information, money off vouchers and freebies to dog owners in the area. Poop bags were also provided to owners signing up to the CBH's 'Good Dog Owner Register'.</li> <li>▶ CBH community involvement team support a number of tenant groups including a group that maintains shared outdoor communal space at Edward Wilson House.</li> <li>▶ A community garden was created through a transformation of the communal area at Clevedon Square flats. This was completed with the very kind assistance of 15 members of Barnett Waddingham staff as part of a larger Vision 21 project. The garden is expected to produce a variety of fruit and veg for the residents to enjoy.</li> <li>▶ Phase 1 of the St Paul's regeneration project has now been completed and CBH recently held a well attended launch event to mark this achievement and to open the new community hub, which replaces the existing community house. CBH were awarded a commendation in the 'An Improvement to the Built or Landscaped Environment category' for the improvements made to 93 existing homes in Hudson and Manser Street by Cheltenham Civic Society.</li> </ul>
<p><b>Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.</b></p>	<ul style="list-style-type: none"> <li>▶ CBH's Sustainability and Energy Officer primarily heads up projects investing in sustainable homes but also promotes environmental interest and activity amongst our tenants. In addition to the environmental benefit of physical and behavioural changes there is also a money saving benefit to our tenants and leaseholders.</li> <li>▶ This year a new tenant eco panel has been formed to help review current CBH environmental plans and to gather further suggestions from residents.</li> <li>▶ Thermal imaging is being used to look at the effectiveness of energy saving measures for decent homes work applied to housing stock using before and after images.</li> </ul>

CBC Objectives	CBC Outcomes	CBH contribution for 2012/13
<p><b>Strengthening our economy.</b></p>	<p><b>Cheltenham is able to recover quickly and strongly from the recession.</b></p>	<ul style="list-style-type: none"> <li>▶ A photovoltaic (solar) panel pilot was launched in which 49 properties were fitted with these panels. In addition to a reduction in electricity bills due to “free energy” for tenants the council receives a return on it’s investment through money received from the feed in tariff. All panels have been fitted with monitoring to ensure there effectiveness and to prove money savings regarding this technology. A voltage optimisation pilot has also been kicked off to try and help tenants reduce energy consumption in homes not suitable for PV.</li> <li>▶ CBH responsive repairs In partnership with Severn Trent (ST) are investigating potential ST hardware that CBH could install to help reduce water usage.</li> <li>▶ The new St Paul’s properties were all built to Level 4 Code for Sustainable Homes and incorporate some of the latest environmental features. Features include photo-voltaic panels; high efficiency gas-combi boilers; high levels of insulation in walls and loft space; double glazed windows; and Mechanical Ventilation and Heat Recovery (MVHR). All features will help tenants save money on utility bills.</li> </ul>
		<ul style="list-style-type: none"> <li>▶ In 2012/13 that the value of the benefits our CBH money advisor helped to secure was in excess of £327,000 additional funds or improved circumstances to those residents he worked with.</li> <li>▶ Our and benefits and money advisors not only provide advice on claiming benefits but also assist with budgeting, provide assistance regarding illegal money lending, advise on energy saving measures, provide advice on switching service providers and, help signpost to other useful agencies e.g. citizens advice.</li> <li>▶ The CBH-led Financial Inclusion Working Group meets regularly and also holds regular money advice drop-in events at locations across the borough. Amongst other activities CBH have continued to promote basic bank accounts and contents insurance. We have also been working with Gloucestershire Credit Union to provide another means of saving and responsible borrowing for customers.</li> <li>▶ In September CBH were delighted to welcome 3 apprentices the workforce. 2 of the new apprentices are currently undertaking a 2 year apprenticeship in responsive repairs. 1 of the apprentices will be undertaking 18 months in community involvement.</li> <li>▶ CBH has launched new work clubs in St. Paul’s and Hester’s Way after joining forces with JobCentre Plus. The clubs provide practical support to help residents find work and prepare for a return back into work.</li> <li>▶ A leaflet explaining the impacts of Welfare Reform was produced by CBH alongside a media campaign and other initiatives to advise of changes and to provide guidance and assistance to tenants.</li> <li>▶ CBH has made contact directly with those tenants affected by the under occupancy benefit reductions to advise them of the changes and to advise on potential options.</li> </ul>

<b>CBH contribution for 2012/13</b>	
<b>CBC Objectives</b>	<b>CBC Outcomes</b>
<b>Strengthening our communities.</b>	<ul style="list-style-type: none"> <li>▶ The Safer Estates Team was reviewed this year to ensure that processes and procedures were fit for purpose and that CBH continues to deliver a high quality service for all customers.</li> <li>▶ One instance of the Safer Estates Team in action saw the courage of neighbours and the work of officers from CBH leading a judge to grant a prison sentence for CBH tenant for disturbing neighbours with arguments and noise in the early hours. This was granted following breaches to their existing anti-social behaviour injunction, and followed on from a 28 day suspended sentence in April 2012. Cases are often publicized to help reassure tenants that we take ASB complaints very seriously.</li> <li>▶ Free Restorative Justice training for Safer Estates and Housing Management Colleagues provides an ability for early intervention to find a solution to ASB reducing time and cost in dealing with cases.</li> <li>▶ PCC funding is now being used for Support for Sanctuary Scheme increasing security for victims of domestic abuse.</li> <li>▶ Victims and witness support guide has been produced providing information and signposting for residents to the service.</li> <li>▶ This year saw a re-launch of safer estates meetings with local agencies encouraging improved partnership working a and providing a more efficient service.</li> <li>▶ An ASB tackling event was hosted by CBH on behalf of the Social Landlords Crime and Nuisance Group (SLCNG). The event runs quarterly and looks for ways of tackling ASB and also provides an opportunity for landlords to share experiences, successes and frustrations.</li> <li>▶ During 2012/13 18 cases of serious ASB were reported to the safer estates team and were responded to within the target period of 1 working day. During the same period 218 cases of less serious ASB were responded to within the target 5 working day period.</li> <li>▶ During 2012/13 all ASB cases reported received a written action plan.</li> <li>▶ Police and PCSOs are invited to and attend neighbourhood events wherever possible helping build a relationship with the community they serve.</li> <li>▶ In the past year the noise nuisance protocol has been revised by the Safer Estates Team to ensure a consistent and clear approach.</li> <li>▶ This year CBH hosted the South West Warden Network Conference at Cheltenham Football Club. The attendees included Alliance Homes, Plymouth City Council, Forest of Dean Council and West Berkshire. This event is a valuable way to share best practice and obtain help and advice in dealing with specific issues in Cheltenham.</li> </ul>
<b>People have access to decent and affordable housing.</b>	<ul style="list-style-type: none"> <li>▶ 30 new council homes were completed in St. Paul's and all are now occupied by tenants. Additionally a further 18 shared ownership properties were sold. Over 90% of new occupants regarded the quality of their new home as good or very good. Around 74% of new occupants regarded their new homes as cost effective to run.</li> </ul>

<b>CBC Objectives</b>		<b>CBC Outcomes</b>		<b>CBH contribution for 2012/13</b>	
				<ul style="list-style-type: none"> <li>▶ Planning permission has been granted to build two and three bedroom homes across four sites. The construction work is expected to be completed by Summer 2014.</li> <li>▶ A community garden was created through a transformation of the communal area at Clevedon Square flats. This was completed with the very kind assistance of 15 members of Barnett Waddingham staff as part of a larger Vision 21 project. The garden is expected to produce a variety of fruit and veg for the residents to enjoy.</li> <li>▶ A recent 12 month review by the Centre for Housing and Support (CHS) assessed CBH's sheltered housing service as "excellent" and continuing to provide a high quality service.</li> </ul>	
<p><b>People are able to lead healthy lifestyles.</b></p>				<ul style="list-style-type: none"> <li>▶ This year CBH welcomed our first leaseholder onto the CBH Board. CBH recognises the importance of representation across a wide spectrum of CBH stakeholders.</li> <li>▶ The Community Involvement Team supports many customer groups including, the Sheltered Housing Forum, Tenant Scrutiny Improvement Panel (TSIP), the Disability Forum, other residents associations and recently the new Polish Community Forum and. These groups all feedback to CBH and ensure that the customer is at the heart of everything we do.</li> <li>▶ The Pittville Park Easter Egg Hunt was hosted by CBH, helping to bring community together and provide an opportunity for residents to meet and chat with CBH staff.</li> <li>▶ The Hobart House Community Gardens regeneration consultation started with residents. As part of the consultation a BBQ hosted by CBH was arranged, inviting views on play equipment which will be incorporated into the garden.</li> <li>▶ The transformation of the rear Garden of St. Paul's Community House was achieved by the efforts of 10 Young Prince's Trust Volunteers in partnership with CBH.</li> <li>▶ The annual CBH Oakley Fun Day was the best attended ever with perfect weather assisting. On Friday 27 July hundreds of local residents descended on Clyde Crescent and tried their hand at a variety of outdoor games and enjoyed the mini-motos, bouncy castle, an array of art and crafts stalls and much more. The event offers a great chance for CBH to engage with local residents, not just tenants, and get people out and mixing together in a fun, open environment, helping to build stronger communities and provide support and guidance where possible.</li> <li>▶ Over 200 tenants and leaseholders attended the first CBH Festival held at the town hall despite the cold weather. The festival was another chance for tenants and leaseholders to meet with CBH staff but also provided entertainment for children, workshops on welfare reform, information about CBH services and signposting to other organisations that provide services. The feedback received was on the whole very positive.</li> <li>▶ Community Action days have started at Coates House and Elgar House.</li> </ul>	
<p><b>Our residents enjoy a strong sense of community and are involved in resolving local issues.</b></p>					



CBC Objectives	CBC Outcomes	CBH contribution for 2012/13
<p><b>Enhancing the provision of arts and culture.</b></p>	<p><b>Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.</b></p>	<ul style="list-style-type: none"> <li>▶ Over 130 tenants, leaseholders and staff turned out for the annual CBH “Community Heroes” event held this year at the Thistle Hotel. The event recognises the contribution of individuals and groups in the neighbourhoods CBH manages. This year there were 8 award categories: Tenant of the Year, Young Tenant of the Year, Community Safety Award, Green Achiever Award, Commitment &amp; Determination Award, Community Award, Embracing Technology Award, and Shaping Services Award.</li> <li>▶ Junior Wardens from Oakwood and Gloucester Road Primary Schools have been engaging well with residents at Popes Close Sheltered Scheme .</li> <li>▶ CBH have been working closely with Gloucestershire Probation and have been involved working on specific projects with the service.</li> </ul>
<p><b>Ensuring we provide value for money services that effectively meet the needs of our customers.</b></p>	<p><b>The council delivers cashable savings, as well as improved customer satisfaction overall and better performance through the effective commissioning of services.</b></p>	<ul style="list-style-type: none"> <li>▶ At end Q3 100% of Emergency Repairs, 99.85% of Urgent Repairs and 99.25% of Routine Repairs were completed on time. This puts CBH in the top 25% of housing providers for these categories using Housemark Benchmarking. (out of approx 265)</li> <li>▶ 100% of repair appointments made with customers were kept by CBH.</li> <li>▶ At end Q3 the average re-let time excluding major voids was 15.76 days. This put CBH in the top 25% of housing providers that had submitted data (out of 191).</li> <li>▶ % rent lost due to dwellings becoming vacant was 0.54% at end Q3. This was in the top 25% of housing providers that submitted data. (out of 202).</li> <li>▶ At end Q3 0.04% of tenants were evicted for rent arrears and current tenant arrears worked out at 1.50% of rental income. Both of these indicators put CBH in the top 25% of housing providers for low eviction rate and low arrears.</li> </ul>

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**Cheltenham Borough Council**  
**Cabinet – 18 June 2013**  
**Cheltenham Plan – Regulation 18 Scope Consultation**  
**Report of Leader**

<b>Accountable member</b>	<b>Councillor Jordan - Leader Cheltenham Borough Council</b>
<b>Accountable officer</b>	<b>Tracey Crews – Head of Planning</b>
<b>Ward(s) affected</b>	<b>ALL</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury (“the JCS”) will set out strategic planning policies and proposals for the area to 2031. To complete the Local plan it will be necessary for each of the constituent councils to prepare local-level plans that will take forward those strategic proposals in greater detail - put flesh on the bones as it were - whilst also addressing non-strategic planning issues of relevance to the locality.</p> <p>The Cheltenham Borough Local Plan was adopted in 2006 and, having regard to the emerging JCS and the National Planning Policy Framework (NPPF), it is increasingly out of date. In a plan-led system, an out-of-date development plan diminishes the council’s ability to direct and manage development. For these reasons the council needs to begin preparation of the Cheltenham Plan.</p> <p>Plan preparation is a statutory process. In accordance with regulations, the first step is to prepare and consult publicly upon the scope of the proposed plan. In other words: which planning matters should be covered in the plan. That is the purpose of this report and the accompanying consultation document.</p>
<b>Recommendations</b>	<p><b>That Cabinet has considered the Cheltenham Plan Scope consultation document and approved it for public consultation</b></p> <p><b>That Cabinet allows for any minor amendments to the document prior to consultation to be agreed by the Head of Planning</b></p>
<b>Financial implications</b>	<p>There are no financial implications.</p> <p><b>Contact officer: Paul Jones – head of Finance,  <a href="mailto:paul.jones@cheltenham.gov.uk">paul.jones@cheltenham.gov.uk</a>, 01242 775154</b></p>

<b>Legal implications</b>	The Council is required to have an up to date development plan for its area and must prepare it in accordance with legislative requirements, including ensuring the compliance with the Statement of Community Involvement.  <b>Contact officer:       cheryl.lester@tewkesbury.gov.uk</b>  <b>01684 272013</b>
<b>HR implications (including learning and organisational development)</b>	There are no HR implications  <b>Contact officer: Julie McCarthy, HR Manager (West), Julie.mccarthy @cheltenham.gov.uk, 01242 26 4355</b>
<b>Key risks</b>	Corporate risk CR81: If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.
<b>Corporate and community plan Implications</b>	Corporate Action ENV 6: We will commence preparation of a Cheltenham Plan.  Progressing with this stage of consultation will allow the Cheltenham Plan to progress in accordance with its timescales.
<b>Environmental and climate change implications</b>	This is an early stage of the Cheltenham Plan which does not set any policy or strategy and therefore implications are limited. However, there may be implications for future versions of the Cheltenham Plan as policies in the Plan may address environmental issues and climate change.
<b>Property/Asset Implications</b>	Not applicable within the context of this report, however at the next stage of plan making property/asset implications may emerge

## Background

- 1.1 It is a statutory requirement to prepare a Local Plan for an area. Whilst the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) will provide the strategic planning framework for the Borough, a new Cheltenham Plan is required to guide development at a local, non-strategic level.
- 1.2 The Localism Act and the National Planning Policy Framework (NPPF) have brought about major changes to the planning system and reintroduce the term 'Local Plan' for the suite of planning policy documents to replace the previously used term 'Local Development Framework'. The NPPF states that each Local Planning Authority (LPA) should produce a Local Plan for its area, based upon and reflecting, the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied. Cheltenham's Local Plan will contain at least two policy documents: the strategic JCS and the local Cheltenham Plan, see Appendix 2 for an explanatory diagram.
- 1.3 The amount of weight that can be attributed to the existing Cheltenham Borough Local Plan Adopted 2006 (saved policies) and associated Supplementary Planning Guidance (SPGs)/Supplementary Planning Documents (SPDs) and Development Briefs varies and, in the most part, will diminish over time as the plan was prepared under old planning legislation. Cheltenham Borough is not unique in its position, around half of the councils in

England have Development Plans which predate the most recent planning legislation and as at March 2013 fewer than 7% of councils had adopted plans that have been judged by inspectors to fully comply with the government's NPPF. However, in order to ensure that development within Cheltenham is 'plan-led' rather than 'appeal-led', it is essential to produce a new, up to date; NPPF compliant plan based on objectively assessed evidence within the context of the JCS as quickly as possible.

- 1.4 The Cheltenham Plan will replace the need for the Site Allocations DPD and Development Management Policies DPD which were previously included within the Local Development Scheme and would have covered the same topics.
- 1.5 The Cheltenham Plan will be expected to help deliver the vision, aims and objectives of Cheltenham's Strategic Partnership, Corporate Strategy and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). It will provide the long term borough wide development plan over a 15- 20 year period, and will set out local policies and non-strategic, smaller allocations which will guide development management. This will include policies on scale of development, design, conservation, local infrastructure and deliverability.
- 1.6 The Cheltenham Plan will be informed by the broader strategic planning framework, including
  - The Planning and Compulsory Purchase Act 2005 (as amended)
  - The Localism Act 2011
  - Town and Country Planning (Local Planning) (England) Regulations 2012
  - National Planning Policy Framework (NPPF)
  - Emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy
  - Existing Cheltenham Borough Council policies and strategies, where still relevant
  - Existing Evidence Base, where still relevant
  - Internal and external consultation
- 1.7 The proposed Cheltenham Plan Scope consultation is the first stage in preparing the Cheltenham Plan and is a statutory requirement under the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations require Local Authorities to consult with people as to what the Cheltenham plan ought to contain. The scope consultation comprises of a relatively short document setting out the topic areas which the Cheltenham Plan will contain with a brief explanation, and early thoughts on a new vision and objectives for the borough, which the public and stakeholders will be asked to comment on.
- 1.8 It is important to remember that, at this stage, the detail is not the main focus of consideration, for example the Scope will include the types of policies to be covered but not the specific wording of the policies, more detailed consultation opportunities will be available later. That said we will also be looking for initial views as to the vision and objectives to help inform preparation.
- 1.9 Cheltenham's Local Plan will initially comprise two documents - the Joint Core Strategy and the Cheltenham Plan – together with any supporting documents, please see Appendix 2 for a diagram. An initial timetable for the production of the Cheltenham Plan is included at Appendix 3 and below:

Consultation on Scope of Cheltenham Plan	Summer 2013
Consult on draft Cheltenham Plan	Spring 2014
Consult on proposed submission Plan	Winter 2014
Submission and examination of Plan	Winter/Spring 2015
Adoption	Summer/Autumn 2015

## 2. Reasons for recommendations

- 2.1 It is a requirement to have a Local Plan in place for the Borough. The Cheltenham Plan, in conjunction with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, will enable the council to fulfil this requirement. Approving this first stage document for consultation will allow the progression of the Cheltenham Plan.

### 3. Alternative options considered

- 3.1 This stage of consultation is a statutory requirement and therefore there are limited alternative options.
- 3.2 One option that was considered was to go to public consultation without asking for views on the vision and objectives for Cheltenham, however it was felt that the opportunity to gauge public and stakeholder opinion early on in the process, on such an important matter, was one that should not be missed.

### 4. Consultation and feedback

- 4.1 Internal consultation has been held on the draft scope, visioning and objectives of the Cheltenham Plan with members and officers. This includes
- Planning and Liaison Scrutiny Task Group – A cross party group with a remit *to consider and advise on the emerging Cheltenham Plan and provide guidance and feedback to Planning Committee, Cabinet and Council as appropriate*. The Task group has had a number of opportunities to comment on the working drafts in addition to a full member session held in January 2013.
  - Internal officer working group - made up of officers from across the council with a remit *to work with, consider, advise and inform the emerging Cheltenham Plan and request information from, and provide feedback to, individual teams as appropriate*. This group has had the opportunity to feed into the draft scope, visioning and objectives exercise.
  - The Cheltenham Partnership – regular updates and discussions with officers leading preparation of the Cheltenham Plan

Feedback from the above groups has been considered and incorporated where appropriate.

- 4.2 The formal stage of consultation must follow the regulations and consultation on the draft Scope of the Cheltenham Plan will be in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Members of the public and organisations will be given a period of 8 weeks to comment on the document. Comments will be invited from all contacts on our Planning database and copies of the document will be made available (in paper format) at the Council's deposit locations and electronically via the Council's website. Every effort will be made to make the public aware of the consultation through media releases, engagement with C5 group, via council networks to alert groups to help cascade information, leafleting etc. Given the very early, non-specific, nature of the Scope document it is not intended to hold public consultation events, this will occur during the later stages of consultation.

### 5. Performance management –monitoring and review

- 5.1 This is not a policy document in itself, it merely asks what should be in the Cheltenham Plan and as such will not be monitored, however the responses will be used to inform the production of the Cheltenham Plan.
- 5.2 The Council will regularly monitor the effectiveness of the Cheltenham Plan in the planning process and use the results to review policies and practices. If necessary, the Council will review the Cheltenham Plan.

<p><b>Report author</b></p>	<p><b>Contact officer Claire Cullen-Jones/David Halkyard</b></p> <p><a href="mailto:claire.cullen-jones@cheltenham.gov.uk">claire.cullen-jones@cheltenham.gov.uk</a></p> <p><a href="mailto:David.halkyard@cheltenham.gov.uk">David.halkyard@cheltenham.gov.uk</a></p> <p><b>01242 264235/01242 774988</b></p>
<p><b>Appendices</b></p>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Diagram showing Cheltenham's Local Plan and supporting documents</li> <li>3. Cheltenham Plan draft timetable</li> <li>4. Draft Cheltenham Scope Consultation paper</li> </ol>
<p><b>Background information</b></p>	<ol style="list-style-type: none"> <li>1. Town and Country Planning (Local Planning) (England) Regulations 2012.</li> <li>2. Planning and Compulsory Purchase Act 2004 (as amended)</li> <li>3. Cheltenham Borough Local Development Scheme <a href="http://www.cheltenham.gov.uk/site/scripts/download_info.php?fileID=3268">http://www.cheltenham.gov.uk/site/scripts/download_info.php?fileID=3268</a></li> </ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
CR81	Corporate risk: If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.	Mike Redman	21.03.13	3	4	12	Reduce	Set up Scrutiny Task Group to advise and challenge on the development of a Cheltenham Plan		Tracey Crews	Corporate
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											



Diagram showing Cheltenham's Local Plan structure and supporting documents

### Cheltenham's Local Plan and supporting documents



Cheltenham Plan draft timetable Task	2012			2013												2014												2015											
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A				
Agree Scope & Vision of Cheltenham Plan																																							
Consult on Scope Document																																							
Review of Existing Local Plan																																							
Evidence Base Review																																							
Prepare Cheltenham Plan																																							
Sustainability Appraisal of draft plan																																							
Consult on Draft Plan																																							
Prepare proposed submission																																							
Consult on proposed submission Plan																																							
Submission and Examination																																							
Adoption of Cheltenham plan																																							

v4. 29.05.13

## Draft Cheltenham Scope Consultation paper

## The Cheltenham Plan

A public consultation on the scope of the plan in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

### Introduction

- 1.0 *What is the “Cheltenham Plan”, what is it for and why is the council preparing it now?*
- 1.1 The Cheltenham Plan will help to guide development of the borough over the next 15-20 years. It will be used in making decisions on planning applications and will be a key part of “place-shaping” Cheltenham. Planning is often as much about what doesn’t get built as what does. And it’s also about making sure we stay competitive, inclusive and sustainable in economic, environmental and social terms. It’s important therefore that we try to get the balance right between what can often seem to be conflicting or competing objectives. That’s a core function of our development plan.
- 1.2 The council is very keen to bring forward the Cheltenham Plan as soon as possible. One reason for this is that the amount of weight that can be attributed to Cheltenham Borough Local Plan Adopted 2006 (saved policies) and associated Supplementary Planning Guidance (SPG’s)/Supplementary Planning Documents (SPD’s) and Development Briefs varies and, in the most part, will diminish over time. It is therefore essential to produce a new, up to date, NPPF compliant plan based on objectively assessed evidence to ensure that development within Cheltenham is ‘plan-led’ rather than ‘appeal-led’.
- 2.0 ***The council is also involved with Tewkesbury and Gloucester in preparing the Joint Core Strategy – how does that relate to the Cheltenham Plan?***
- 2.1 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) deals with strategic-level planning. For example, the JCS will set out how many houses and jobs need to be provided in Cheltenham over the next 15 - 20 years, identify locations for major development e.g. for development of sites over 450 new homes, to meet that need and set out how and when development will be delivered, including any major infrastructure requirements. See JCS website for more information <http://www.gct-ics.org/>
- 2.2 Whilst the Cheltenham Plan will complement the JCS by effectively “filling in the details”, it will also be a more locally-focused document dealing with Cheltenham-specific issues such as supporting the work of the Cheltenham

Development Task Force and protecting and conserving the town's built heritage and recognising the importance of our parks and gardens .

### **3.0 What is meant by the “scope” of the plan and why is the council consulting me on it?**

- 3.1 The scope of the plan essentially means the planning matters it will cover – housing, jobs and transport for instance. More detail on this is provided below. The council is consulting you on this not only because it is legally required to but because it wants to ensure that the people of Cheltenham have a say in what's in their development plan.
- 3.2 It's important to bear in mind though that because this is a development plan it has a very specific remit. In other parts of this note we discuss what issues the plan can (and can't) address, and explain some of the reasons for that.

### **4.0 How can I get involved and how will my views be taken into account?**

- 4.1 Later on at section 11 we set out some contact details and related information for you. There's a response form you can fill out – you can tear that off, fill it out and send it in or, if you prefer, there's an online version you can complete *hyperlink to be inserted*. Your views will be taken into account in preparation of the next stage of the plan and your responses, in full or in summary, will be reported to the council as well as being published on the council's website. Planning officers are here to help and they're available during normal office hours to answer any questions you might have about making your views known.

### **The Cheltenham Plan – legal context and “material planning considerations”**

- 5.0 Preparation of a development plan is a “statutory process” governed by legislation<sup>1</sup>. Consultation on the Cheltenham Plan must accord fully with legislative requirements. These include rules about:
- consulting on the scope of the plan;
  - publishing the plan;
  - consideration of representations; and
  - independent examination of the submitted plan by a Planning Inspector.
- 5.1 The “material planning considerations” that have to be taken into account in preparing a development plan are numerous. “Material” in this context just means that an issue is (a) relevant to planning and (b) is not trivial or inconsequential. Localism is a significant material consideration as is the national planning policy framework and particularly paragraphs 150 -185

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<sup>1</sup> Principal legislation is the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012

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which deal specifically with plan-making. These paragraphs include guidance on a range of issues that we will return to several times over the coming months such as:

- using a proportionate evidence base in relation to housing, business, infrastructure, the environment and many other areas;
- ensuring viability and deliverability;
- ensuring that the plan is “positively prepared; justified; effective and consistent with national policy” and otherwise sound.

### **The Cheltenham Plan – process, timetable and key consultation stages**

- 6.0 The diagram overleaf outlines the main stages the plan needs to pass through together with a draft timetable.

Do you have any views on that? Let us know. Need to remember that this is a statutory process as discussed above, so it's not easy to cut corners to save time.

<b>Cheltenham Plan draft timetable</b>	<b>2012</b>			<b>2013</b>												<b>2014</b>												<b>2</b>											
<b>Task</b>	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>						
Agree Scope & Vision of Cheltenham Plan	■	■	■	■	■	■	■																																
Consult on Scope Document										■	■	■	■																										
Review of Existing Local Plan	■	■	■	■	■	■	■	■	■																														
Evidence Base Review	■	■	■	■	■	■	■	■	■																														
Prepare Cheltenham Plan										■	■	■	■	■	■	■	■																						
Sustainability Appraisal of draft plan										■	■	■	■	■	■	■																							
Consult on Draft Plan																	■	■	■	■																			
Prepare proposed submission																						■	■	■	■	■	■	■	■										
Consult on proposed submission Plan																												■	■	■									
Submission and Examination																																							
Adoption of Cheltenham plan																																							

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**The Cheltenham Plan – Vision and Objectives**

7.0 The Plan needs to have a Vision and set of objectives to act as a foundation for its policies and proposals. At present there are two existing vision statements that will need to be taken into account in preparing a Vision for the Cheltenham Plan.

7.1 The council shares its “corporate” vision for 2010 – 2015 with that of “Our Future, Our Choice: Cheltenham’s Sustainable Community Strategy”:

*We want Cheltenham to deliver a sustainable quality of life, where people, families, their communities and businesses thrive; and in a way which cherishes our cultural and natural heritage, reduces our impact on climate change and does not compromise the quality of life of present and future generations*

7.2 The JCS vision is:

*Our vision is to produce a strategy which fosters growth in the local economy and provides sufficient homes, including affordable homes, in sustainable locations, without increasing the risk of flooding, or harming high quality landscape, whilst maintaining and enhancing the separate vitality, identity and character of individual settlements.*

7.3 As a development plan affecting the town the JCS vision obviously is the most directly relevant to the Cheltenham Plan. Whilst it will not be acceptable for the Cheltenham Plan to contradict the JCS in terms of its vision, objectives, policies or proposals, it is right that the Cheltenham Plan vision reflects more local planning issues and concerns. So we need to strike a balance between, on one hand, conforming with the JCS Vision and, on the other, ensuring that our plan Vision is more than just an off-the-peg set of platitudes that could apply anywhere in the country.

Getting the balance right between strategic and local is quite difficult....! How do you think we should approach it?

7.4 Some councillors from each political group represented on the council have formed a Working Group to guide preparation of the plan. The Group is considering these visions and will be keen to hear your views on which elements, if any, we should incorporate into a vision for the Cheltenham Plan.

7.5 We’re also beginning to think about whether a vision might be better represented by taking a “themed” approach rather than having an all-encompassing (and perhaps rather bland) statement that is perhaps overambitious in its aspirations. If we focused on three or four key themes each supported by a set of delivery objectives, would that be more realistic? For example, one theme might be something like “increase opportunities for local jobs by seeking to attract a broader range of employers into Cheltenham”. The delivery objectives would perhaps include things like having an up-to-date economic strategy accompanied by an “offer” of sites tailored to delivering the outcomes of that strategy that could be allocated in the Cheltenham Plan.

Let us know what you think about the idea of a “themed” Vision and about *your* Vision for the future of Cheltenham.

7.5 Whether it’s in the form of an all-encompassing statement or a set of interrelated themes, a Vision alone is not enough. We need to “unpack” that Vision and decide what objectives we need to pursue so that we can move from Vision to reality.

7.6 Each of the existing Visions has an accompanying set of objectives:

Corporate objectives are:

- enhancing and protecting our environment
- strengthening our economy
- strengthening our communities

[http://www.cheltenham.gov.uk/info/200009/performance\\_and\\_improvement/815/performance\\_management/2](http://www.cheltenham.gov.uk/info/200009/performance_and_improvement/815/performance_management/2)

“Our Future, Our Choice” objectives are:

- Promoting community safety
- Promoting sustainable living
- Promoting a strong and sustainable economy
- Building healthy communities and supporting older people
- Building stronger communities and supporting housing choice
- A focus on children and young people
- Investing in environmental quality
- Investing in travel and transport
- Investing in arts and culture

[http://www.cheltenham.gov.uk/downloads/file/3151/sustainable\\_community\\_strategy](http://www.cheltenham.gov.uk/downloads/file/3151/sustainable_community_strategy)

JCS objectives include:

- Allocate strategic development in support of sustainable urban and rural communities and the conservation of strategic open space
- Conserve and improve the built environment
- Conserve and improve the natural environment
- Foster economic growth
- Provide for local housing need
- Address social inequality, inclusivity and provide for healthier and safer communities
- Improve skills and educational attainment
- Increase access to jobs/services via sustainable transport modes

<http://consult.gct-jcs.org/consult.ti/JCSDPO/consultationHome>

7.7 Whilst it does not set out a vision, the existing Cheltenham Borough Local Plan (adopted 2006) contains thirty-six objectives including:

- to achieve a high standard of design in new development
- to reduce crime and the fear of crime
- to make provision for identified development needs
- to create more sustainable patterns of development, with priority use of previously-developed land
- to meet the needs of the elderly and people with disabilities
- to conserve and improve Cheltenham’s architectural, townscape and historical heritage
- to conserve and improve Cheltenham’s landscape character and green environment
- to prevent the coalescence of Cheltenham with other settlements
- to reduce waste and energy consumption and conserve natural resources
- to maintain and enhance the economic vitality of the borough



- to safeguard land and buildings in existing employment use, or if unoccupied, last in employment use
- to meet housing requirements, including the need for affordable housing
- to maintain and enhance the vitality and viability of the town centre as a sub-regional shopping centre
- to increase the range of facilities for recreation and leisure
- to encourage provision of a range of facilities and attractions for tourists
- to encourage the retention and provision of a range of community facilities and services
- to promote sustainable transport
- to ensure infrastructure in development is provided to a satisfactory standard

[http://www.cheltenham.gov.uk/downloads/file/778/cheltenham\\_borough\\_local\\_plan\\_second\\_revision\\_2006](http://www.cheltenham.gov.uk/downloads/file/778/cheltenham_borough_local_plan_second_revision_2006)

What do you think of these objectives? In your view have we delivered on them? Is there anything missing? Anything that's wrong? How can we make the objectives more "Cheltenham specific"? If you had to prioritise just ten, which ones would you choose and why? Remember too that we need to be able to show a Planning Inspector that our objectives are relevant, realistic and deliverable.

### **The Cheltenham Plan – potential planning policy areas**

- 8.0 Once we have our Vision and Objectives in place, the next thing we need is a suite of policies and proposals that will enable us to deliver them "on the ground". In formulating our policies and proposals we need also to remember the legal context and "material planning considerations" outlined above. Many policy areas are common to both the JCS and the Cheltenham Plan – matters such as housing and employment. A critical issue will be to clarify precisely what aspects will be dealt with in the JCS and what will be picked up by the Cheltenham Plan. Also important is what should not be included as it is appropriately dealt with via the National Planning Policy Framework
- 8.1 We think the range of policy areas we need to cover is:
- the overarching presumption in favour of sustainable development, as required and defined by the national Planning Policy Framework;
  - economy and employment – including tourism and leisure uses, non-strategic policy<sup>2</sup> and site allocations;
  - retail – town, district and neighbourhood centres – designation of primary and secondary shopping frontages and non-strategic policy and allocations;
  - sustainable transport – local parking matters, car parks, walking, cycling;
  - communications infrastructure such as mobile phone masts and adaptability to new technology;
  - housing – non strategic policy and site allocations, house space standards, self-build, (affordable housing policy will be set out in the JCS)
  - design – design codes to ensure quality of development;
  - healthy communities – air quality, green space and community facilities;
  - climate change and flooding - including renewable energy, energy efficiency and adapting to climate change;
  - natural environment – any non-strategic policy and land allocations/designations e.g local nature reserves;

<sup>2</sup> the term "non strategic" refers to matters that primarily are local in nature and not addressed by the Joint Core Strategy or the NPPF

- historic environment – any non-strategic policy and allocations/designations
- local Infrastructure – non-strategic provision including recreational space;
- deliverability and implementation – viability appraisal
- monitoring
- adopted policies map

What do you think? Have we missed anything? Bear in mind that the JCS will deal with a considerable number of issues – such as major development sites.

### **The Cheltenham Plan – delivery**

- 9.0 This is arguably the most critical part of the plan. It's all very well having visions, objectives, policies and proposals but the acid test is whether they deliver on their promises. One of the most important tasks for the Cheltenham Plan is therefore to be realistic about delivery. And this is an issue the government via the National Planning Policy Framework and the Planning Inspectorate is particularly focused on.
- 9.1 If we have doubts about the deliverability of any aspect of our plan we need to examine the reasons for that as soon as the issue emerges and put it right. If we can't – we need to rethink the objective or policy and be prepared to take a different tack.
- 9.2 One of the most effective ways of understanding the deliverability of a development plan is through viability assessment. We may be expecting a significant amount of high quality infrastructure to come forward in the plan period funded largely by developer contributions. The assessment needs to be undertaken when the plan proposals are beginning to emerge and will need to be done iteratively i.e. in stages so that any adjustments to the plan can be made and then re-tested. It will tell us, for instance, whether we will be endangering the economic viability of a particular site or of the entire suite of plan proposals because the developers will simply not be able to make enough contributions while taking a reasonable profit (on the basis of accepted industry standards).
- 9.3 Other methods of assessing the effectiveness and deliverability of the plan are through monitoring of, say, housing completions or differentials in completions and through annual processes such as the Strategic Housing Land Availability Assessment (SHLAA for short) and the Strategic Economic Land Availability Assessment (SELAA).
- 9.4 Thinking about these land assessment processes, it is unlikely that Cheltenham will be able to provide enough sites to meet the “objectively assessed need” for development within the borough<sup>3</sup>. For it to do so, land will need to be identified in neighbouring authority areas. Whilst the JCS will rightly deal with much of this, it will be expected that as much land within the borough as is reasonable having regard to material planning considerations should be released to contribute to meeting the identified development need. The next phase of the plan – the consultation draft – will put these sites forward for public consideration. But it is likely that most if not all of the sites have already come to the attention of the council through the SHLAA and SELAA processes.

How do you think we can best deliver our objectives? What do you think the issues are?

<sup>3</sup> This will be set out in the JCS.

**The Cheltenham Plan – so what's next?**

- 10.0 Your comments on the proposed scope of the Cheltenham plan will be considered by officers and a response report will be provided on the Council's website, at the offices and at libraries around the town, see below for the full list. The response report will summarise the issues raised as part of the consultation and will provide the council's response.
  
- 10.1 The comments will be used to inform the preparation of the draft Cheltenham Plan, which will form the second stage of consultation next Spring. This next stage will start to set out the detail on the policies and allocations proposed for Cheltenham and so it will be an important consultation to look out for - [http://www.cheltenham.gov.uk/info/1004/planning\\_policy/1034/the\\_cheltenham\\_plan](http://www.cheltenham.gov.uk/info/1004/planning_policy/1034/the_cheltenham_plan)
  
- 10.2 The key stages for the Cheltenham plan are shown on the timetable above and summarised below:  

Consultation on Scope of Cheltenham Plan	Summer 2013
Consult on draft Cheltenham Plan	Spring 2014
Consult on proposed submission Plan	Winter 2014
Submission and examination of Plan	Winter/Spring 2015
Adoption	Summer/Autumn 2015
  
- 10.2 Details of future consultation events, both for the Cheltenham Plan and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy will be included on the Cheltenham Borough and GCT JCS websites, if you would like to be notified directly of consultations, please contact the Planning Policy team and asked to be added to our database.

**How to get involved:**

- 11.0 Comments to be submitted by **DATE** either by post, email or via the online database.

Contact the Planning policy team:

**Email:** [slu@cheltenham.gov.uk](mailto:slu@cheltenham.gov.uk)

**Telephone:** 01242 264379

**Post** Municipal Offices, Promenade, Cheltenham, Gloucestershire, GL50 9SA

*Insert weblink to inovem*

If you are not already registered on the database and would like to do so, please follow the link to *Insert weblink to inovem*

A response form has been included for your convenience

***INSERT RESPONSE FORM***

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## Cheltenham Borough Council

**Cabinet – 18 June 2013**

### Cheltenham Plan – Revised Statement of Community Involvement

#### Report of Leader

<b>Accountable member</b>	<b>Councillor Jordan – Leader Cheltenham Borough Council</b>
<b>Accountable officer</b>	<b>Tracey Crews – Head of Planning</b>
<b>Ward(s) affected</b>	<b>ALL</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The Council is legally required to prepare and adopt a Statement of Community Involvement (SCI), the purpose of a SCI is to set out the opportunities by which the public and organisations can engage with the planning system.</p> <p>The Council currently has a SCI which was adopted in 2006, however, as a result of changes to legislation it is now necessary to revise the existing SCI.</p> <p>This report introduces the revised draft SCI which is intended to form the basis of public consultation prior to adoption by the Council.</p> <p>Once adopted the Local Planning Authority must comply with the SCI when preparing new Local Plans and Supplementary Planning Documents and when consulting on planning applications.</p>
<b>Recommendations</b>	<p><b>That Cabinet has considered the updated Statement of Community Involvement and approve for public consultation.</b></p> <p><b>That Cabinet allows for any consequential minor amendments to the document to be agreed by the Head of Planning prior to submission of the final document to Council for adoption.</b></p>
<b>Financial implications</b>	<p>There are no financial implications.</p> <p><b>Contact officer: Paul Jones – head of Finance, paul.jones@cheltenham.gov.uk, 01242 775154</b></p>
<b>Legal implications</b>	<p>The Council is required to have a Statement of Community Involvement and it is good practice to keep the statement under review to reflect changes in legislation etc</p> <p><b>Contact officer: cheryl.lester@teWKesbury.gov.uk</b></p> <p><b>01684 272013</b></p>

<p><b>HR implications (including learning and organisational development)</b></p>	<p>There are no HR implications</p> <p><b>Contact officer: Julie McCarthy, HR Manager (West), Julie.mccarthy @cheltenham.gov.uk, 01242 26 4355</b></p>
<p><b>Key risks</b></p>	<p>Corporate risk CR81: If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>Corporate Action ENV 6 We will commence preparation of a Cheltenham Plan.</p>
<p><b>Environmental and climate change implications</b></p>	
<p><b>Property/Asset Implications</b></p>	<p>The Statement of Community Involvement does not have any impact on CBC owned property assets.</p>

## 1. Background

- 1.1 The Council is legally required to prepare and adopt a Statement of Community Involvement (SCI) under Section 18 of the Planning & Compulsory Purchase Act (2004) (as amended).
- 1.2 The purpose of an SCI is to set out the opportunities by which the public and organisations can engage with the planning system, including the procedures and methods the council will use to consult on the planning applications we receive and when we are preparing new Local Plans and Supplementary Planning Documents. Cheltenham's Local Plan will contain at least two policy documents: the strategic JCS and the local Cheltenham Plan, see Appendix 2 for an explanatory diagram.
- 1.3 The Council currently has an SCI which was adopted in 2006 and was one of the first documents prepared by Cheltenham Borough Council under the regulations of the Planning and Compulsory Purchase Act (2004). However, as a result of changes to legislation including the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012, as well as the principles and requirements of National Planning Policy Framework 2012, it is now necessary to revise the existing SCI.
- 1.4 This report introduces the revised draft SCI which is intended to form the basis of public consultation prior to adoption by the Council.
- 1.5 Once adopted the Local Planning Authority must comply with the SCI when preparing new Local Plans and Supplementary Planning Documents and when consulting on planning applications.
- 1.6 The principles of the adopted SCI have not been altered, and changes have primarily related to:
  - Changes in planning terminology to reflect those made at a national level;
  - Changes to the stages of plan preparation and consultation, as set out in the new regulations;
  - Removal of references to the now abolished regional and County tiers of planning, including the Regional Spatial Strategies and the Structure Plan;
  - Updates to the consultee contacts, as set out in the new regulations;
  - Updates to reflect changes in internal advisory groups.
- 1.7 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) Team has produced a Consultation Statement (November 2011) that sets out the approach that will be taken to public consultation during the production of the Joint Core Strategy, however this is not appropriate to be used for Cheltenham specific consultations as it relates to consultations covering the three districts of Gloucester, Cheltenham and Tewkesbury.

## 2. Reasons for recommendations

- 2.1 The existing SCI is now out of date, approval of this draft for consultation will allow for an updated SCI to be adopted by the Council.
- 2.2 In order that members of the public and organisations are able to engage with the planning process it is important that we know the best way to reach, and consult, with people. Consulting on the revised SCI enables the public and stakeholders an opportunity to comment on how they wish to be involved in the future.

### 3. Alternative options considered

3.1 As the SCI is a requirement under legislation, alternative options have been limited. One alternative would have been to revise the SCI for approval by Council without public consultation. However, as the SCI is a document about how the public and organisations will be involved in the planning process it seemed more appropriate to provide an opportunity for their comments to be fed into the review to ensure that the SCI is as effective as possible.

### 4. Consultation and feedback

4.1 The original SCI was consulted on prior to its adoption in 2006. The adopted SCI has formed the basis of this revised SCI, updated to take account of changes to regulations. Internal consultation with planning officers has taken place.

4.2 Following approval by Cabinet and Council (24<sup>th</sup> June 2013) it is intended that the SCI will be available for comment for an 8 week period, alongside the Cheltenham Plan Scope Document (also for consideration at Cabinet on 18<sup>th</sup> June and Council on 24<sup>th</sup> June).

4.3 As part of the consultation process, members of the public and organisations will have the opportunity to be added to the Council's planning consultation database in order to be involved in any future consultation events.

### 5. Performance management –monitoring and review

5.1 The Council will regularly monitor the effectiveness of community involvement in the planning process and use the results to review policies and practices. If necessary, the Council will review the SCI, including any minor amendments to meet regulatory or statutory changes over time.

<p><b>Report author</b></p>	<p><b>Contact officer Claire Cullen-Jones/David Halkyard – Senior Planning Officers</b></p> <p><a href="mailto:claire.cullen-jones@cheltenham.gov.uk">claire.cullen-jones@cheltenham.gov.uk</a></p> <p><a href="mailto:David.halkyard@cheltenham.gov.uk">David.halkyard@cheltenham.gov.uk</a></p> <p><b>01242 264235/01242 774988</b></p>
<p><b>Appendices</b></p>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Diagram showing Cheltenham's Local Plan structure and supporting documents</li> <li>3. Draft Cheltenham Statement of Community Involvement, 2013</li> </ol>
<p><b>Background information</b></p>	<ol style="list-style-type: none"> <li>1. Adopted Statement of Community Involvement, 2006 <a href="http://www.cheltenham.gov.uk/downloads/file/3250/statement_of_community_involvement_2006">http://www.cheltenham.gov.uk/downloads/file/3250/statement_of_community_involvement_2006</a></li> <li>2. GCT JCS Consultation Statement (November 2011) <a href="http://www.gct-jcs.org/Documents/PublicConsultation/ConsultationStatement141111doc.pdf">http://www.gct-jcs.org/Documents/PublicConsultation/ConsultationStatement141111doc.pdf</a></li> </ol>



The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.	Mike Redman	21.3.13	3	4	12	Reduce	Set up Scrutiny Task Group to advise and challenge on the development of a Cheltenham Plan		Tracey Crews	Corporate
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Diagram showing Cheltenham's Local Plan structure and supporting documents

### Cheltenham's Local Plan and supporting documents



# **Cheltenham Borough Local Development Framework**

## **Statement of Community Involvement**

Adopted 2006  
Revised May 2013  
v9

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Terms printed in **GREY** are defined in the summary of terms.

## 1. INTRODUCTION

- 1.1 This document sets out the opportunities by which the public and organisations can engage with the planning system, including the procedures and methods we will use to consult on planning applications we receive and when we are preparing new Local plans (LP) and Supplementary Planning Documents (SPDs).
- 1.2 The Statement of Community Involvement (SCI) was one of the first documents prepared by Cheltenham Borough Council under the regulations of the Planning and Compulsory Purchase Act (2004). The first Cheltenham SCI was adopted in 2006.
- 1.3 We have revised the text of our SCI to reflect current legislation including the provisions of the Planning Act 2008 (as amended), the Localism Act 2011, the Town and Country Planning Local Planning Regulations 2012 as well as the principles and requirements of National Planning Policy Framework (NPPF) 2012.
- 1.4 This document explains:
- how the planning system operates and how we will manage the planning process (see sections 7, 9 and 10);
  - how we will consult people regarding the production of Local development documents and Supplementary Planning Documents (see sections 9 and 10); and
  - how we will consult people regarding planning applications (see section 11).
- 1.5 The Council would like to hear the views of all the community within Cheltenham and also those outside Cheltenham Borough who are affected by the policies and proposals of the Local Plan and planning applications for development within the borough. This SCI sets out the way in which we aim to achieve this.

### **Neighbourhood Plans**

- 1.6 The Localism Act 2011 introduced the ability for communities who meet the basic criteria defined in the act to draw up their own neighbourhood plans which can add detail and local objectives to the strategic elements of local development documents where resources allow. Cheltenham Borough Council will support neighbourhoods in the preparation of their plans where this is appropriate, and under these circumstances will set out procedures and guidance for this support as the need arises. However, procedures on this work are outside the scope of the SCI and will be dealt with on a case by case basis.

### **Monitoring**

- 1.7 The council will regularly monitor the effectiveness of community involvement in the planning process and use the results to review policies and practices. If necessary, the Council will review the Statement of Community Involvement, including any minor amendments to meet regulatory or

statutory changes over time.

## 2. WHO COULD WE CONSULT?

- 2.1 Depending on the type of plan or application being considered there are a number of bodies and groups in the community that we can consult and invite to participate in the preparation of local development documents or to comment on relevant planning applications.
- 2.2 These include 'specific' and 'general' consultation bodies, as listed at Appendix 2, as well as members of the public and groups representing those 'hard to reach' who traditionally do not engage with the planning process who are contained on our planning database.

## 3. DUTY TO COOPERATE

- 3.1 Section 110 of the Localism Act 2011 sets out a new 'duty to co-operate'. It is a requirement that local planning authorities engage with one another and other statutory bodies to consider joint approaches to plan-making. Cheltenham Borough Council is committed to meeting this duty to ensure that planning delivers the best outcomes for our area by working closely with partner organisations and stakeholders. See Appendix 2 for a list of consultation bodies.

## 4. LOCAL PLANS AND SUPPORTING DOCUMENTS

### Local plans

- 4.1 Local planning authorities must prepare a local plan which sets the planning policies for a local authority area. Local Plans are important tools for deciding planning applications. Independent planning inspectors must examine in detail all local development documents prepared by local authorities in England to ensure that they are sound. This examination is the last stage of the process for producing a local plan. By the time a plan reaches examination, the process should have fully involved everyone who has an interest in the document and they should have had the chance to comment
- 4.2 Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.
- 4.3 The council is currently producing the **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)**, which will form the strategic vision, objectives and policies for the wider area. The JCS forms part of the Local Plan for Cheltenham, see Diagram 1.
- 4.4 The council is also working on the **Cheltenham Plan**, which will deal with planning issues specific to the Borough and contain more detailed policy and guidance for the local area.

4.5 All Local Plans also require a Sustainability Appraisal, which is produced in tandem with the Local Plan to assess its environmental and social impact. These appraisals are usually consulted on and examined at the same time as Local Plans.

4.6 In addition to Local Plans, other supporting documents (which are given less importance in planning terms) are listed below:

**Supplementary Planning Documents (SPDs)**

4.7 These are locally produced documents which provide additional information relating to a specific policy or proposal within a Local plan or the National Planning Policy Framework.

**Local Development Scheme (LDS)**

4.8 This is a three year work programme which illustrates which local plans (and sometimes other related documents) will be produced and a timetable for their production.

**Statement of Community Involvement (SCI)**

4.9 This sets out how the Council will engage and involve the community at every stage in the production of the Plan making process.

**Authorities Monitoring Report (AMR)**

4.10 This monitors the success of planning policies and demonstrates how the council is performing in terms of the Local Development Scheme. From 2012 onwards it will contain a statement regarding the progress on Cheltenham's duty to co-operate with other authorities and prescribed bodies.

**5. OLDER PLANS**

5.1 **The Cheltenham Borough Local Plan Second Review** was adopted in July 2006 and covers a plan period to mid-2011. It deals with development, helping to conserve the special environment of Cheltenham and identifying land which will be needed for future development. The policies set out in the plan influence decisions on planning applications and support the council's proposals for managing traffic in the town.

5.2 Under the provisions of the Planning and Compulsory Purchase Act, the policies within this plan are saved until they are replaced by subsequent Local Plan Documents.

5.3 The **Draft Regional Spatial Strategy for the South West (RSS)** and the **Gloucestershire Structure Plan Second Review** have now been revoked and are no longer relevant.

**6. NATIONAL PLANNING POLICY FRAMEWORK**

6.1 The government published the National Planning Policy Framework on the 27 March 2012. This framework is a key part of the government's reform of



the planning system and replaces all previous planning policy statements (PPS), with the exception of PPS 10: Planning for Sustainable Waste Management, until it is replaced at a later date.

- 6.2 As a local planning authority, we have to take the National Planning Policy Framework into account in the preparation of local and neighbourhood plans, and it is a material consideration in planning decisions.
- 6.3 The National Planning Policy Framework sets out the implementation strategy for dealing with existing and emerging plans and in decision taking on planning applications (Annex 1 of the National Planning Policy Framework). As Cheltenham Borough's Adopted Local plan was adopted in accordance with the Town and Country Planning Act 1990, due weight can be given to policies depending on how consistent they are with the framework. As such, in considering planning proposals the existing Local Plan must be considered in the context of the framework, ignoring all references to planning policy statements (PPS), until the policies within the plan are replaced by the Joint Core Strategy, the Cheltenham Plan or any subsequent local plan.

## 7. GENERAL OVERVIEW OF CONSULTATION ARRANGEMENTS

- 7.1 The preparation of a plan will involve evidence gathering and an initial stage of consultation on the proposed scope of the plan, that is, asking people what the plan ought to contain.
- 7.2 At an early stage, the Council will explore the most appropriate methods of consulting hard to reach groups and attempt to engage these groups in the early stages of the process. This work will involve an internal audit of existing relationships with external bodies and an assessment of the types of consultation which have proven most successful.
- 7.3 Specific and General consultees, as listed in Appendix 3, and members of the public registered on our database will be consulted on all the various Local plans and Supplementary Planning Documents produced as indicated in Tables 1 and 2.
- 7.4 It is recognised that some groups may wish only to be involved in the early stages of the decision making process but participation from all groups will be encouraged at every stage.
- 7.5 The Council will prepare local plans which seek to reflect comments received during work with groups, organisations and individuals during the plan preparation stage. These documents will be subject to further public consultation as set out in the regulations. Where required by relevant legislation, documents will be accompanied by a Sustainability Appraisal/Strategic Environmental Assessment. All new local plans and SPDs will be accompanied by a Statement of Compliance to demonstrate how the Council has complied with this SCI.
- 7.6 Each period of consultation will last a minimum of 4 weeks for an SPD or 6 weeks for a Local Plan and will be advertised on the Council's website [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk). Where appropriate, notices will be placed in the

local press. Links to the consultation document(s) will be made available on the Council's website. Any notices and advertisements will clearly identify the dates by which representations must be submitted to the Borough Council. Specific and General Consultees and other relevant groups and individuals on our updated consultation database will be contacted at the beginning of the statutory consultation period to let them know that the consultation is taking place.

- 7.7 Paper copies of the documents will be available at each of the libraries within Cheltenham, at the Municipal Offices and at other locations within the Borough, known as Deposit Locations (see appendix 4). There may be a charge to purchase some documents to reflect printing costs. Electronic copies will be made available via the council's website.
- 7.8 The Council will hold public exhibitions where appropriate at accessible locations within the Borough, such as supermarkets and municipal buildings and at other locations which attract large numbers of community members. We will seek to make local plan documents as accessible as possible to people with reading or writing difficulties or who are visually impaired. Some translation of local plans or SPD's into other languages may be possible, subject to reasonable cost limits.
- 7.9 Comments and representations may be received via a form provided on the Council's website, by fax, e-mail, by post or simply handed in to the reception at the Municipal Offices during opening hours. Representations received will be made available to view on the Council's website.
- 7.10 Views expressed at consultation events will be recorded and fed into the plan preparation. These views will be documented and made available in summary form on the website and at all deposit locations. All formal representations (those to documents on deposit) received will be considered and responded to through a response report, this will be available on the website and at all deposit locations.
- 7.11 Views and objections will be taken into account wherever possible in the preparation of local plans. Representations will need to be valid and appropriate to be considered by emerging policies and proposals.
- 7.12 The response report will be prepared by officers supported by any relevant Project Management Boards/Working groups and input from councillors and stakeholders where appropriate. The response report will provide a summary of the issues raised and the council's response. There will not be an individual response to each comment.

### **Online Database**

- 7.13 There is an online database where groups and individuals can register their interest in being notified of consultations and also respond online. Response reports will be available on the website and at all deposit locations. Where respondents have responded via the online system they will be notified of their unique respondent number which will enable them to

navigate through to their individual representation(s). To register go to [INSERT WEBLINK](#).

## 8. MINIMUM STANDARDS FOR CONSULTATION

8.1 Cheltenham Borough Council will ensure that minimum standards for community involvement as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 are met in the production of Local Plans or other planning documents. A summary of these requirements are set out below.

### **Gloucestershire Compact Agreement**

8.2 Cheltenham Borough Council has signed up to the Gloucestershire Compact, the Compact is *an agreement between some of the County's public agencies and the Voluntary and Community Sector to support and improve partnership working between sectors and is underpinned by six Codes of Practice which contain specific undertakings for the public sector and the voluntary and community sector, as well as a series of joint undertakings, to improve partnership working.* The agreement seeks to achieve a 12 – week consultation period, where possible. This agreement will be considered when setting consultation periods for local development documents.

**9.0 INTERPRETING THE REGULATIONS: *Who the council will involve and how they will involve them in the production of Local development documents (LDDs).***

Please note that this table contains an overview of consultation methods available for each stage of Local Plan preparation. Not all methods will be used in each case, but those most suitable and appropriate given the scale and nature of the consultation will be employed.

**9.1 Table 1**

Stage	Preparation	Who	How
<b>Preparation of a local plan</b> (Regulation 18)	Evidence gathering Notify and consult on Scope of the plan	<ul style="list-style-type: none"> <li>• Specific and general Consultees,</li> <li>• Those registered on the Council's database</li> <li>• Any other residents wishing to make representations, or other persons carrying out business in the area that the Council consider appropriate.</li> </ul>	Letter, email, internet, forums or community networks, internal and joint working teams, press releases, deposit locations.
<b>Publication of a local plan</b> (Regulations 19 and 20)	Consult on proposed submission document	<ul style="list-style-type: none"> <li>• Specific and general Consultees,</li> <li>• Those registered on the Council's database</li> <li>• Any other residents wishing to make representations, or other persons carrying out business in the area that the, Council consider appropriate.</li> </ul>	Letter, email, internet, press releases, touring exhibitions, questionnaires, forums or community networks or events, Planning for Real exercises, internal and joint working teams, deposit locations
<b>Submission of documents and information to the Secretary of State</b> (Regulation 22)	Submission of Local Plan and all associated documents in accordance with Regulation 22.	<ul style="list-style-type: none"> <li>• Specific and general Consultees</li> <li>• Those registered on the Council's database</li> <li>• Any other residents wishing to make representations, or other persons carrying out business in the area that the Council consider appropriate.</li> <li>• Those who have responded previously/asked to be notified of submission</li> </ul>	Letter, email, internet, deposit locations
<b>Independent examination</b> (Regulation 24)	Independent examination of plan by an appointed Inspector	<ul style="list-style-type: none"> <li>• All those who made representations</li> </ul>	Letter, email, internet, press releases, deposit locations.
<b>Adoption</b> (Regulation 26)	Adoption of the plan by the Local Planning Authority	<ul style="list-style-type: none"> <li>• All those involved in the process</li> </ul>	Letter, email, internet, press releases, deposit locations.
<b>Monitoring</b>	Cheltenham Borough Council	<ul style="list-style-type: none"> <li>• Specific consultees</li> <li>• Any other residents wishing to make representations, or other persons carrying out business in the area that the Council consider appropriate.</li> </ul>	Letter, email, internet, internal and joint working teams.

9.2 Wherever sustainability appraisal work is undertaken by the Council at the various stages, it will be included as part of the material that is subject to community involvement. For further details on the stages see <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

**10.0 INTERPRETING THE REGULATIONS: *Who the council will involve and how we will involve them in the production of Supplementary Planning Documents (SPDs).***

Please note that this table contains an overview of consultation methods available for each stage of the Local Plan preparation process. Not all methods will be used in each case, but those most suitable and appropriate given the scale and nature of the consultation will be employed.

10.1

**Table 2**

<b>Stage</b>	<b>Preparation</b>	<b>Who</b>	<b>How</b>
<b>Preparation stage</b>	Evidence gathering Preparing draft SPD	<ul style="list-style-type: none"> <li>Any relevant consultees, residents wishing to make representations or other persons carrying out business in the area that the Council consider appropriate.</li> </ul>	Letter, email, Internet, meetings
<b>Public participation stage</b> (Regulation 12)	Consult on draft SPD	<ul style="list-style-type: none"> <li>Specific and general Consultees</li> <li>Those registered on the Council's database</li> <li>Any other residents wishing to make representations or other persons carrying out business in the area that the Council consider appropriate</li> </ul>	Letter, email, internet, press releases, touring exhibitions, questionnaires, forums or community networks or events, Planning for Real exercises, Internal and joint working teams, deposit locations
<b>Adoption</b> (Regulation 14)	Adoption of the plan by the Local Planning Authority	<ul style="list-style-type: none"> <li>All those involved in the process</li> </ul>	Letter, email, internet, press releases, deposit locations
<b>Monitoring</b>		<ul style="list-style-type: none"> <li>Specific consultees</li> <li>Any other residents wishing to make representations or other persons carrying out business in the area that the Council consider appropriate.</li> </ul>	Letter, email, internet, internal and joint working teams.

## 11 DEVELOPMENT CONTROL: *Dealing with planning applications*

- 11.1 The Council is aware of the importance of consultation with the community and of the need to allow the widest possible dissemination of information about planning proposals. The Council is required to consult various organisations and bodies and is advised to consult others depending on the type of application as set out in the *The Town and Country Planning (Development Management Procedure) (England) Order 2010* for more information see <http://www.legislation.gov.uk/uksi/2010/2184/made>

### **Methods of consultation**

- 11.2 **Neighbour notification by letter:** the principal method. Neighbours bordering the site and across the road are targeted as a minimum, with more extensive consultation as appropriate to each case. Comments are required to be made within 21 days. The letter includes brief information about the proposal and gives guidance on the process for comment, including a list of considerations that are material to the planning process. The Council will take account of all the representations received to a planning application and assess the proposal in light of the comments received and other material considerations.
- 11.3 **Parish Councils:** each Parish Council receives a copy of every application within or affecting its area. There is a statutory 14 day period for comment but decisions are not made before the 21 days allowed for neighbour comment. Cheltenham Borough Council will draw up a local agreement with Parish Councils to move away from the 14 day period of consultation to 21 days to bring it in to line with other consultees.
- 11.4 **Site Notices:** these are a formal requirement for applications within conservation areas, major applications and listed building applications. They are also used to supplement letters. They are a highly visible indication of a planning proposal. Site notices are not used for all applications. The statutory requirements call for all applications to be consulted upon through the use of neighbour notification or a site notice. It is considered that neighbour notification is more useful as it directly consults those who are likely to be most affected by a planning proposal.
- 11.5 **Newspaper advertisements:** these are a statutory requirement for applications in conservation areas, major applications and listed building applications. Cost restricts the use of advertisements to the statutory requirement. The Gloucestershire Echo is supplied with a list of all applications and publishes details, although this is dependent on editorial considerations.
- 11.6 **Weekly list:** this details every application received in the preceding week and specifies whether a decision is expected to be made by Planning Committee or delegated to planning officers. The weekly list is emailed to Councillors, Parish Councils and any other addresses on request. It is also posted on the Council's web site, which provides a facility for anyone to generate their own weekly list using parameters such as outline applications, a specific agent, or a defined road.



- 11.7 **Residents' Associations:** arrangements are made with individual groups for applications to be sent as and when submitted in their area of interest.

**Availability of application documents**

- 11.8 Applications are available for inspection throughout office hours at the built environment reception desk in the Council offices on the Promenade. Copies of documents can be made for a small charge. A Customer Liaison Officer is available to help interpret applications.

11.9 *Libraries*

The Cheltenham Central Library receives a copy of all planning applications and relevant outlying libraries receive copies of applications.

11.10 *Website*

Software on the Council's website allows anyone with access to the internet at home or through local libraries to search planning application records. The Council is working towards 100% availability of documents via the website.

**Planning Applications**

- 11.11 Planning applications are either determined at planning committee by Council Members who sit on the committee or they are delegated to case officers and are determined without the need to be reported at planning committee. All planning applications are available for delegation. Triggers for a committee decision include:

- Applications submitted by Council Members,
- Applications submitted by Gloucestershire County Council,
- Applications submitted by Council staff working in the Built Environment Directorate,
- Requests from Members within 21 days of the consultation start date,
- Conflict with parish council opinion,
- Officer request to seek committee decision.

**Types of application**

***Significant applications***

- 11.12 These are defined as:

- Applications for 50 or more dwellings;
- Applications which are a departure from the Local Plan;
- Applications which propose more than 1,000 square metres of floor space;
- Buildings or structures which exceed 15m in height;
- Applications which are accompanied by an Environmental Statement;
- Other applications which the Council considers would have a significant impact on the environment or a residential area.

An Environmental Statement describes the likely significant effects of the development on the environment and proposed mitigation measures. In Cheltenham they are required for all projects likely to give rise to significant environmental effects.

Not all significant applications are determined by committee.

***Prior Approval Applications***

- 11.13 These proposals include some types of telecommunications mast and agricultural buildings. Prior approval means that the proposal is in principal permitted development. The Council can consider only the siting and design of the structure. There is a fixed 28 day timescale for agricultural buildings and a 56 day timescale for telecommunications masts. If no decision is made within this period, the application is approved.

Prior approval applications for telecommunication masts include all ground based masts that do not exceed 15m in height and which are outside the Area of Outstanding Natural Beauty and Conservation Areas. The Mobile Operators' Association has independently published its 10 Commitments, which include policy on consultation with local communities: [www.mobilemastinfo.com/index.html](http://www.mobilemastinfo.com/index.html)

***Tree Applications and Tree Preservation Orders (TPOs)***

- 11.14 Some trees are afforded special protection by Tree Preservation Orders because of the contribution they make to public amenity. Where trees are covered by TPOs, any works to them require statutory notification. When a tree preservation order is made, there is a statutory requirement to inform all land owners and interested parties and send them a copy of the order. All directly adjoining neighbours also receive a copy of the order. Nearby neighbours, relevant consultee groups and ward councillors receive a copy of the schedule and plan. There is a statutory 28 day consultation from the date of the service of the notice. All representations are considered by the members of the planning committee who make the decision as to whether or not the order is confirmed.

- 11.15 Tree applications are those which relate to works for the management and/or removal of trees for those trees which are protected by Tree preservation orders (TPOs). There is a distinction between conservation area notifications and tree preservation order applications. With all applications/notifications, the consultation period is 21 days and officers have delegated authority to determine all applications with the exception of:

- applications on Council owned land,
- notifications or applications from council employees,
- when a member specifically asks for an item to be referred to the Planning Committee within the consultation period.

The Council will consult the Cheltenham Tree Group and the Cheltenham Civic Society on any planning application which the Council's Senior Tree Officer is consulted on. This will include planning applications where it is identified that a TPO is present and any application where it is declared that trees are to be removed.

- 11.16 Whilst there is no statutory requirement to consult the wider community in respect of work to trees, the Council has adopted a policy to consult as widely as possible. The procedure closely follows that for planning applications and is often a mixture of neighbour/local interest group letters and site notices. Works to trees are not published in the local press. A weekly list is published and sent to the ward councillors, parish councils and local interest groups on request. In particular, at their request, Cheltenham Tree Group and Cheltenham Civic Society receive a copy of the weekly list. All recipients of the list are given 21 days to comment.
- 11.17 As with planning applications, both objectors and supporters can address the members of the Planning Committee. Following a decision (which may be delegated) letters will be sent to all neighbours/parish councils who made representations on the application/notification informing them of the outcome. A copy of the decision notice (in the case of a TPO application) or a letter informing of the outcome of a conservation area notification is sent to the applicant.
- 11.18 Notifications/applications for amendments to works to trees are very rarely received. No further consultations are carried out unless the amendment is for more drastic work, e.g. from an original scheme to prune a tree; to felling it. The tight time limit for conservation notifications does not allow for further consultation to take place.
- 11.19 An appeal can only be lodged against a refusal of consent for, or conditions attached to, works to trees covered by a tree preservation order (TPO). All previous consultees are informed. TPO appeals are dealt with in a similar fashion to a planning appeal. There is no right of appeal in respect of conservation area notifications. The appeals procedure is explained at paragraph 4.29.

#### ***Hedgerow Removal Applications***

- 11.20 As Cheltenham is an urban authority, Hedgerow Removal Applications notifications are rare. Applications under the Hedgerow Regulations 1997 will be determined within 6 weeks of receipt of a removal notice. Consultation letters will be sent out to all relevant statutory bodies in addition to the local ward members and Parish Council. All comments received will be taken into account in making a decision as to whether or not the removal should be granted.

#### **Consultations**

- 11.21 Applicants are encouraged to carry out their own consultation with the community, which might include public meetings, newsletters, questionnaires and exhibitions, before the application is submitted. This allows amendments to be incorporated into the final submission. Applicants should consider the benefits of wide consultation on schemes likely to impact on residents or the environment, regardless of whether the proposal falls below the thresholds listed above.
- 11.22 ***Public meetings:*** if a meeting is held, officers will attend as observers and to provide information when requested.

- 11.23 **Design advice:** the Civic Society and the Panel of Architects of Gloucestershire Architectural Association meet regularly to provide comment on a range of applications.
- 11.24 **Consultation on amendments:** at the discretion of the officers, amendments may be publicised, usually by letter or a site notice. It is customary to allow 14 days for comments although this period may be reduced, according to the application timetable. The Council is drawing up an amended plans procedure which will set out a standard approach in this matter.
- 11.25 **Internal consultation:** advice and comments may be sought from Parks and Landscape, Conservation, Car parks, Community Safety, Environmental Health, Housing, Property, Strategic Land Use, Tourism, Economic Development, Urban Regeneration, Urban Design, Trees, and from the Building Control Division.-

### **Public speaking at Planning Committee**

- 11.26 Planning Committee papers are available five working days before planning committee at the Council offices and on the internet. Objectors and supporters may address the Planning Committee for a period of up to 3 minutes. If more than one person wishes to speak, arrangements are made to consolidate the comments so that there is a maximum of two speakers, one for the proposal and one against. Council Members and Parish Councillors have a right to speak at Committee.

### **Determining planning applications**

- 11.27 The following text sets out the procedures adhered to following the decision made on any type of planning application. All responses received to a planning application are assessed as material considerations in the determination of the application. A summary of the comments received are included within the officer report for each planning application and when an application is determined by Planning Committee a copy of the letter is circulated to Members with the committee papers. Those people who have written comments on applications receive a letter after the committee meeting informing them of the decision and explaining how to see more details. Results are published in the Committee minutes and made available on the Council's website.

### **Enforcement**

- 11.28 Most enforcement cases arise following a referral from a member of the public. All referrals are treated confidentially. There is no consultation with the public on enforcement cases. Cases are often sensitive so the anonymity of the complainant is essential. Cases are often resolved by the submission of a planning application which is then publicised in the normal way.

## Appeals

- 11.29 Anyone who has submitted a planning application has a right of appeal against the decision to refuse an application, a condition attached to a permission or the non determination of a planning application. There is no third party right of appeal. The case is examined by an independent planning inspector from the [Planning Inspectorate](#). When an appeal is received the Council notifies all who wrote about the original application, with information about how to make their views known to the Inspector. Previous correspondence is forwarded to the Inspectorate and Ward Members are notified. When an appeal proceeds by way of a hearing or inquiry, the date and venue are publicised by site notice and newspaper advert.

## **12 RESOURCING AND REVIEWING THE STATEMENT OF COMMUNITY INVOLVEMENT**

### **Resource implications**

- 12.1 The majority of the work for Local Plan preparation will be undertaken by the Council's Planning Policy team, supported by other relevant divisions of the Council and key stakeholders. Consultation associated with major planning applications will be undertaken by the Built Environment Division of Cheltenham Borough Council.
- 12.2 Some pre application consultation may be undertaken by developers for larger applications before planning applications are submitted. This consultation is not within the Council's control and representations on these consultations should be sent to the relevant party, not the council, in the first instance.
- 12.3 A positive relationship with stakeholders and the community will help to overcome any implications derived from these limitations, and the Council is committed to maximising those resources available to it. Consultation opportunities will be maximised through the use of the Council's established relationships with Cheltenham Partnership, business, health and education sector networks.

### **Reviewing the SCI**

- 12.4 The Council will monitor the effectiveness of the consultation undertaken on Local Plans and Supplementary Planning documents to assess whether a balanced representation of the community has been involved in the process. The SCI will be reviewed if it considered that the consultation methods are insufficient or new practices are implemented. The effectiveness of the SCI will be assessed through the work of the Annual Monitoring Report. The SCI itself will be reviewed as appropriate, and updated as and when required, for example to reflect any new legislation.
- 12.5 The Council will consider any representations made to this document and make any necessary amendments.

**Appendix 1 Summary of terms**

A guide to the terminology used in this document

<b>Adopted Policies Map</b>	A map of the Local Planning Authority area which illustrates on an Ordnance Survey base map all the policies and proposals contained in the relevant local development document.
<b>Authorities Monitoring Report (AMR)</b>	A report on how the Council is performing in terms of the local plans for supplementary planning documents as specified in the Local Development Scheme. It includes a review of the Local Development Scheme's timetable and monitors the success, or otherwise of the local development document policies.
<b>Joint Core Strategy (JCS)</b>	Sets out the long term vision for the district and provides the strategic policies and proposals to deliver that vision.
<b>Local Development Document (LDD)</b>	Any document prepared by a local planning authority, which deals with one or more of: <ul style="list-style-type: none"><li>• the development and use of land</li><li>• the allocation of sites for a particular type of development or use;</li><li>• any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land</li><li>• development management and site allocation policies, which are intended to guide the determination of applications for planning permission;</li></ul>
<b>Local Development Scheme (LDS)</b>	A three year plan which shows the local development documents to be produced and the timetable for their production.
<b>Local Plan</b>	Any document which can be considered as a Local Development Document (above)
<b>Cheltenham Partnership (formerly the Local Strategic Partnership, LSP)</b>	The Cheltenham Partnership is a non-statutory, non-executive organisation which operates at a level enabling strategic decisions to be taken and is close enough to individual neighbourhoods to allow actions to be determined at community level.

<b>Material considerations</b>	Material considerations are factors which are important to the decision taking process. Legally, section 54A of the Town and Country Planning Act 1990 sets out that the local planning authority must determine planning applications in accordance with the local plan unless other material considerations indicate otherwise. Material considerations include issues such as the siting of buildings, mass and design, availability of infrastructure and traffic considerations and other relevant documents.
<b>Planning Inspectorate (PINS)</b>	The government agency responsible for scheduling independent examinations. The planning inspectors who sit on independent examinations are employed by PINs.
<b>Soundness Test</b>	To be sound a local development document should be: <ul style="list-style-type: none"><li>• positively prepared</li><li>• justified</li><li>• effective</li><li>• consistent with national policy</li></ul>
<b>Statement of Community Involvement (SCI)</b>	A document which sets out how the Council will consult and involve the public at every stage in the production of the local development documents. It also applies to major development control applications.
<b>Statement of Compliance</b>	This will set out in detail exactly how the authority has met its community involvement requirements for any particular local plan as set out in the Statement of Community Involvement.
<b>Strategic Environmental Assessment (SEA)</b>	An appraisal of the impacts of policies and proposals on economic, social and environmental issues, required by European legislation.
<b>Supplementary Planning Document (SPD)</b>	Provides additional advice and information relating to a specific policy or proposal in a local development document.



**Sustainability Appraisal  
(SA)**

These are required under national legislation for emerging policy and include consideration of social & economic impacts as well as impacts on the environment. This incorporates Strategic Environmental Assessments into the definition.

Diagram 1: Showing Cheltenham's Local Plan and supporting documents

## Cheltenham's Local Plan and supporting documents



## Appendix 2 Consultees

The following contains a list of consultees as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and shows Cheltenham specific groups as currently held on our database. This list focuses on relevant consultees to Cheltenham and community and local-based groups and organisations but should not be considered as exhaustive. The list will be subject to revision as and when it is necessary to keep it up to date and relevant. The Planning Policy team within the Council maintain a database of contact details for all other interested individuals and organisations who will be consulted where relevant.

Contact the Planning Policy team if you would like to be added or removed from the database.

### Specific consultation bodies (where relevant to Cheltenham Borough):

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England
- Network Rail Infrastructure Limited (company number 2904587)
- the Highways Agency,
- a relevant authority any part of whose area is in or adjoins the local planning authority's area,
- any person—
  - to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
  - who owns or controls electronic communications apparatus situated in any part of the local planning authority's area,
- if it exercises functions in any part of the local planning authority's area—
  - a Primary Care Trust established under section 18 of the National Health Service Act 2006(9) or continued in existence by virtue of that section;
  - a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
  - a person to whom a licence has been granted under section 7(2) of the Gas Act 1986
  - a sewerage undertaker
  - a water undertaker
- The Homes and Communities Agency

For Cheltenham Borough this includes the following:

- Badgeworth Parish Council
- Bishops Cleeve Parish Council
- Boddington Parish Council
- British Telecommunications Plc
- Charlton Kings Parish Council
- Coberley Parish Council
- Commission for Rural Communities
- Cotswold District Council
- Dowdeswell Parish Council
- Relevant Electricity and Gas Companies
- The Environment Agency
- Forest of Dean District Council
- Gloucestershire County Council
- Herefordshire Council
- Highways Agency
- Historic Buildings and Monuments Commission for England (English Heritage)
- Leckhampton with Warden Hill Parish Council
- Monmouthshire County Council
- Natural England
- NHS South West
- Oxfordshire County Council
- Prestbury Parish Council

- Severn Trent Water
- Sevenhampton Parish Council
- Shurdington Parish Council
- Southam Parish Council
- South Gloucestershire Council
- Staverton Parish Council
- Stoke Orchard Parish Council
- Strategic Rail Authority
- Stroud District Council
- Swindon Borough Council
- Swindon Village Parish Council
- Relevant Telecommunications Companies
- Tewkesbury Borough Council
- Uckington Parish Council
- Up Hatherley Parish Council
- Warwickshire County Council
- Whittington Parish Council
- Wiltshire County Council
- Worcestershire County Council

**General Consultation bodies:**

- voluntary bodies some or all of whose activities benefit any part of the local planning authority's area,
- bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area,
- bodies which represent the interests of different religious groups in the local planning authority's area,
- bodies which represent the interests of disabled persons in the local planning authority's area,
- bodies which represent the interests of persons carrying on business in the local planning authority's area;

For Cheltenham Borough this includes the following:

- B & Q Plc
- Canal and River Trust (Formerly British Waterways)
- Cheltenham Business Partnership
- Cheltenham Chamber of Commerce (Planning & Transport Committee)
- Cheltenham Civic Society
- Cheltenham Cycle Campaign
- Cheltenham Borough Council Disability Group
- Cheltenham Disability Forum
- Cheltenham Hospitality Association
- Cheltenham in Bloom
- Cheltenham Strategic Partnership
- Cheltenham Centre for Change
- Cheltenham Tree Group
- Commission for Architecture and the Built Environment
- Corporate Property Services Gloucestershire County Council
- Cotswolds Conservation Board
- Cottesloe Property Co Limited
- Council for the Protection of Rural England (CPRE)
- Dialogue
- Disability Forum
- Diocese of Gloucester
- Federation of Small Businesses

- Federation of tenants and leaseholders
- Friends of Leckhampton Hill and Charlton Kings Common (FOLK)
- Freight Transport Association
- Friends of Montpellier Bandstand and Gardens
- Cheltenham Friends of the Earth
- Gay Cheltenham
- George Bence & Sons
- Gloucester City Council
- Gloucestershire Association for Community and Voluntary Action (GAVCA)
- Gloucestershire Chamber of Commerce and Industry
- Gloucestershire Constabulary
- Gloucestershire County Council (Integrated Transport Unit)
- Gloucestershire Fire & Rescue Service
- Gloucestershire First
- Gloucestershire Geoconservation Trust
- Gloucestershire Hospitals NHS Foundation Trust
- Gloucestershire Wildlife Trust
- Government Communication HQ
- Help the aged
- Home Builders Federation
- Living Streets
- Keyway (Gloucester) United
- Mobile Operators Association
- National Playing Fields Association
- Network Rail
- NHS Estates South
- Pensioner's Forum
- Planning Aid
- Ramblers Association
- Regen South West
- Road Haulage Association
- Royal Mail
- RSPB
- Salmon Harvester Properties Ltd. & Interbrew UK Ltd.
- SecondSite Property Holdings Ltd.
- Signcraft (Cheltenham) LTD
- South West RSL Planning Consortium
- Sport England South West
- Stagecoach West
- Swindon Village Society
- The Governors of St Benedicts Catholic College
- Tidy Cheltenham Group
- Tourism South West
- UCAS
- University of Gloucestershire
- Woodland Trust
- Zurich Financial Services

**Duty to Co-operate** consultees (where relevant to Cheltenham Borough):

- the Environment Agency;
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England;
- the Homes and Communities Agency;
- each Primary Care Trust established under section 18 of the National Health Service Act 2006(2) or continued in existence by virtue of that section;
- the Office of Rail Regulation

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- each highway authority within the meaning of section 1 of the Highways Act 1980(6) (including the Secretary of State, where the Secretary of State is the highways authority); and
- local enterprise partnership.

An updated free standing list of consultees will be produced as necessary. Please note, these lists also relate to successor bodies where re-organisations occur. From time to time consultation lists will be reviewed and updated, this does not however require a review or update to the SCI.

**Appendix 3**

**Documents will be deposited for the purposes of public consultation at the following locations**

- Charlton Kings Library
- Cheltenham Main Library
- Hesters Way Library
- Prestbury Library
- Up Hatherley Library
- Bishop's Cleeve Library
- Hesters Way Neighbourhood Project
- Health Resource Centre
- Lower High Street Resource Centre

Copies of the SCI are available for inspection free of charge on the Cheltenham Borough Council website [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk) and at:

**Gloucestershire  
County Council**  
Environment  
Department Reception  
Shire Hall  
Gloucester GL1 2TH  
Monday to Friday  
8.30am to 5.00pm

**Cotswold District  
Council**  
Development and  
Heritage Dept.  
Reception  
Trinity Road  
Cirencester  
GL7 1PX  
Monday to Friday  
9.00am to 5.00pm

**Cheltenham Borough  
Council**  
Environmental Services  
Reception  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP  
Monday, Tuesday,  
Thursday, Friday  
9.00am to 5.00pm  
9:30am - 5:00pm on  
Wednesday

**Forest of Dean District  
Council**  
Main Reception  
Council Offices  
High Street  
Coleford  
GL16 8HG  
Monday to Friday 8.30am  
to 5.00pm

**Gloucester City  
Council**  
Reception  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ  
Monday to Thursday  
8.45am to 5.00pm &  
Friday 8:45am to  
4:30pm

**Stroud District Council**  
Planning Reception  
Ebley Mill  
Stroud  
GL5 4UB  
Monday to Thursday  
8.45am to 5.00pm &  
Friday 8.45am to  
4.30pm

**Tewkesbury Borough  
Council**  
Development Services  
Reception  
Council Offices  
Gloucester Road  
Tewkesbury  
GL20 5TT  
Monday to Thursday  
8.30am to 5.00pm &  
Friday 8.30am to 4.00pm

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**Cheltenham Borough Council**

**Cabinet – 18 June 2013**

**Community Infrastructure Levy**

<b>Accountable member</b>	<b>Councillor Steve Jordan, Leader</b>
<b>Accountable officer</b>	<b>Tracey Crews – Head of Planning</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The purpose of the Community Infrastructure Levy (CIL) is <i>“to ensure that costs incurred in providing infrastructure to support the development of an area can be funded (wholly or partly) by owners or developers of land”</i> (Section 205, Planning Act 2008). CIL enables the local planning authority to charge a tariff on most new development. This goes into a locally-held fund it administers and uses to pay for infrastructure which is needed as a result of permitting development in its area.</p> <p>The principal expression of CIL is via a statutory Charging Schedule that is subject to formal public consultation and examination. The Charging Schedule sets out the amount to be levied from various types of development together with a list of infrastructure schemes that may require CIL funding.</p> <p>This report seeks authorisation in principle for officers to begin preparation of a draft CIL Charging Schedule for Cheltenham and to continue to work collaboratively with all Gloucestershire districts to consider solutions for the delivery of strategic infrastructure priorities.</p>
<b>Recommendations</b>	<p><b>That Cabinet authorises in principle the preparation of a draft CIL Charging Schedule for Cheltenham to be produced having regard to the provisional timetable set out in the report; and</b></p> <p><b>That Cabinet agree in principle to investigating options for the delivery of strategic priorities which have implications beyond the administrative boundaries of Cheltenham Borough.</b></p>
<b>Financial implications</b>	<p>CIL is a statutory process subject to formal consultation and public examination. The cost of this process is estimated by CLG to be around £100,000 initially and around £75,000 annually thereafter (see report). However, there is provision in the CIL regulations for recovery of administrative costs arising from preparation of the Charging Schedule. This provision, moreover, allows for the recovery of the costs of ongoing operation, monitoring, maintenance, and review. Whilst initial financial investment clearly is required, it appears that Government intends CIL to be largely self-funding once it is operational.</p> <p><b>Contact officer: Paul Jones – Head of Finance, paul.jones@cheltenham.gov.uk, 01242 775154</b></p>

<p><b>Legal implications</b></p>	<p>The statutory process is outlined at paragraph 2.1 of the report.</p> <p>Once a charging schedule takes effect planning obligations may not constitute a reason for granting planning permission for development to the extent that the obligation provides for funding or the provision of “relevant infrastructure”. If the Council has published a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL “relevant infrastructure” will be those projects or types of infrastructure. Otherwise, it will be any infrastructure.</p> <p>“Infrastructure” is defined as including (a) roads and other transport facilities, (b) flood defences, (c) schools and other educational facilities, (d) medical facilities, (e) sporting and recreational facilities, and (f) open spaces.</p> <p>Further, once a charging schedule takes effect or as of 6 April 2014 (or 6 April 2015 should proposed reforms be implemented), which ever is the earlier, a planning obligation may not constitute a reason for granting planning permission to the extent that it provides for the funding of an infrastructure project or type of infrastructure, if five or more planning obligations have been entered into on or after 6 April 2010 that provide for the funding or provision of that project or type of infrastructure. It should be noted that this provision is not by reference to “infrastructure” and not to “relevant infrastructure.”</p> <p><b>Contact officer: Cheryl Lester - Solicitor</b>  <b>cheryl.lester@teWKesbury.gov.uk, 01684 272013</b></p>
<p><b>HR implications (including learning and organisational development)</b></p>	<p>There are no HR implications arising.</p> <p><b>Contact officer: Sarah Flury, sarah.flurry@cheltenham.gov.uk, 01242 265215</b></p>
<p><b>Key risks</b></p>	<p>April 2014 cut-off for pooling s.106 contributions from more than five developments. May have impact, for example, on being able to provide strategic infrastructure arising out of JCS proposals. The Government is currently reconsidering this date which may be extended to April 2015.</p> <p>If CIL not pursued, Council may lose a significant amount of revenue from development slipping through the s.106 net that would be caught by CIL. Perhaps not a risk as such, but certainly a missed opportunity and one that will have an impact on delivery of infrastructure that could enhance Cheltenham’s “offer” in general terms.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>Development of a clear framework to manage and coordinate the community infrastructure levy will enable the council to deliver several outcomes; most notably “Cheltenham is able to balance new development with enhancing and protecting the natural and built environment”, “Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change”, “People are able to lead healthy lifestyles” and “Our residents enjoy a strong sense of community and are involved in resolving local issues.” For example, in terms of the latter outcome, neighbourhoods would be able to allocate some of the levy through their local parish council (point 5.3 below).</p>

<b>Environmental and climate change implications</b>	Poor-quality infrastructure – owing to underfunding or resource constraints - will not assist in mitigating the effects of climate change and may exacerbate existing problems. For example, underprovision of transport infrastructure may increase congestion and exhaust emissions.
<b>Property/Asset Implications</b>	N/A

## 1. Introduction

- 1.1 Introduced in 2010 and subject to ongoing legislative evolution<sup>1</sup>, the Community Infrastructure Levy (CIL) is effectively a local tariff on development “*to ensure that costs incurred in providing infrastructure to support the development of an area can be funded (wholly or partly) by owners or developers of land*” (Section 205, Planning Act 2008). Where it is in force it relates to new buildings and extensions to buildings which have at least 100 square metres of gross internal floor space. In this way money is raised from development to help the Council pay for strategic and local infrastructure such as highways improvements, schools, leisure and other community facilities.
- 1.2 Funding derived from CIL is administered by the local planning authority and used to deliver infrastructure identified as needed to deliver development plan policies. For Cheltenham this would be via the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Cheltenham Plan. This may include;
- Provision of new infrastructure (roads, transport, flood defences, schools, medical facilities, sporting and recreational facilities and open space)
  - Improvements to existing infrastructure if deficiencies will be made worse by the new development; or
  - Increase in capacity of or repair/maintain existing infrastructure needed to support the new development
- 1.3 The Council currently collects contributions from developments or requires developers to enter into planning obligations via s.106 Agreements. This secures, via often protracted negotiation, funding for specific items that enable the development to be implemented and the necessary infrastructure provided.
- 1.4 Unlike Section 106, once it is in force CIL is non-negotiable, so applying and collecting it is largely an administrative process. The charge is calculated at the time the planning permission is granted and becomes due when development commences. Also in contrast with Section 106, very many more developments are potentially required to contribute than currently are subject to obligations.
- 1.5 The main focus of CIL is its Charging Schedule. This sets out the tariff rate and lists infrastructure items that may be funded from revenue collected. The Charging Schedule is discussed in more detail below.
- 1.6 CIL revenue from a particular scheme can be spent by the Council on any community infrastructure required to support growth – it is not tied to a particular project, even where not

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<sup>1</sup> *The Community Infrastructure Levy (Amendment) Regulations 2013* came into force on 25 April 2013 and the Government is currently considering making further reforms

listed in the Charging Schedule provided the item is not also subject to s.106 (which would amount to double counting). However, it should be noted that CIL does not relate to the provision of affordable housing. That still needs to be secured via s.106 as does provision of on-site infrastructure - for example, the provision of public open space within a site.

- 1.7 The Council can “top-slice” up to 5% of CIL receipts to pay for administrative costs including the development and adoption of the Charging Schedule and its ongoing running and maintenance.
- 1.8 Finally, whilst CIL is discretionary, the restriction from April 2014 on pooling of s.106 contributions from more than five developments makes it compelling particularly in respect of provision of strategic-level infrastructure. On 15 April 2013 the Government published a consultation document on further reforms to CIL. These potential reforms include allowing councils that have not adopted the levy to continue to pool contributions from different planning obligations for an extra year – April 2015.
- 1.9 As noted above, the potential for CIL to yield exponentially greater revenue than s.106 is self-evident. And it may also emerge where an authority approaches government for funding of an infrastructure item but is *not* operating CIL it may struggle to make a persuasive case.

## 2. Developing the CIL Charging Schedule – process and procedure

- 2.1 CIL is a statutory process. Preparation of the Charging Schedule must follow Regulations and statutory guidance. The basic steps are:
  - *Preparation of and public consultation on a Preliminary Draft Charging Schedule;*
    - based on appropriate available evidence of infrastructure requirements and viability assessment;
    - statutory consultees, stakeholders and the public consulted
    - no time-period stipulated in Regulations but guidance is at least six weeks required
  - *Preparation of and publication of Draft Charging Schedule:*
    - minimum of four weeks (may be changed to 6 weeks under further reforms) for representations to be made following publication
    - respondents must be heard at the Examination if they so wish
  - *Statement of modifications prior to Examination;*
    - although there is statutory provision, modification of draft Charging Schedule between publication and Examination is discouraged in statutory guidance,
    - should not be used to make significant changes
    - where modifications made, public allowed at least four weeks to make representations starting from the date the Schedule is submitted to the Examiner
  - *Examination in Public;*
    - examiner focuses on compliance with statutory procedures; that the Charging Schedule is supported by appropriate evidence; that proposed rates are consistent with and informed by the viability assessment; evidence shows that the proposed rate would not put at serious risk the overall development of the area
    - examiner must recommend either approval, modification or rejection of the Charging Schedule culminates in Examiner’s Report
  - *Approval by full Council.*
    - The Council may not approve a charging schedule if the examiner recommends rejection
    - If the examiner recommends modification to remedy non-compliance the Council may only approve if it does so with modifications that are sufficient and necessary to remedy non-compliance (whether these are the modifications recommended by the examiner or not)
    - No other modification, save any additional ones recommended by the examiner may be made should the draft be approved

- 2.2 CIL regulations require authorities to set rates, which strike “*an appropriate balance*” between the desirability of funding CIL infrastructure and the potential effects on “*economic viability of development across its area*”. Robust evidence is required at examination to show how economic viability has been assessed. Rates should not be set so high as to put development at risk.
- 2.3 In addition to viability assessment, a key requirement is that the Charging Schedule rests upon a sound and appropriate available evidence base. In most cases this will be an Infrastructure Delivery Plan (or its equivalent) accompanying an up-to-date development plan. The IDP will set out matters including what infrastructure is needed to deliver the plan, the timescale for delivery, where it is needed, who will provide it and how much it will cost. Consultants ARUP are currently commissioned on behalf of all Gloucestershire districts to deliver this evidence base.

**3. Costs of developing a CIL Charging Schedule**

3.1 While bearing in mind the ability to recover administrative expenses, an impact assessment relating to the preparation of CIL carried out by the Department of Communities and Local Government indicates that principal costs are:

- Viability Assessment – between £25,000 and £70,000;
- Consultation – between £10,000 and £20,000;
- Examination – between £30,000 and £40,000; and
- Printing – between £500 and £1,500.

Clearly this does not take account of officer time or the use of consultants (other than in respect of viability assessment) if deemed necessary. It also does not take into account the possibility of cost savings by, for example, joint Examination of two or more Charging Schedules.

The following table is extracted from the CLG assessment:

<b>Community Infrastructure Levy charging scenario</b>	<b>Year 1 – outside London</b>	<b>Year 2 onwards - outside London</b>
Set-up costs	£91,000	n/a
On-going costs	£16,700	£75,700
<b>Total</b>	<b>£107,700</b>	<b>£75,700</b>

Source: CLG January 2011

**4. The Cheltenham CIL Charging Schedule – provisional timetable**

4.1 As detailed above, the Charging Schedule must be based upon evidence. Inevitably therefore, it is neither sensible nor feasible to take preparation forward in advance of that evidence becoming available. It follows therefore that progress of the Charging Schedule through its public consultation and examination phases must be more or less conjoined with the very similar process governing preparation of the development plan. The current JCS timetable is as follows:

Preferred Option Plan agreed	August 2013
Preferred Option Plan Consultation	September – November 2013 (6 weeks)
Pre-Submission Plan consultation	Spring 2014
Submission for Examination	Autumn 2014

Taking this as the lead, and bearing in mind the need for the evidence base to be stable (i.e. arguably therefore not before the development plan has reached submission stage), the Cheltenham CIL Charging Schedule timetable would theoretically be:

Preparation of Preliminary Draft Charging Schedule	Winter 2013/14
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Preliminary Draft Charging Schedule consultation	Spring 2014
Draft Charging Schedule consultation	Summer 2014
Submission for Examination	Autumn 2014

## 5. CIL in Gloucestershire

- 5.1 There is no statutory provision for joint preparation or joint adoption of a single Charging Schedule. Consequently each Charging Authority must act independently (although note the statutory facility to hold joint Examinations). Whilst all the Gloucestershire charging authorities are working together to develop a common methodology, none of them has as yet begun preparation of a CIL Charging Schedule. At time of writing it is understood that only Tewkesbury Borough Council and Cotswold District Council formally have undertaken to begin that process.
- 5.2 There are several advantages to developing a common CIL methodology for Gloucestershire:
- there is strength in having a consistent approach in the county;
  - the need to demonstrate at Examination that development plans are sound in terms of their ability to deliver strategic development;
  - the Duty to Co-operate; and
  - the need, on the basis that the county council is not a Charging Authority, to take into account the funding of strategic-level infrastructure for the good planning of the county.
- 5.3 In looking for a CIL methodology that would satisfy these requirements, an officer working group was set up some time ago reporting to the County Strategic Planning Issues Group. The working group developed an approach that is being described as a “layer cake” methodology. In basic terms this means that each Charging Schedule would comprise three “layers” – neighbourhood, local and strategic.
- 5.4 The neighbourhood level is relatively straightforward. Charging Authorities will soon be required under amended Regulations to pass 15% (capped) of revenue to Parish and Town Councils where CIL is operating and 25% where CIL is operating *and* a Neighbourhood Plan is in place. There naturally are other criteria relating to the implementation and administration of this that need not be dwelt upon here<sup>2</sup>.
- 5.5 The local level is straightforward too in the sense that it would be the “default” position - taking what remained from allocations at the levels above and below it.
- 5.6 However, whilst there is consensus that there needs to be provision at strategic level the method by which this can be achieved is yet to be agreed and discussion is ongoing. On 20<sup>th</sup> March 2013 the County Strategic Planning Issues Group met to further consider a more strategic approach to CIL. The following recommendations were agreed to be presented to Leadership Gloucestershire:
- There was a high degree of urgency for starting work on a model for CIL given the risks of not having a CIL in place after April 2014 and the lead times.
  - It would be sensible to ensure an integrated approach between the infrastructure delivery plan work and the work on building up a CIL.
  - It was agreed that there was a benefit in having a common contractor for CIL development work across Gloucestershire possibly costing around £80,000 but

<sup>2</sup> see for instance paragraphs 6 and 9 of Explanatory Note accompanying *The Community Infrastructure Levy (Amendment) Regulations 2013* <http://www.legislation.gov.uk/ukdsi/2013/9780111534465/contents>

recognising that the cost will depend on how much councils were prepared to do themselves rather than relying on the contractor.

- It was felt that there would be a benefit in a commonly agreed structure for CIL across Gloucestershire with district specific content and charging schedules.
- A proposal would be put to Leadership Gloucestershire that a common approach to CIL is taken and that the County Planning Officers Group works up a specification for engaging consultants, a timetable for the CIL work and a proposal for splitting the fee.
- Finally that consideration should be given at the appropriate time to the layer cake approach to CIL i.e. addressing strategic, local and neighbourhood requirements where funding can be pooled for shared priorities across Gloucestershire and/or individual local authorities.

5.7 Subsequently, Leadership Gloucestershire met and agreed the following:

- (1) County Strategic Planning Issues Group be asked to prepare a presentation for Leadership Gloucestershire in June on the strategic principles/options.
- (2) County Strategic Planning Issues Group also be asked to advise on a timetable to develop a common approach to CIL.

5.8 As set out in paragraph 2.3 above, in determining CIL, evidence will be drawn from the emerging Infrastructure Delivery Plan (IDP) currently being prepared by ARUP. This will pull together all requirements for infrastructure provision, including strategic infrastructure. The process is therefore in place to identify the genuinely strategic nature of significant elements of infrastructure, however what is not in place is the apportionment of the costs arising.

5.9 There is still much more work to do in considering the practical application of the ‘layer cake’ methodology and the practicalities of dealing with the strategic layer in respect of identifying strategic priorities which relate to two or more districts and proportionality of contributions across the County. However, in informing the recommendation by the County Strategic Planning Issues Group to Leadership Gloucestershire, Cabinet is asked to agree to the principle of working collaboratively and providing officer support to help find an appropriate solution to the delivery of strategic infrastructure.

## 6. CIL nationally

6.1 At time of writing the position is:

	Number of Local Authorities
Local Authorities already charging CIL	12
CIL plans at examination stage	18
Draft charging schedule published for consultation	12
Preliminary draft charging schedule published for consultation	80+

*Source: Planning Resource April 2013*

## 7. Reasons for recommendations

7.1 Officers consider that the case for preparing a CIL Charging Schedule is persuasive. Whilst it may take some time to deliver a Charging Schedule for the reasons set out in the report, officers consider it is important that the Council signals its intent and commits now to the process. That will allow this major piece of work to be properly programmed alongside other workstreams.

**8. Alternative options considered**

8.1 Operation of CIL is discretionary. One option is simply not to pursue it. However, for the reasons set out above officers advise that this risks failure to provide sufficient infrastructure to ensure the impact of development on existing facilities is minimised. It also would mean that a potentially significant amount of money available as a result of new development is not being captured.

**9. Consultation and feedback**

9.1 Strategic Leadership Team and Planning Liaison Scrutiny Task Group have considered and commented upon this report. The draft report also has been circulated to partner JCS authorities and the County Planning Officers Group. Recommendations from this report will be reported to County Strategic Planning Issues Group and Leadership Gloucestershire.

**10. Performance management –monitoring and review**

10.1 CIL will be required to be closely monitored and the Charging Schedule kept up to date.

<b>Report author</b>	<b>Contact officer: David Halkyard – Senior Planning Officer, david.halkyard@cheltenham.gov.uk, 01242 774988</b>
<b>Appendices</b>	<p>1. Risk Assessment</p> <p>2. Some advantages &amp; disadvantages of CIL</p>
<b>Background information</b>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachmentdata/file/36743/Community_Infrastructure_Levy_guidance_Final.pdf">https://www.gov.uk/government/uploads/system/uploads/attachmentdata/file/36743/Community Infrastructure Levy guidance Final.pdf</a></p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachmentdata/file/6037/1829714.pdf">https://www.gov.uk/government/uploads/system/uploads/attachmentdata/file/6037/1829714.pdf</a></p> <p><a href="http://www.parliament.uk/briefing-papers/SN03890">http://www.parliament.uk/briefing-papers/SN03890</a></p>



CIL would constitute a new commitment for the council and, as such, there is no extant corporate risk assessment.

The report above together with Appendix 2 below does touch upon some risks that may be associated with CIL. It may be suggested at this stage that these are largely:

- Financial – in the sense, for example, that preparation of CIL does involve some initial outlay (although recoverable) but that not adopting CIL may also carry the risk of significant amounts of revenue not being captured; and relatedly
- Environmental – in the sense, for example, that not expecting all qualifying<sup>3</sup> developers to pay for mitigation of the infrastructural impacts of their schemes may exacerbate environmental degradation specifically and/or generally.

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<sup>3</sup> i.e. those developments that would be “caught” by CIL

Advantages	Disadvantages
<p>CIL requires contributions from <u>all</u> development which is not exempt or over a certain size threshold. Whilst no figures are readily available, it can be assumed that many developments that metaphorically would be caught in the CIL net are currently getting through the wider s.106 mesh. The reasons for this may be complex and vary from case to case</p>	<p>CIL is statutory process that culminates in public examination of the Charging Schedule prior to adoption. It is subject to similar tests of evidence and soundness. If it is envisaged along similar lines to producing a development plan document, this means that CIL may be:</p> <ul style="list-style-type: none"> <li>• expensive to produce;</li> <li>• lengthy from inception to adoption – it includes formal public consultation, for example; and</li> <li>• vulnerable to change or derailment during the preparation/adoption process.</li> </ul> <p>However, bear in mind top-slicing to recover development costs</p>
<p>CIL is a more equitable way of ensuring that all qualifying development contributes to mitigation of cumulative impact on existing infrastructure</p>	
<p>CIL is likely to yield considerably greater revenue from contributions than s.106.</p>	
<p>It is possible to stipulate what infrastructure items are to be included in the CIL Charging Schedule – for example, cross-boundary “big ticket” items such as major road schemes or education facilities may be prime candidates – it does not necessarily have to deal with everything.</p>	<p>CIL rests upon a dynamic set of development and economic circumstances. It is not a “once and for all” exercise. It will be critical that it is kept up to date. This means that the evidence base it rests upon will need to be regularly reviewed to ensure that the calculations underpinning the charging schedule and tariff remain legitimate. It may be necessary to undertake formal periodic reviews. Failure to do so may undermine the credibility of the CIL and render it vulnerable to challenge. The danger here is that a discredited CIL will potentially fail universally or over an entire area rather than simply in one isolated case – as in a single s.106 agreement for instance. The implications of that are self-evident.</p>
<p>CIL is not “tied” to a particular development and is not subject to the restrictions in that regard applying to s.106. The tariff is pooled and can be used to fund infrastructure provision anywhere within the relevant area</p>	
<p>CIL can be used retrospectively to reimburse costs already incurred through funding infrastructure that has been delivered to “unlock” development.</p>	
<p>Whilst there is a degree of flexibility, a CIL tariff, once set, is less vulnerable to hard negotiation in the development process because it has passed through formal Examination and adoption.</p>	

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## Cheltenham Borough Council

**Cabinet – 18 June 2013**

### Food Safety Service Plan

<b>Accountable member</b>	<b>Councillor Peter Jeffries, Cabinet Deputy Housing and Community Safety</b>
<b>Accountable officer</b>	<b>Sarah Clark, Public &amp; Environmental Health Team Leader</b>
<b>Accountable scrutiny committee</b>	<b>Overview and Scrutiny</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The Food Standards Act 1999 requires the Council to produce a Food Safety Service Plan</p> <p>The Food Safety Service Plan is the Council’s expression of commitment to the delivery of an improving cost effective and efficient regulatory food service.</p> <p>This Food Safety Service Plan is an annual operational plan giving details of how Cheltenham is going to execute its statutory food safety functions within the Public Protection service under Grahame Lewis as Executive Director.</p>
<b>Recommendations</b>	<b>I therefore recommend that Cabinet approve the attached service plan for 2013-14.</b>

<b>Financial implications</b>	<p>There are no financial implications arising from this report. The Food Safety Service plan will be met within the financial resources detailed in the plan.</p> <p><b>Contact officer: Sarah Didcote</b>  <b>sarah.didcote@cheltenham.gov.uk, 01242 264124</b></p>
<b>Legal implications</b>	<p>It is a statutory requirement to produce this plan on an annual basis.</p> <p><b>Contact officer: Sarah Farooqi</b>  <b>sarah.farooqi@tewkesbury.gov.uk, 01684 272693</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications arising from this report.</p> <p><b>Contact officer: Donna Sheffield</b>  <b>donna.sheffield@cheltenham.gov.uk, 01242 774972</b></p>
<b>Property/Asset Implications</b>	<p>None</p> <p><b>Contact officer: David Roberts@cheltenham.gov.uk</b></p>

<p><b>Key risks</b></p>	<p>The capacity issues experienced in recent years have recently been addressed with all food safety posts occupied since the end of April 2013.</p> <p>Reactive services will given their inherent nature always contain the potential for an element of risk. An unplanned event (e.g. a food poisoning outbreak) will require the diversion of resources away from scheduled plans. However, this is and will remain the essence of the service we deliver and will be tolerated and monitored throughout the plan with priority given to the appropriate control of high risk issues.</p>
<p><b>Corporate and community plan implications</b></p>	<p>The Food Safety Service Plan supports the council's community objectives:</p> <ul style="list-style-type: none"> <li>• Enhancing and protecting our environment;</li> <li>• Strengthening our economy; and</li> <li>• Strengthening our communities.</li> </ul> <p>Our food safety service contributes to all of these in the overall improvement in the wellbeing of those who live, visit and work in Cheltenham.</p>
<p><b>Environmental and climate change implications</b></p>	<p>None.</p>

## 1. Background

- 1.1 The White Paper "The Food Standards Agency – A Force for Change" identified the Food Standards Agency as having a key role overseeing local authority enforcement activities. This plan is required by the Food Standards Agency (FSA) as part of their monitoring and auditing systems.
- 1.2 Service plans are seen to be an important part of the process to ensure national priorities and standards are addressed and delivered locally. Service plans also:
- focus debate on key delivery issues;
  - provide an essential link with financial planning;
  - set objectives for the future, and identify major issues that cross service boundaries; and
  - provide a means of managing performance and making performance comparisons.
- 3.3 The plan follows a standard format provided by the FSA and is required to be submitted to Members for approval

## 2. Reasons for recommendations

- 2.1 It is a statutory requirement to produce a Food Safety Service Plan.

## 3. Alternative options considered

- 3.1 No other alternatives are available as this plan relates to the delivery of a statutory function.

## 4. Consultation and feedback

4.1 A copy of the plan is made available on the Council website.

**5. Performance management –monitoring and review**

5.1 Performance against the Food Safety Service Plan takes place on a monthly basis with the production of an annual statutory data return.

<b>Report author</b>	<b>Contact officer: Sarah Clark, Public &amp; Environmental Health Team Leader, sarah.clark@cheltenham.gov.uk</b> <b>01242 264226</b>
<b>Appendices</b>	Risk assessment
<b>Background information</b>	Food Safety Service Plan 2013-14

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	
1	Any risks associated with equality impact	SC	04.06.13	1	1	1	A	N/A – acceptable risk				
2	Any environmental risks	SC	04.06.13	1	1	1	A	N/A – acceptable risk				
3	Lack of staff resource due to vacant post/s or staff illness resulting in failure to carry out planned interventions or investigate food incidents/complaints	SC	06.06.13	4	2	8	R	Contingency plan: a) re-deployment of dual-competency staff to cover short-term resource issues (eg from EP, H&S or management) b) temporary contract with agency staff (as they will be suitably qualified and competent) c) use of resource from neighbouring district short term d) request authorisation to recruit into vacant post if situation occurs	In place	SC	Already on dept risk register	
4	Lack of resource due to major emergency or food/infection related incident resulting in failure to carry out planned interventions or investigate food incidents/complaints	SC	06.06.13	3	3	6	R	Likely to be short-term if risk is realised so can reduce risk with mitigation: a) mutual aid from neighbouring districts to cover high risk interventions or complaint investigation (arrangement through Glos Food Safety Liaison Group) b) notification to FSA of	In place	SC	Yes - dept	

								incident and possible impact on performance c) use of agency contract staff to backfill if necessary			
5	Loss of Idox Uni-Form as a stable case management system (ie risk data relating to any business in Cheltenham cannot be accessed and planned interventions cannot be programmed)	SC	06.06.13	5	4	20	R	Reduce risk by: a) reporting all issues to ICT and user group rep b) have now produced paper versions of inspection forms and Legal Notices etc c) reliance on paper files d) Idox consultant booked regarding statutory returns do not work from Uniform (visit cannot take place until current stability issues resolved by ICT/Idox – June 2013 hopefully)	Determined by ICT	SC	Yes – dept but also flagged on business continuity etc for past 18 months approx
6	Change of direction in guidance from central Government (eg review on official controls)	SC	06.06.13	2	3	6	A	Accept risk as must follow statutory guidance. Current ROOC indicates present regime will not change in short term future. If guidance is released mid-year, it is unlikely to take effect until following financial year thus allowing time for strategic planning.	N/A	SC	On dept register
<p><b>Explanatory notes</b>  <b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)  <b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)  <b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											







**CHELTENHAM**  
BOROUGH COUNCIL

# **FOOD SAFETY SERVICE PLAN 2013–2014**

## 1. FOOD SAFETY SERVICE AIMS AND OBJECTIVES

### 1.1 Background, Aims and objectives

#### Background

The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its *Framework Agreement on Official Feed and Food Law Controls by Local Authorities, Amendment number 5*. The FSA is an independent monitoring and advisory body that issues guidance to ensure local authorities' delivery of official controls is 'effective, risk-based, proportionate and consistent'.

#### Aim

The key food safety function of Cheltenham Borough Council is to ensure that the food sold, offered and stored for sale and entering the Borough is wholesome and fit for human consumption.

#### Our objectives include:

The regular control of food premises within the Borough.

The investigation of the safety and fitness of food including all complaints about the operation of businesses within the Borough.

To sample foods within the Borough whilst participating in local, regional and national food sampling programmes.

To ensure we license, approve and register all food premises within the Borough as required by legislation.

To undertake appropriate and proportionate food safety enforcement action within the Borough.

To undertake Home and Originating Authority duties within the Borough.

To promote food safety by way of advice and assistance to all food businesses, citizens and visitors of the Borough.

### 1.2 Links to Council Strategy 2010-2015

The Council strategy sets out three community objectives:

- Enhancing and protecting our environment;
- Strengthening our economy; and
- Strengthening our communities.

Our food safety service contributes to all three of these objectives in the overall improvement in the wellbeing of those who live, visit and work in Cheltenham.

The work of the team also supports the following outcomes identified in the Corporate Action Plan 2013-14:

- Cheltenham has a strong and sustainable economy
- People are able to lead healthy lifestyles

The cross-cutting objective of ensuring we provide value for money services that effectively meet the needs of our customers is at the core of our food service delivery plan.

## **2. BACKGROUND**

### **2.1 Profile**

Cheltenham is an attractive and vibrant town serving an extensive catchment area in central and eastern Gloucestershire and the South Midlands. It is ranked in the top thirty regional shopping centres in the UK, third in the South West and has the eighteenth highest consumer expenditure in Great Britain.

The Borough is based on the town of Cheltenham and is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares and has a population of over 110,000.

Cheltenham has an ever-increasing wealth of restaurants and eating places. Twice a month it hosts a farmers market offering a valuable opportunity to sample local produce. The town offers a wide range of educational and employment opportunities, a year-round programme of festivals and events plus a strong cultural and sporting profile.

### **2.2 Organisational Structure**

The food safety service is within the Public and Environmental Health team of the Public Protection Department. The structure is shown in Appendix 1.

### **2.3 Scope of the Food Service**

The Council is not a Unitary Authority and therefore shares its duties under the Food Safety Act with the Trading Standards Department of Gloucestershire County Council. Cheltenham Borough Council aims to provide a full range of services within its remit offering a balanced approach between education and enforcement.

The Borough Council food safety service is provided by three appointed and authorised officers in accordance with the requirements of the FSA code of practice. These officers are also responsible for infectious disease control along with other environmental health functions in all food premises within the Borough. These activities usually include health and safety inspections, accident investigation, complaint investigation and drainage issues. The officers are also responsible for food safety advice at events and festivals in the district of Cheltenham.

Specialist services such as public analyst and food examiner are provided externally by Worcester Scientific Services, Worcester and The Public Health England Food, Water & Environmental Laboratory, Birmingham, respectively.

### **Demands on the Food Safety Service**

The Service Delivery Point:

Address	Hours	Contact details
Cheltenham Borough Council Municipal Offices Promenade Cheltenham GL50 9SA	Mon, Tue, Thurs and Fri (09.00-17.00) Wed (09.30- 17.00)	01242 775020 <a href="mailto:env.health@cheltenham.gov.uk">env.health@cheltenham.gov.uk</a>

There is an out of hours emergency service available which addresses the emergency closure of premises, food product withdrawal and outbreaks of food associated disease.

On 31<sup>st</sup> March 2013 there were 992 food businesses on our database - the profile is given in the table below:

	NO. OF PREMISES
PRIMARY PRODUCERS	1
MANUFACTURERS + PACKERS	1
IMPORTERS/EXPORTERS	0
DISTRIBUTORS/TRANSPORTERS	10
RETAILERS	165
RESTAURANTS AND CATERERS	815

As is expected for a town like Cheltenham the hospitality and catering sector predominates, the majority being small or medium sized enterprises.

With such a small team, the programmed food hygiene intervention plan for any given year can be severely disrupted by food poisoning investigations, national food alerts, food sampling and non food related matters such as health and safety accident investigation.

#### **2.4 Enforcement Policy and Regulatory Reform**

Cheltenham Borough Council has adopted and published a corporate enforcement policy which will form the basis of all enforcement action undertaken by the Food Safety Service.

In recent years there have been a number of reviews conducted that have resulted in a change to the nature of regulation. The emphasis being that the regulatory system as a whole should use comprehensive risk assessment to concentrate resources in the areas that need them most.

In terms of food safety, this means concentrating efforts on those businesses that do not meet the minimum legislative standards, with alternative interventions in those that generally comply. This was further developed in the Regulatory Reform Act 2006 Compliance Code, which encompasses the criteria of the Enforcement Concordat of being transparent, accountable, proportionate and consistent with the additional element of being targeted only at cases in which action is needed.

There is a suite of interventions that focus on outputs and continued improvements in food safety. This allows us to choose the most appropriate action to be taken to drive up levels of compliance of food establishments with food law.

### **3. SERVICE DELIVERY**

#### **3.1 Food Premises Regulation**

The regulation of food premises is undertaken in accordance with the Food Safety Act 1990 Code of Practice. The interventions are focus on guidance issued by the Food Standards Agency to reduce the risk of e-coli 0157 form cross-contamination between raw and ready to eat foods. All food premises are subject to a detailed assessment based on particular criteria including types of food and method of handling, consumers at risk, level of current compliance in terms of practices, procedures including cleanliness and confidence in management.. This numerical calculation is transferred into the categorisation of premises from A to E. Category A premises are inspected a minimum of every 6 months, category B every year, category C every 18 months, category D every two years and category E premises every 3 years.

The food safety team aim to inspect all non-compliant food businesses within our area within 28 days of the due date. This includes all newly registered premises as they are deemed non-compliant until the first visit and a risk assessment has been undertaken. All non-compliant category A and B premises, i.e. those that fall significantly short of broad compliance will be visited by the due date. Other categories of premises that are broadly compliant will be addressed by a combination of official controls and other interventions.

Further official control visits are made to premises where there are food safety concerns, in particular where the level of current compliance in food safety practices and procedures fall below satisfactory or there is little or no confidence in management. Other visits to food premises may follow a request for advice, complaint or an alleged food poisoning incident.

Visits are primarily unannounced with evening/weekend inspections undertaken when required to accommodate the needs of some food businesses, e.g. those that do not open during office hours and markets and festivals held at weekends.

In line with current guidance and the necessity to target ever scarce resource at higher risk activities, we operate an alternative enforcement strategy for low risk businesses.

### **Performance monitoring**

Each local authority must submit a statutory return to the FSA on their official food controls each year through the Local Authority Enforcement Monitoring System. Monitoring tables can be viewed on the FSA website: [http://www.food.gov.uk/multimedia/pdfs/enforcement/leams\\_dc](http://www.food.gov.uk/multimedia/pdfs/enforcement/leams_dc) although it can take some time for the latest data to be published.

The national performance indicator (NI 184) which looked at the level of broad compliance within food businesses has been discontinued and has not been replaced. However, the intention of the food service is still to target resources where they are needed, i.e. at those premises that are not broadly compliant. The driving up of standards year on year must be demonstrated in the delivery of improvements for the community.

This can now be demonstrated through Cheltenham's participation in the national Food Hygiene Rating Scheme, which is a public interface to food hygiene standards in premises that sell food direct to the final consumer. Each food business in the scheme is given a food hygiene rating ranging between 0 (urgent improvement necessary) and 5 (very good) after it has been inspected, and the level of compliance with food safety and hygiene legislation is reflected in the rating - a rating of 3 and above indicates the premises is broadly compliant. The website can be viewed at [www.ratings.food.gov.uk](http://www.ratings.food.gov.uk)

2008/2009 was a baseline year with less than 70% of our food premises being broadly compliant. There followed a year on year increase in this figure, and on 31<sup>st</sup> March 2013, 98% of food premises in Cheltenham in the food hygiene rating scheme were broadly compliant, i.e. achieved a rating of 3 or above.

The '**broadly compliant**' target for 2013-14 (set locally) is 98%. A 100% target is not considered realistic as all unrated new businesses are automatically non-compliant before first intervention.

A **target number of interventions** is not set on an annual basis as the number of premises opening and closing or changing food liability throughout the year means such a target would not be meaningful. However, it is useful to assess the percentage of planned interventions delivered per risk rating category. Therefore, the following targets apply for the **percentage of interventions** achieved for 2013-14:

- 100% of unrated new food premises inspected within 28 days of registration/opening
- inspect 100% of Category A premises due for intervention
- inspect 100% of Category B premises due for intervention
- inspect 96% of Category C premises due for intervention\*
- inspect 94% of Category D and E premises due for intervention\*

\*lower targets are given for Category C-E premises as they present a lower risk to public health and are more likely to contain a higher mix of seasonal premises.

### ***Benchmarking***

The team leader for the food safety service is the lead officer for food safety benchmarking for 2013-14 in Gloucestershire. The aim is to establish baseline data and agree useful local indicators for future use. Gloucestershire's food safety services are not directly comparable so the county work plan has also identified exploring the establishment of benchmarking families.

This data will be published in update reports by the Gloucestershire Food Safety Liaison Group and a summary will be provided in Cheltenham's Food Safety Service Plan for 2014-15. This will allow evaluation against 2013-14 peer performance and more robust target setting for future years.

### **3.2 Food Complaints**

Food complaints are investigated in accordance with the FSA Code of Practice.

The number of food complaints fully investigated by the food safety team remains in the region of 20 per year with around 100 receiving at least partial investigation depending on evidence available.

***Performance target 2013-14:*** to instigate investigation of 96% of food safety complaints received within three working days. A target has not been set for the resolution of these complaints as that depends upon the most appropriate course of enforcement action for each complaint on a case by case basis.

### **3.3 Home Authority Principle**

The Council will consult at an appropriate level with the Home and/or Originating Authority for any food business, in accordance with the principles laid down in The Food Safety Act 1990 Code of Practice and Local Authority Co-ordinators of Regulatory Services (LACORS) guidance.

### **3.4 Advice to Businesses**

It is the policy of the Section to provide assistance to local food businesses when requested to help them comply with the legislation and to encourage the use of best practice. This is achieved through a range of activities including:

- Advice given during inspections and other visits to premises
- Provision of advisory leaflets
- Responding to service requests and enquiries
- Attendance at Event Consultative Groups to advise on food safety at public and community events.

Whilst the resources of the Food Safety Service will always be used in proportion to the risk to public health, every effort will be made to accommodate requests for advisory visits to food premises. ***Performance target 2013-14:*** to respond to 96% of such requests for advice within three working days.



### 3.5 Food Sampling

The food service participates in the LACORS/HPA (now PHE) coordinated cross-regional food sampling programmes as well as national studies. In 2012-3 this included the submission of samples from large scale outdoor events (to inform food safety at the Olympics), samples from chopping boards and cloths; ready to eat meat pies and vacuum packed meats.

The sampling plan for 2013-14 includes soda from dispensers; dish cloths; salad from restaurants and takeaways; imported ready to eat foods; and dishwashers hand washing and the hygiene of recently washed items. In addition, the county food safety liaison group were successful in obtaining funding for ATP (Adenosine triphosphate) monitors for each district. These detect the enzyme present in all organic matter and will be used to assess the effectiveness of cleaning regimes. Foods are also sampled in response to complaints and food poisoning investigations when necessary.

**Performance target 2013-14:** to participate in 100% of local, sub-regional and national sampling studies in 2013-14 as agreed by Gloucestershire Food Safety Liaison Group and to follow up 100% of any unsatisfactory results with the respective businesses.

### 3.6 Control & Investigation of Outbreaks & Food Related Infectious Disease

The measures to be taken to control the spread of infectious diseases are contained in various acts of Parliament and their associated Regulations. This legislation places a duty on local authorities to control the spread of food poisoning and food and water borne diseases.

Annual notifications vary from year to year with a noticeable increase in Norovirus outbreaks in recent years. These outbreaks are often associated with care homes, day nurseries and other similar settings which have a more vulnerable group of clients. Intervention in these outbreaks takes up a significant amount of officer time.

The objectives in respect of this service are:

- To administer and implement our statutory responsibilities relating to the control of infectious disease.
- Investigate all notifications of food poisoning cases and likely sources of infection whether confirmed or not at the earliest opportunity.
- Where a source is identified take appropriate action to ensure risk of spreading is controlled.
- Protect the well-being of individuals at risk by taking action to contain the spread of infection and provide advice and information regarding personal hygiene, food handling and control of infection.
- Exclude food handlers and people working with high-risk groups in consultation with the Consultant for Communicable Disease Control (CCDC).
- A Countywide "Outbreak Control Plan" is operated including standardised food poisoning investigation questionnaires.

**Performance target 2013-14:** to action 100% of infectious disease notifications within one working day (with the exception of *Campylobacter* which has been put on reduced surveillance by the local health protection unit from May 2013).

### 3.7 Food Alerts

The Food Standards Agency operates a system to alert the public and food authorities to serious problems concerning food that does not meet food safety requirements.

Food alerts vary in significance and require an appropriate response. Some are of high priority and require immediate action. This may involve contacting and/or visiting food premises and taking immediate action under powers contained in the Food Safety Act 1990. Others are for information only.

All alerts are received directly from the Food Standards Agency via a secure dedicated computer network system and via the Public and Environmental Health Managers mobile phone text messaging service. The Manager will instigate the necessary response and provide the necessary out of hours cover for this service.

Where the Council becomes aware of a serious localised incident or a wider food safety problem, it will notify the Food Standards Agency in accordance with the Code of Practice.

It is estimated that around 100 food alerts requiring various levels of action will be received on an annual basis. It is difficult to estimate the resource required to meet this responsive element of the service as the work associated with individual alerts can vary significantly.

### **3.8 Liaison with Other Organisations**

The Council is committed to ensuring that the enforcement approach it adopts is consistent with other enforcing authorities. This takes place through regular meetings and attendance by the manager at the Gloucestershire Food Safety Group. This group comprises of peer representatives of each of the six District and Borough Councils in the County, the County Council Trading Standards Service, the Food Standards Agency, the local FSA vet and PHE Laboratory Service.

The forum provides a mechanism for discussion of relevant food matters, the provision of training on a county-wide basis, the formulation of policy, documentation and guidance and co-ordinated responses to Government and Central Agencies.

The Council attends the Gloucestershire Public and Environmental Health Forum (previously known as the Consultant in Communicable Disease Committee). By means of this forum, which meets half yearly, members are kept informed about relevant subjects and are able to benefit from the valuable and very necessary liaison between public health and medicine.

A Divisional Veterinary Officer is part of the Forum and is able to brief the group on local and national issues regarding animal welfare, disease control and food safety.

Within the Council, the Food Service is also a consultee for the planning, building control and licensing functions.

## **4. RESOURCES**

### **4.1 Financial Allocation**

The Food Safety service budget for the coming year is £184,000 which includes staffing, travel subsistence, I.T. development, legal action and office overheads necessary as part of the food safety enforcement function. Specific Food Safety related insurances. Recharges for I.T. support, Human Resources, accountancy and audit. Corporate insurances, communications, E government and asset management.

The Council always seeks to recover costs following successful legal proceedings wherever possible.

### **4.2 Staffing Allocation**

All food safety officers are appropriately trained and competent to work within this field. Officers are authorised according to their competency and experience. There are 3 FTEs dedicated to the delivery of the food safety service.

The food safety service is led by Sarah Clark who is EHRB registered.

There are two SEHOs and one senior technical officer in the food safety team. Chris Fawcett is EHRB registered and widely experienced in food safety. Bernadette Reed has recently joined the team in April 2013 (following a six month vacant post after the previous post holder transferred to a new role). Bernadette is an experienced officer with over 25 years experience in local authority environmental health. The senior

technical officer is Stephen Edwardson. Stephen is EHRB registered and specialises in food safety enforcement.

Additionally, the Public Protection Heads of Service, Barbara Exley and Yvonne Hope, are EHRB registered and widely experienced in food safety enforcement.

### 4.3 Staff Development Plan

The Council has an annual review system of staff, this process includes training needs. The food safety team holds regular meetings to review and distribute workloads in addition to monthly 1-2-1 meetings for all the team. Any training needs required for new legislation, guidance etc are discussed and actioned at these meetings.

Food safety regulators are required to achieve a minimum of 20 hours of continued professional development every year. The service encourages cascade training as a mechanism to disseminate new guidance and further staff development.

## 5. QUALITY ASSESSMENT

Local and national performance indicators are reviewed annually.

All officers use standard inspection/audit forms and have undergone consistency training.

Customer satisfaction surveys are provided to businesses we deal with in accordance with National Indicator 182 (the percentage of customers satisfied with regulatory services - Environmental Health is one such regulatory service). In 2012-13, 88% of customers were satisfied with the food safety service they received.

**Performance target for 2013-14:** to achieve 90% customer satisfaction with EH regulatory service.

The Uni-Form database (which also forms the Public Register of food premises) is audited on a fortnightly basis for data accuracy before upload to the Food Hygiene Rating Scheme portal.

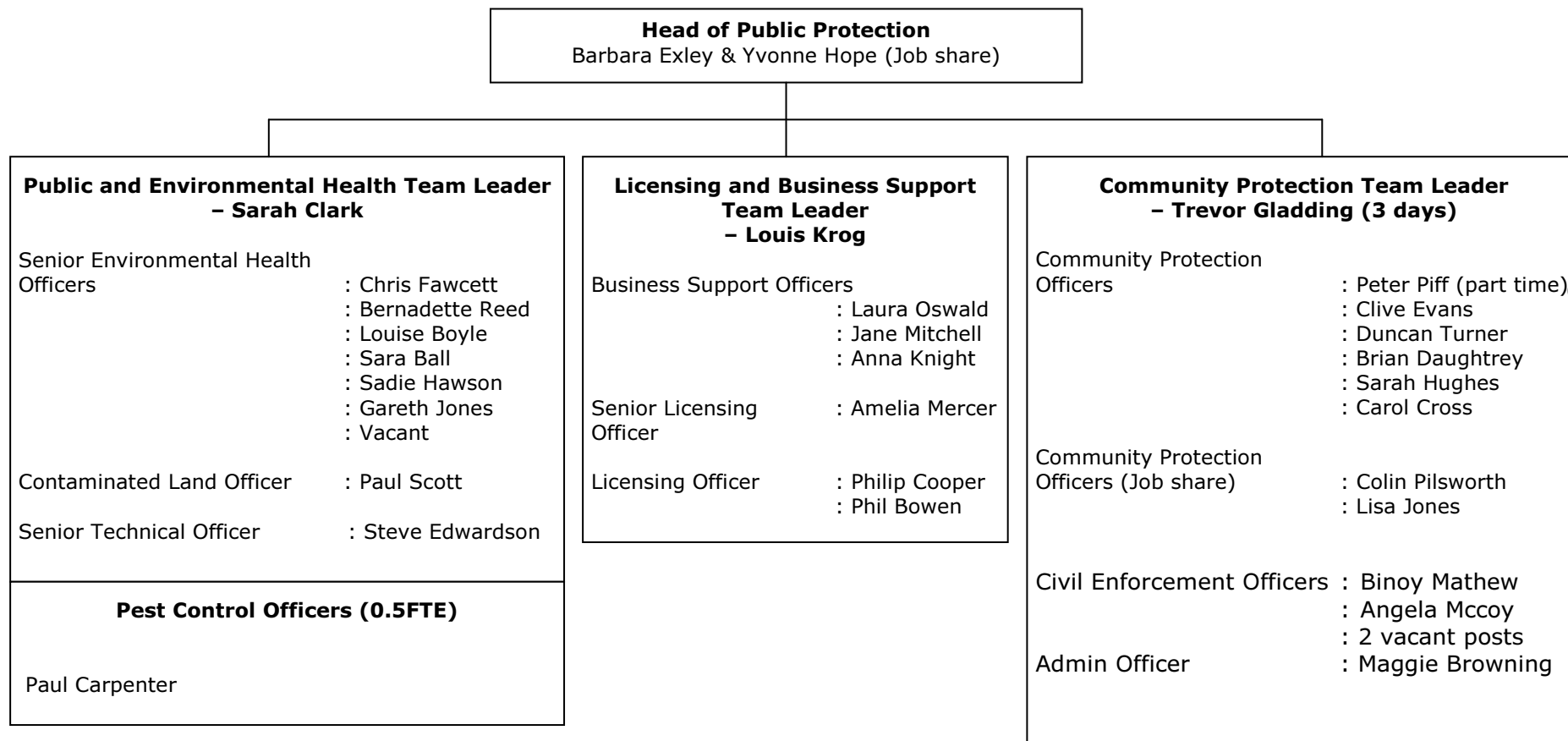
## 6. REVIEW\*

Last year's progress in food safety includes:

- increase in broadly compliant businesses included in the food hygiene rating scheme to over 98% (at time of report publication there were no 0 rated premises)
- intervention at the majority of premises scheduled for inspection
- prioritisation of visits to non-compliant food businesses and use of alternative enforcement strategy
- 418 written warnings of non-compliance with food hygiene legislation
- participation in national and regional food sampling programmes and development of staff competencies in this area
- 41 unplanned food visits carried out
- received 229 infectious disease notifications.
  
- \* this review section will be expanded when evaluating 2013-14 (see notes on benchmarking and performance monitoring).



**Appendix 1 – Public Protection May 2013**



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## Cheltenham Borough Council

**Cabinet– 18 June 2013**

### Health & Safety Service Plan

<b>Accountable member</b>	<b>Councillor Peter Jeffries, Cabinet Deputy Housing and Community Safety</b>
<b>Accountable officer</b>	<b>Sarah Clark, Public &amp; Environmental Health Team Leader</b>
<b>Accountable scrutiny committee</b>	<b>Overview and Scrutiny</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The Health &amp; Safety at Work etc Act 1974 requires the Council to produce a Health &amp; Safety Service Plan.</p> <p>The Health &amp; Safety Service Plan is the Council's expression of commitment to the delivery of an improving cost effective and efficient regulatory service.</p> <p>This service plan is an annual plan detailing how Cheltenham is going to undertake its statutory health &amp; safety regulatory functions. It is an operational plan falling within the Public Protection service delivery under Grahame Lewis as Executive Director.</p>
<b>Recommendations</b>	<b>I therefore recommend that Cabinet approve the attached service plan for 2013-14.</b>

<b>Financial implications</b>	<p>There are no financial implications arising from this report. The Plan will be delivered within existing budgetary resources.</p> <p><b>Contact officer: Sarah Didcote</b>  <b>sarah.didcote@cheltenham.gov.uk, 01242 262125</b></p>
<b>Legal implications</b>	<p>It is a statutory requirement to produce this plan on an annual basis.</p> <p><b>Contact officer: Sarah Farooqi</b>  <b>sarah.farooqi@tewkesbury.gov.uk, 01684 272693</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications arising from this report.</p> <p><b>Contact officer: Donna Sheffield</b>  <b>donna.sheffield@cheltenham.gov.uk, 01242 774972</b></p>
<b>Environmental and climate change implications</b>	None
<b>Property/Asset Implications</b>	<p>None</p> <p><b>Contact officer: David Roberts@cheltenham.gov.uk</b></p>

<p><b>Key risks</b></p>	<p>Reactive regulatory services will given their inherent nature always contain the potential for an element of risk. An unplanned event (e.g. a serious injury or fatality) will require the diversion of resources away from scheduled plans. However, this is and will remain the essence of the service we deliver and will be tolerated and monitored throughout the plan with priority given to the appropriate control of high risk issues.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>The Health &amp; Safety Service Plan supports the council's community objectives:</p> <ul style="list-style-type: none"> <li>• Enhancing and protecting our environment;</li> <li>• Strengthening our economy; and</li> <li>• Strengthening our communities.</li> </ul> <p>Our health and safety service contributes to all of these in the overall improvement in the wellbeing of those who live, visit and work in Cheltenham.</p>

## 1. Background

- 1.1 Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on Local Authorities (LAs) to make adequate arrangements for enforcement.
- 1.2 The Section 18 Standard sets out the broader requirements for Enforcing Authorities (EAs) when complying with this duty.
- 1.3 Full compliance with this standard is mandatory for all EAs from 31 March 2011. This was achieved here in Cheltenham by the successful introduction of flexible warranting as part of a County wide project.
- 1.4 Service plans are seen to be an important part of the process to ensure national priorities and standards are addressed and delivered locally. Service plans also:
  - focus debate on key delivery issues;
  - provide an essential link with financial planning;
  - set objectives for the future, and identify major issues that cross service boundaries; and
  - provide a means of managing performance and making performance comparisons
  - Implement national statutory guidance such as the recently released National Local Authority Enforcement Code.
- 1.5 The plan is required to be submitted to Members for approval.

## 2. Reasons for recommendations

- 2.1 It is a statutory requirement for Local Authorities to make adequate arrangements for enforcement under the Health and Safety At Work Act 1974.

## 3. Alternative options considered

- 3.1 No alternative options are available due to the statutory nature of this service.



**4. Consultation and feedback**

**4.1** County and regional initiatives and priorities are discussed with HSE and other LAs in the South West region. There is a Gloucestershire workplan for occupational health and safety as well as Cheltenham Borough Council specific plan.

**4.2** A copy of the plan is available on the Council website

**5. Performance management –monitoring and review**

**5.1** Performance against the Health and Safety Service Plan takes place on a monthly basis with the production of an annual statutory data return.

<b>Report author</b>	<b>Contact officer: Sarah Clark , Public &amp; Environmental Health Team Leader sarah.clark@cheltenham.gov.uk, 01242 77 5002</b>
<b>Appendices</b>	Risk Assessment
<b>Background information</b>	Health & Safety Service Plan 2013-14

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	
1	Any risks associated with equality impact	SC	04.06.13	1	1	1	A	N/A - accept				
2	Any environmental risks	SC	04.06.13	1	1	1	A	N/A - accept				
3	Lack of staff resource due to vacant post/s or staff illness resulting in failure to investigate fatalities/accidents/health and safety related incidents and deliver interventions	SC	06.06.13	4	2	8	R	Contingency plan: a)re-deployment of dual-competency staff to cover short-term resource issues (eg from EP, Food Safety or management) b) temporary contract with agency staff (as they will be suitably qualified and competent) c) use of resource from neighbouring district short term (mutual aid) d) request authorisation to recruit into vacant post if situation occurs e) re-prioritisation of work plan to focus on most risky activities	In place	SC	Already on dept risk register	
4	Lack of short term resource due to major emergency or incident resulting in failure to deliver statutory function and protect employees and the public from risk of injury	SC	06.06.13	3	3	6	R	Likely to be short-term if risk is realised so can reduce risk with mitigation: a) mutual aid from neighbouring districts to cover high	In place	SC	Yes - dept	

	or illness							risk notifications or complaint investigation (arrangement through Glos H&S Liaison Group) b) notification to HSE of incident and possible impact on performance c) use of agency contract staff to backfill if necessary			
5	Loss of Idox Uni-Form as a stable case management system (ie risk data relating to any business in Cheltenham cannot be accessed, complaint information cannot be retrieved and priority based interventions cannot be planned)	SC	06.06.13	4	4	16	R	Reduce risk by: a) reporting all issues to ICT and user group rep b) have now produced paper versions of inspection forms and Legal Notices etc c) reliance on paper files and internet data to produce skeleton plans for interventions d) Idox consultant booked regarding statutory returns such as LAE1 do not work from Uniform (visit cannot take place until current stability issues resolved by ICT/Idox – June 2013 hopefully)	Determined by ICT	SC	Yes – dept but also flagged on business continuity etc for past 18 months approx

6	Further change of direction in guidance from central Government or HSE eg priority planned inspections or poor performers	SC	06.06.13	2	2	4	A	Accept risk as must follow statutory guidance. Risk score of 4 as new HSE guidance has been released this month to inform local authority work and no more changes indicated for this FY. Interim guidance if released would have an implementation period.	In place	SC	On dept risk register
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**Explanatory notes**

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close



# **HEALTH & SAFETY SERVICE PLAN 2013-14**

## **Service Obligations**

The Council has a statutory duty to enforce the provisions of the Health and Safety at Work etc Act 1974, and associated regulations in all premises for which it has enforcement duties under the Health and Safety (Enforcing Authority) Regulations 1998. It also has a duty to adequately discharge its function in accordance with mandatory guidance from the Health and Safety Executive – section 18 standard.

### **Background to Health & Safety Service Plans**

This Health and Safety Service Plan is a statutory document required under Section 18 guidance issued by the Health & Safety Executive (HSE).

This Service Plan sets out how Cheltenham Borough Council (CBC) will fulfil its statutory duty within the financial year 2013-2014 and details the priorities, aims and objectives for the enforcement of health and safety along with the mechanisms and arrangements for ensuring the effective delivery of the service.

### **Section 18 Standard**

Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement. The Standard sets out the arrangements that LAs should put in place to meet this duty.

In complying with their duties under Section 18, Enforcing Authorities (EAs) are required to follow the HSE Enforcement Policy Statement (EPS) on the purpose, method and principles of enforcement.

The Section 18 Standard adds to the EPS, setting out the broader requirements for EAs when complying with their duty to make 'adequate arrangements for enforcement'.

Full compliance with the standard was mandatory from 1<sup>st</sup> April 2011. This was achieved in Cheltenham by working in partnership with neighbouring authorities and the HSE in the delivery of Work Well Gloucestershire project.

### **Service Aims and Priorities**

#### **Overall Aim of the Service**

"To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly."

#### **Our key priorities are:**

- To manage the risk in high risk, poor performing and/or rogue trader businesses - a targeted approach to risk in line with the Better Regulation agenda
- Investigating major injury incidents and fatalities
- To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model - ensures proportionate, consistent, transparent and accountable enforcement
- Train and develop our staff to ensure competence - encourages staff retention/recruitment and ensures credibility with local businesses

## **Links to Council Strategy**

The Council strategy sets out three community objectives:

- Enhancing and protecting our environment;
- Strengthening our economy; and
- Strengthening our communities.

Our health and safety service contributes to all of these in the overall improvement in the wellbeing of those who live, visit and work in Cheltenham.

A key driver is that we provide value for money services that effectively meet the needs of our customers.

## **Scope of the Service**

The Health and Safety (Enforcing Authority) Regulations 1998 determine which businesses are enforced by the Council and which are enforced by the Health and Safety Executive (HSE). The Council aims to provide a full range of services offering a balanced approach between education and enforcement for all work places within our enforcement remit. This Service does not cover Health and Safety for the Council itself which is enforced by HSE and does not form part of this plan.

The majority of commercial premises in the Borough are small or medium sized enterprises (SMEs) employing less than 50 staff with retail and office premises accounting for a high percentage. These businesses have fewer resources to carry out in-house monitoring and do not have access to the support and training provided by multi-national companies. Health and Safety Officers may, therefore, find themselves spending a disproportionate amount of time working with smaller businesses than they would with much larger companies.

National, regional and local statistics provide evidence that the topics identified as priorities are those that cause injury and ill health at work and the aim is to concentrate time and effort on these areas where an impact on the reduction of work related accidents and ill health can be shown.

The estimated economic cost of health and safety ill health incidents (accidents and ill health) in Cheltenham is between £24.7 million and £37.8 million. The estimated cost for accidents in Cheltenham is between £7.6 million and £13.8 million.

## Service Delivery

The Health and Safety function is delivered by Public Protection Department which includes two FTEs dedicated to H&S regulation (NB in 2012-13 the service operated on the equivalent of 1.58 FTE due to extended jury service and a secondment).

Competence is an essential aspect of service delivery and must comply with the Section 18 standard. All regulators undertake the RDNA (regulators development needs analysis tool) which is mirrored in the Council's Learning Gateway which captures their development needs as part of the annual appraisal process.

Officers delivering the service are responsible for the following work areas:

- health and safety regulation, including inspections and requests for service
- investigation of reported accidents, dangerous occurrences and cases of occupational ill health
- advisory and promotional activities
- investigation of complaints relating to premises, practices and procedures
- the responsible authority in relation to public safety for licensing applications
- responsible authority for planning applications
- attendance at Event Consultative Groups or Safety Advisory Groups as necessary to advise on matters of public safety and health and safety at work
- registration/licensing of practices such as tattooing, skin piercers, acupuncture, electrolysis and the provision of advice to emerging sectors such as novel beauty treatments.

We will deliver our H&S service in accordance with recently reviewed Advice/Guidance to Local Authorities on Targeting Interventions (now on revision 3): <http://www.hse.gov.uk/lau/lacs/67-2.htm>. This guidance gives national priorities for both proactive and reactive intervention. National guidance published in the last few years was that local authorities must reduce proactive inspections by a third. As a result, the emphasis is much more on topic-based inspections according to risk and at only visiting a premises when there is a genuine reason to do so. As part of central government's red tape challenge, the Health and Safety Executive have released a Local Authority National Code for enforcement which is a risk based approach for targeting health and safety interventions and recognises the respective roles of business and the regulator in the management of risk. The Code contains a [list of activities/sectors suitable for targeting proactive inspection](#) by Local Authorities. This list has been considered by the County Health and Safety Group when formulating the 2013-14 workplan. (see below).

### ***Performance monitoring and review***

There are no national indicators relating to health and safety enforcement and guidance from central government is that proactive inspections are to reduce by a third year on year. Therefore, local performance indicators have been chosen that reflect service standards for incident and complaint investigation and statutory return fields. An evaluation against district and county workplans would be included in the review of 2013-14 in the 2014-15 service plan. Please see 'service performance review' for more further details.

A monthly review of performance against those indicators is carried out as part of officer 121s. Performance is also discussed at team meetings and management meetings as well as at the county health and safety liaison group (at which the HSE is represented).



## Investigation of Complaints

Complaints received about workplace activities we regulate are dealt with in accordance with the criteria of the Section 18 standard. A complaint is a concern, originating from outside CBC, in relation to a work activity for which we are the enforcing authority, that is sufficiently specific to enable identification of the issue and the dutyholder and/or location and that either:

- has caused or has potential to cause significant harm, or alleges the denial of basic employee welfare facilities, or
- appears to constitute a significant breach of law for which we are the enforcing authority

## Investigation of Injuries, Diseases and Dangerous Occurrences at Work

Over 100 accidents, work related ill health or dangerous occurrences at work are reported to CBC each year under the Reporting of Injuries and Dangerous Occurrences Regulations 1995 (RIDDOR). Reported accidents and incidents are investigated in accordance with LAC 22/13 – Incident Selection Criteria Guidance <http://www.hse.gov.uk/lau/lacs/22-13.htm>

## Liaison with other organisations

The Health and Safety Service actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, share good practice and reduce duplication of effort.

The service represents and actively participates in the Gloucestershire Health and Safety Group, comprising of peer representatives from each of the six District and Borough Councils in the County and also a local representative from the Health and Safety Executive. The group have produced a workplan to tackle cross-county issues and these proactive inspections will be compliant with the new national Code for L.A.s. **The priority areas for Gloucestershire in 2013-14 are:** event safety; legionella, the beauty sector (which has seen some deregulation in times of emerging novel special treatments); asbestos and gas safety.

## Service Performance Review

The following table summarises the interventions undertaken in 2012-13:

Intervention	Number of businesses reached
Reactive complaint investigations	33 including 10 visits
RIDDOR accident investigations	19
Duty to manage asbestos interventions	10
Other interventions eg liquid nitrogen, gas safety, work-related violence, noise at work	34
Licensing and planning consultations	11
Requests for advice	30

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Performance targets for 2013-14

<b>Intervention</b>	<b>Target for 2013-14</b>
Reactive complaint investigations	Initial investigation within 3 working days for 95% of actionable complaints/requests for service
RIDDOR accident investigations	98% actioned within 2 working days of notification where investigation criteria are met
Event safety advice	100% attendance at relevant Event Consultative Groups  100% of requests for advice actioned within 3 working days
Legionella interventions	95% of planned interventions delivered
Beauty sector project	95% of target premises to receive specific guidance and/or visits
Asbestos	Action 100% of all ASB5 notifications (for asbestos removal) within 3 working days or before the 10 day notification period begins (whichever is soonest)  Action 98% of Duty to Manage Asbestos service requests (DTM) within 3 working days
Gas safety in commercial premises	Action 98% of referrals of matters of evident concern within 3 working days.
Work related violence	Action 100% of referrals from Gloucestershire Police where the criteria have been met.
Planning & licensing consultations	98% response within the statutory consultation period (varies according to application)

## Cheltenham Borough Council

Cabinet – 18 June 2013

## Housing Options Review

<b>Accountable member</b>	<b>Councillor Peter Jeffries, Cabinet Member Housing and Safety</b>
<b>Accountable officer</b>	<b>Grahame Lewis, Executive Director</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>Housing Options delivers the Council's statutory duties towards households who are homeless or in housing need, as required under the Housing Act 1996. The service performs well and the staff work with and provide support to some of the most vulnerable people within the community of Cheltenham. Last year the Council adopted its new Housing and Homelessness Strategy in response to welfare reforms. The strategy outlines the outcomes the Council wishes to achieve to prevent homelessness in the Borough.</p> <p>The council has undertaken a review of the Housing Options service to make sure that it was fit for purpose and also to consider how the service may be commissioned in the future. A report was presented to Cabinet in December 2012 setting out two potential commissioning options available; in-house provision or, alternatively, to transfer the service to a registered provider, in this case the Council's Arms Length Management Organisation (ALMO), Cheltenham Borough Homes (CBH).</p> <p>The housing options team undertook a systems thinking review following which there was a redesign of the way in which they deliver the service to meet the challenges arising from welfare reform. This ensured that the current service was delivering the desired outcomes as set out in the Housing and Homelessness Strategy. Once this was completed, work has been undertaken to consider the implications of transferring the service to CBH and also to develop a service specification based on the redesigned provision which will deliver the outcomes as set out in the Housing and Homelessness Strategy.</p> <p>CBH has an excellent performance record and therefore there are limited risks in transferring the service to them. CBH have already had experience of transferring services to them when the estate cleaning service moved to them in 2009. The current Housing Options Team will transfer to CBH under the Transfer of Undertakings (protection of employment) Regulations 2006 (TUPE) and therefore there will be continuity of service delivery but also over time there will be opportunities to align delivery and look at potential service improvements which will further enhance this important service for some of our most vulnerable residents. The council will continue to provide its strategic housing function along with its responsibilities relating to housing enabling and Supporting People and those aspects which cannot be delegated to CBH as set out in the legal implications of this report.</p> <p>The intention is to transfer the service with effect from 1 December 2013 under a contract for services which will expire on 31 March 2020, so that it aligns to the existing housing management agreement that the council has with CBH.</p>

<b>Recommendations</b>	<p><b>1. To transfer the Housing Options service (as specified in appendix 2) to CBH by 1 December 2013 under a contract for services to expire on 31 March 2020.</b></p> <p><b>2. To delegate authority to the Director of Commissioning in consultation with the Cabinet Member for Housing and Safety to finalise the specification and contract for services.</b></p> <p><b>3. Note that the Council’s Housing Options staff whose roles fall within the scope of the list of services outlined in appendix 2 will transfer to CBH on the date the services transfer in accordance with the Transfer of Undertaking (Protection of Employment) Regulations 2006.</b></p>
<b>Financial implications</b>	<p>The financial implications are set out in section 4 of the report</p> <p><b>Contact officer: Paul Jones, Head of Finance, GO shared services, 01242 775154 paul.jones@cheltenham.gov.uk</b></p>

<p><b>Legal implications</b></p>	<p>Part VI and VII of the Housing Act 1996 contain the provisions on the council's functions in relation to allocation of housing and homelessness prevention and the legal determination of applications. By virtue of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 the Council will be able to authorise CBH to exercise those functions contained in Part VI and Part VII of the Housing Act 1996 with the exception of:</p> <ul style="list-style-type: none"> <li>▪ Adopting or altering the allocation scheme including the principles on which the scheme is made and consulting with Registered Providers.</li> <li>▪ Section 179(2) and (3) - power to give assistance to any person providing advisory services about homelessness and the prevention of homelessness by the means specified in the Section which include assistance by way of grant, loan and use of council premises or assets.</li> <li>▪ Section 180 – power to give assistance to voluntary organisations concerned with homelessness or matters relating to the homeless by the means specified in the Section which include assistance by way of grant, loan and use of council premises or assets.</li> </ul> <p>If the service is contracted out to CBH the Council will still have a duty as the local housing authority to comply with Sections 1 – 3 of the Homelessness Act 2002 (carrying out reviews and publishing new homelessness strategies within five years of publication of the current strategy) and also to keep the Council's tenancy strategy under review and publish any modifications under Sections 150-151 of the Localism Act 2011.</p> <p>The effect of provisions of the Deregulation and Contracting Out Act 1994 is that the Council will still remain statutorily responsible and accountable for the discharge of the functions that have been contracted out. Unless an exemption relating to criminal proceedings or failure to fulfil contract conditions applies, the acts of the contractor are, in effect, the acts of the Council.</p> <p>As CBH is a company wholly owned by the Council, the Council can engage the company to carry out the Housing Options services without having to undertake a competitive EU procurement process by relying on the 'Teckal' case. This case provides an exemption to compliance with the EU procurement rules.</p> <p>If CBH is to undertake this service no changes to its Articles of Association will be necessary as they already permit CBH to provide services of any description for Cheltenham Borough Council. As there will need to be detailed provisions about the services to be contracted out it is advisable to enter into a separate contract for services with CBH rather than amend the current management agreement.</p> <p><b>Contact officer: Donna Ruck, Solicitor, donna.ruck@tewkesbury.gov.uk, 01684 272696</b></p>
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<b>HR implications (including learning and organisational development)</b>	<p>The proposed Transfer of Undertaking (Protection of Employment) Regulations 2006. (TUPE) would potentially impact 9 or 10 current employees (depending on the timings of a transfer). However Cheltenham Borough Homes status as an admitted body for the pension scheme, and having no plans for a major restructure post transfer the actual impact on the transferring employees would be minimal as they would retain all their terms and conditions including pension rights..</p> <p><b>Contact officer: Richard Hall, HR business partner, GO shared services. 01594 812634 richard.hall@fdean.gov.uk</b></p>
<b>Key risks</b>	<b>See appendix 1</b>
<b>Corporate and community plan Implications</b>	<p>The outcomes for tackling homelessness are contained within the Council's Housing and Homelessness Strategy adopted by Cabinet on 17 July 2012. The commissioning review is an action within CBC's Corporate Plan.</p>
<b>Environmental and climate change implications</b>	

## 1. Background

- 1.1** Housing Options delivers the Council's statutory duties towards households who are homeless, threatened with homelessness or in housing need, as required under the Housing Act 1996. If a person is homeless or at risk of losing their home, Housing Options advise on what options exist to enable householders to stay in their own home. The team also advise on what other housing options may exist for householders. Their priority is preventing homelessness. The team also carry out the assessment of homelessness applications and are responsible for determining an individual's homelessness status within the terms of the law and using best practice guidance.
- 1.2** The Housing Options Team deliver a number of preventative services to its customers to help them avoid becoming homeless in the first instance. These services include guidance and support to increase financial capability which may help householders to remain in their current accommodation or secure private rented accommodation. The service also signposts applicants to other services/agencies where appropriate and provides advice and guidance on adaptations to existing accommodation, again, where this may assist an applicant remaining in their existing home.
- 1.3** The Housing Options Team also operate Gloucestershire Homeseeker which is the Gloucestershire's Choice Based Lettings system for letting social housing. It is a partnership formed between the 6 Gloucestershire district councils and many of the housing associations and social landlords, also known as registered providers.

## 2. Strategic Context

- 2.1** The strategic context for the review is clearly set out in the Housing and Homelessness Strategy 2012-17. The Localism Act 2011, and the social housing reform contained within it, brought about changes to the statutory homelessness duties and social tenure reform. The Welfare Reform Act 2012, legislated for the biggest change to the welfare system for over 60 years. Most significant are changes to the Local Housing Allowance (LHA) scheme which began in May 2011 leading up the introduction of Universal Credit in 2013.

**2.2** Prior to the significant changes brought about through legislation, Cabinet had already determined that it wished to consider how Housing Options services should be commissioned so that it could effectively meet the challenges of welfare reform and in recognition that it had already made significant savings in the housing area with the reduction of two senior housing management posts. Therefore the business case for transferring the service is about service resilience and more co-ordinated use of resources than any short term aim of delivering savings.

**2.3** Although the Housing Options service is a statutory function, the council will face further budget pressures through the life of the MTFS. CBH is a top performing ALMO and has the capacity and resources to ensure that the employees within the Housing Options service have access to the necessary support and that they will be operating within a single focused organisation which may lead to efficiency savings in the longer term.

**2.4 The rationale for considering transferring the service to CBH include:**

- Alignment of Housing Options and CBH Neighbourhood Services may increase the potential to develop solutions of mutual benefit based where there is a shared understanding of the needs of both services and also the fact that both services are Cheltenham centric.
- Increasing tenant, leaseholder and resident relationships, by creating a more seamless service from provision of housing advice to the offer of a tenancy.
- Aligned priorities, e.g., both Housing Options and CBH are working separately to build financial capability of households following the implementation of welfare reforms.
- Existing tenancy management resources/expertise which may assist with the development of new initiatives, e.g., Social Lettings Agency for the private rented sector.
- Greater service resilience in terms of advice and assistance due to wider pool of internal expertise.
- Ability to use resources more effectively enabling CBC to use its strategic housing capacity to develop more effective working relationships with all registered providers and private sector landlords to assist in mitigating the impacts of welfare reform and its wider housing agenda.
- Development of a single focus for all housing related activity for delivery of CBC housing functions. Over time the council may look to passport other housing related services to CBH if there is an appropriate strategic fit.
- CBH have a track record of delivering services which add social value by improving the economic, environmental and social well being of an area.

### **3. Commissioning Housing Options – Service Outline**

#### **3.1 Vision**

**3.1.1** The Council's Housing & Homelessness Strategy 2012-17 states that our vision is, 'for residents to be able to access and maintain suitable, affordable accommodation within communities that are safer, stronger and healthier.'

**3.1.2** The Housing Options service will play a key role in supporting this vision by focussing on a number of outcomes identified within the housing strategy.

#### **3.2 Outcomes and aims**

**3.2.1** The primary outcome of the service is to prevent homelessness. There are also a number of secondary outcomes which will support our overall approach to tackling homelessness. These outcomes are as follows

### Primary Outcome:

- To prevent homelessness

### Secondary Outcomes:

- To reduce unmanageable debt
- To prevent future debt arising
- To maximise incomes
- To improve access into the private rented sector for low income households

**3.2.2** Officers from CBC are liaising with CBH over the development of a draft specification which will form the basis of the contract. Set out at appendix 2 are functions which will transfer to CBH.. As a commissioned service, Cheltenham Borough Council will seek to ensure that the Housing Options service maintains its own identity in order to preserve impartiality. We will also wish to ensure that it remains flexible and innovative in its approach to responding appropriately to new and emerging housing need (e.g. as a result of the Welfare Reform).

### **3.3 Priorities for service delivery**

**3.3.1** CBH have confirmed that they recognise that the current service is effective and therefore in transferring services it is important that the service continues to deliver high quality support to the most vulnerable in our community.

**3.3.2** It is recognised that the provision of preventative services is more cost effective than tackling issues at the point of crisis. This approach will continue with the transfer of the service to CBH as it is beneficial both for individual residents and for communities at large. An area of particular importance is to continue to develop our ability to alleviate homelessness by accommodating households in the private rented sector.

**3.3.3** Welfare Reform means that there is a greater risk for our most vulnerable residents to fall into debt and become homeless. It will be expected that a clear emphasis on improving the financial inclusion and capability of individuals, alongside advice provision about their benefit entitlement, will continue to be a critical component of the service's early intervention homelessness prevention work. CBH have invested resources in this area and there will be an opportunity to share best practice and ensure advice etc is targeted as appropriate.

**3.3.4** The role of the Housing Options service is to ensure the range of homelessness duties are adhered to, in accordance with the homelessness legislation. In order to preserve impartiality, the roles within housing options will continue to remain clear and distinct from housing/estate/arrears management functions, with the final decision on questions of dispute between housing options and housing management functions resting with the Council.

**3.3.5** All households will be given assistance, where required, and will be assessed for eligibility, prioritisation, and their circumstances verified in accordance with Gloucestershire Homeseeker Allocations Policy.

**3.3.6** Partnership arrangements within the Housing Options service will remain in place whilst they remain of benefit to the operational delivery of this service

**3.3.7** The Council will be able to retain adequate access to the operational team in order to ensure that operational/strategic links remain intact and that communication remains effective between this Service and the retained housing-related elements within the Council



3.3.8 The Service will continue to engage with its service-users and find new ways to engage better, with a view to bringing about continued service improvement.

**4. Financial and HR issues**

4.1 It is proposed that £346,000 of the current 13/14 homelessness budget will be used to pay the contract sum for CBH to deliver the housing options service. This balance will be pro rated based on the agreed date of transfer.

The key balances within the annual £346,000 budget to transfer are split as follows:-

	£'000
Salaries (including employers NI and pension contributions)	240
Operational costs e.g. storage and net B&B costs	37
Accommodation - rent, service, and admin costs	30
Costs relating to deposit/loan & the Sanctuary schemes	20
Other overheads	19
	346

4.2 Not all of the costs of the service fall on the general fund as the housing options service already charges a proportion of its time to the housing revenue account (HRA) and this process of charging time to the HRA will continue in the future.

In 2013/14, a recharge of £102,000 has been budgeted. The recharge is based upon the proportion of staff time dedicated to supporting CBC residents/allocations to CBC property versus time spent supporting non CBC residents/allocations to non CBC property.

The basis for the recharge will be reviewed annually to ensure that it truly reflects the operation of the service.

4.3 CBH has confirmed that it will deliver the service within the existing agreed budget. This is on the basis that until the welfare reforms are fully embedded it is hard to anticipate how savings will be delivered. However, CBH will review the service over time and identify opportunities to deliver savings for the MTFs where possible.

CBH will endeavour to deliver future growth in service on a cost neutral basis. Where extra costs are necessary, sign off will be sought from CBC prior to any commitment to expenditure.

4.4 It has been agreed that the budget will be reviewed annually. Any savings/overspends against budget during the year will be passed back via the recharge mechanism at the year end. Hence, CBH will remain in a cost neutral position. CBH will liaise regularly with CBC on year to date progress to ensure that CBC are fully aware of significant variances if and when they arise.

4.5 The council will continue to have a Housing and Communities Manager who will monitor performance of the contract and deliver the councils strategic responsibilities for housing and homelessness. They will manage and oversee the use of the Communities and Local Government's Homelessness Prevention Fund, along with the range of homelessness prevention services commissioned by different providers through the provision of this fund. This will enable the council to use its funds more flexibly and undertake joint commissioning with other districts or the county council (through supporting people) as appropriate. This post will oversee the work of the housing enabling officer and will continue to have strong links to the planning team within the

built environment division.

- 4.6 The 10 employees within the Housing Options team will transfer to CBH under TUPE arrangements. The council is experienced in undertaking such a process through previous arrangements such as Onelegal, Go shared services, and the more recent ICT shared services.
- 4.7 Upon TUPE of staff from CBC to CBH, a pension deficit liability will crystallise within CBC's pension fund. As this liability will initially crystallise as a lump sum liability, CBC will need to liaise with the Gloucestershire County Council Pension Fund and the actuaries to agree a repayment plan going forwards. It should be noted that there may be a potential to recharge some of the deficit contributions into the HRA. An appropriate basis for any recharge will need to be established.

#### **4.8 Governance issues**

- 4.9 The council has a management agreement with CBH for the services it provides in relation to the management of the council's housing stock. It is proposed however that given that the majority of the Housing Options service is in relation to general fund statutory functions that the Council enters into a separate contract with CBH. The monitoring of this contract can be carried out through the existing management agreement and liaison meetings.

### **5. Implementation**

- 5.1 If Cabinet approve the transfer of the service to CBH then the service specification and contract will need to be finalised. CBH also need time to ensure that the service is integrated effectively within their own management structures. Staff within the Housing Options Team will be fully involved in shaping the implementation timetable to ensure that there is a smooth handover to CBH. It is anticipated that implementation will take five months and therefore the new service can be operational from 1 December 2013.

### **6. Alternative options considered**

- 6.1 The Cabinet report in December set out the alternative options for service delivery and at the time concluded that the only viable delivery options were in-house and delivery through CBH. The council could choose to keep its housing options functions in house but given that the council has identified savings in its MTFs by reducing the number of senior managers, the more services which are kept inhouse reduces the ability to make such savings. It would also not align with the vision of having CBH as our housing service provider of choice.

### **7. Consultation and feedback**

- 7.1 A small officer project team, comprising the Housing and Communities Manager and members of the Housing Options team, plus other officers, conducted the work within phase one of the review. Subsequently a project team headed by the Executive Director, Grahame Lewis and including representatives from CBH was set up to finalise the business case for the transfer of the service to CBH. . Consultation has taken place with the Cabinet Member for Housing and Safety.
- 7.2 CBH have taken their own legal advice in relation to the proposals and there were no issues of concern which have been raised.
- 7.3 The Housing Options Team and CBH management have been informed of the review and will be consulted further during the implementation stage.
- 7.4 The strategy committee of CBH will be meeting on 5 June and any comments they have will be fed back to cabinet at its meeting on 18 June. A briefing paper has also been issued to all CBH

board members.

**8. Performance management –monitoring and review**

**8.1** The service will be monitored through the contract arrangements that we currently have in place for CBH. This includes regular liaison meetings both at officer and cabinet member level. The service will be kept under review to ensure that it is delivering the outcomes which the Council wish to be delivered and that it is innovative and flexible to adapt to changes which may arise due to legislation, welfare reform or demographics.

**9. Equality impact assessment**

**9.1** CBH have a well defined equalities policy and processes in place and the housing options service will be delivered in accordance with these policies. There are no equality issues resulting from the transfer of employees.

<b>Report author</b>	<b>Contact officer: Grahame Lewis, Executive Director and Lead Commissioner</b> <b>Grahame.Lewis@cheltenham.gov.uk,</b> <b>01242 264312</b>
<b>Appendices</b>	1. Risk Assessment 2. Functions to be contracted to CBH
<b>Background information</b>	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the Housing Options service is not commissioned so that there is a requirement for innovation and creativity in service delivery then opportunities may be missed to increase the effectiveness of homelessness prevention services	Martin Stacy	30.04.13	3	4	12	Reduce	<p>The specification or service plan will require the provider to demonstrate the ability to innovative and implement creative solutions to improve and enhance the homelessness prevention service in consultation with the Council</p> <p>The Council will retain strategic elements of the homelessness service and determine spending priorities from the CLG homelessness prevention fund. This will be conducted in consultation with CBH.</p>	01.12.13	Housing and communities manager	Commissioning

2	If the Council and the Housing Options Service fail to maintain effective channels of communication, then strategic-operational links and understanding may be lost, to the detriment of maintaining quality service delivery and effective strategic direction.	Martin Stacy	30.4.13	3	4	12	Reduce	The specification service plan will require the provider to permit the council access to the Housing Options Team so that strategic-operational linkages are not lost.  Matters of relevance will also be considered during quarterly monitoring activities	01.12.13	Housing and communities manager	Commissioning

3	If the Housing Options services once commissioned is not able to respond quickly to changing Government priorities and emerging local needs then this may mean the service is not able to respond to households in housing need	Martin Stacy	20.9.12	3	4	12	Reduce	<p>The specification or service plan will require the provider to demonstrate how they are able to accommodate flexibility within their service delivery arrangements</p> <p>The Council will continue to hold CLG homelessness prevention fund and will determine spending priorities in accordance with its wider strategic aims. These priorities will be determined in consultation with CBH.</p> <p>CBH have already demonstrated that they can be flexible to deliver against changing priorities</p>	01.12.13	Housing and communities manager	Commissioning
4	If Housing Options is transferred to CBH, then any operational improvements may focus more on delivering improved services to tenants,	Martin Stacy	30.4.13	3	4	12	Reduce	The specification service plan will require the provider to consult with the Council on service delivery changes.	01.12. 13	Housing and communities manager	Commissioning

	which could inadvertently be to the detriment of other service users and non-CBH (tenant) related homelessness prevention services							Strategic elements and spending priorities will be retained with the Council and determined in consultation with CBH.			
5	If Housing Options is transferred to CBH then some residents may be unwilling to seek advice because they could feel the service may not treat them on an equal basis because of their previous tenancy/household history	Martin Stacy	4.10.12	2	4	8	Reduce	A distinctive housing options branding of the service and a clear separation of neighbourhood (housing) management functions may help overcome this perception. However there are no legal implications for the service being delivered by CBH and indeed before the set up of CBH the service was successfully managed in it's entirety by the Council as a joint homelessness and housing management function,.	01.12.13	Housing and communities manager	Commissioning
6	If Housing Options is transferred to CBH then the Housing Options Service's ability to	Martin Stacy	30.4.13	1	6	6	Reduce	Information could still be obtained indirectly via Housing Benefit	01.12.13	Housing and communities manager	Commissioning

access Housing Benefit data directly through data sharing arrangements will be lost as a result of data protection legislation.						staff, although this will be a slower mechanism. Data sharing protocol to be established			
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**Explanatory notes**

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close



**Housing Options Commissioning Review. List of Legislation and functions to be contracted to CBH**

The Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 permits any function of an authority which is conferred by or under Part VI (allocation of housing accommodation) and Part VII (homelessness) of the Housing Act 1996 to be exercised by any person (including companies) as the authority may authorise with the exception of the functions listed in the schedule of the Order. This table summarises the provisions of Part VI and VII of the Act and whether the functions can be contracted out under the Order. It only includes sections relating specifically to conferring duties and powers upon the authority and omits all other sections as these relate to points of detail (e.g. provisions about persons eligible for assistance, definitions, ability of the secretary of state to make regulations etc)

Statutory Provision	Summary	Contracting Out to CBH
<p><b>Part VI Allocation of Housing Accommodation</b></p> <p>S159 Allocation of Housing Accommodation</p>	<p>imposes the fundamental obligation, which is that local housing authorities must comply with this Part of the Act when allocating housing accommodation.</p>	<p>Yes</p>
<p>S166 Applications for Housing Accommodation</p>	<p>S166(1) to secure that                      (a) advice and information is available free of charge to persons in their district about the right to make an application for an allocation of housing accommodation; and                      (b) any necessary assistance in making such an application is available free of charge to persons in their district who are likely to have difficulty in doing so without assistance.                      (1A) secure that an applicant for an allocation of housing accommodation is informed that he has the rights mentioned in section 166A(9).                      (3) Every application made to a local housing authority for an allocation of housing accommodation shall (if made in accordance with the procedural requirements of the authority's allocation scheme) be considered by the authority.                      (4) The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without</p>	<p>Yes</p>

<p>S166A Allocation in Accordance with Allocation Scheme: England</p>	<p>his consent) to any other member of the public. Specifies that every local housing authority must have an allocation scheme for determining priorities and as to the procedure to be followed, in allocating housing accommodation and gives further details on what must be contained in the scheme.</p>	<p>No</p>
<p>S168 Information about allocation scheme</p>	<p>S168 (1) publish a summary of the allocation scheme and provide a copy of the summary free of charge to any member of the public who asks for one. (2) make the scheme available for inspection at their principal office and shall provide a copy of the scheme, on payment of a reasonable fee, to any member of the public who asks for one. (3) When the authority make an alteration to their scheme reflecting a major change of policy, they shall within a reasonable period of time take such steps as they consider reasonable to bring the effect of the alteration to the attention of those likely to be affected by it.</p>	<p>Yes except Section 168(2) (information about allocation scheme) so far as they relate to making the allocation scheme available for inspection at the authority's principal office</p>
<p><b>Part VII Homelessness</b></p>		
<p>S179 Duty of local housing authority to provide advisory services</p>	<p>S179(1) – secure that advice and information about homelessness and the prevention of homelessness, is available free of charge to any person in their district. (2) The authority may give to any person by whom such advice and information is provided on behalf of the authority assistance by way of grant or loan. (3) A local housing authority may also assist any such person— (a) by permitting him to use premises belonging to the authority, (b) by making available furniture or other goods, whether</p>	<p>Section 179(1) to be contracted out.</p>

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	<p>by way of gift, loan or otherwise, and (c) by making available the services of staff employed by the authority.</p>	
<p>S180 Assistance for voluntary organisations</p>	<p>S180 (1) The Secretary of State or a local housing authority may give assistance by way of grant or loan to voluntary organisations concerned with homelessness or matters relating to homelessness. (2) local housing authority may also assist any such organisation— (a) by permitting them to use premises belonging to the authority, (b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and (c) by making available the services of staff employed by the authority. (3) A “voluntary organisation” means a body (other than a public or local authority) whose activities are not carried on for profit.</p>	<p>No</p>
<p>S184 Inquiry into cases of homelessness or threatened homelessness</p>	<p>Once an application has been received under S183 (Application for Assistance) the next stage in the application process is for the authority to make enquiries into the application to determine what (if any) duty is owed. This section is concerned with the ambit and conduct of those enquiries</p>	<p>Yes</p>
<p>S188 Interim duty to accommodate in apparent priority need</p>	<p>If an authority has reason to believe that the applicant may be eligible for assistance, homeless and in priority need, this section requires that they have to secure that accommodation is made available for his occupation pending any decision that it may make as a result of its</p>	<p>Yes</p>

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	enquiries.	
S190 Duties to persons becoming homelessness intentionally	The section imposes a duty to provide advice and assistance when an applicant is homeless, in priority need, but has become homeless intentionally	Yes
S192 Duty to persons not in priority need who are not homeless intentionally	This section sets out the duties to persons who are not in priority need and are not intentionally homeless.	Yes
S193 Duty to persons with priority need who are not homeless intentionally	Under this section, the duty towards the unintentionally homeless is to secure that accommodation is available for occupation by the applicant until the duty ceases in accordance with the section	Yes
S195 Duties in case of threatened homelessness	Sets out the duty that where the authority is are satisfied that as person has a priority need, and are not satisfied that he became threatened with homelessness intentionally, it shall take reasonable steps to secure that accommodation does not cease to be available for his occupation.	Yes
S198 referral of case to another local housing authority	This section governs the circumstances in which a local authority may refer an applicant to another authority.	Yes
S200 duties to applicant whose case is considered for referral or referred	Sets out the various duties owed to an applicant by an authority that refers the applicant to another authority	Yes
S201 Application of referral provisions to cases arising in Scotland	Provides that Sections 198 and 200 apply to applications referred by a local authority in Scotland and to persons whose applications are so transferred.	Yes
S202 Right to request a review of decision	An applicant has the right to request a review of— <ul style="list-style-type: none"> <li>any decision of a local housing authority as to his eligibility for assistance,</li> </ul>	Yes

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	<ul style="list-style-type: none"> <li>• any decision of a local housing authority as to what duty (if any) is owed to him under sections 190 to 193 and 195 [and 196] (duties to persons found to be homeless or threatened with homelessness),</li> <li>• any decision of a local housing authority to notify another authority under section 198(1) (referral of cases),</li> <li>• any decision under section 198(5) whether the conditions are met for the referral of his case,</li> <li>• any decision under section 200(3) or (4) (decision as to duty owed to applicant whose case is considered for referral or referred),</li> <li>• any decision of a local housing authority as to the suitability of accommodation offered to him in discharge of their duty under any of the provisions mentioned in paragraph (b) or (e) or as to the suitability of accommodation offered to him as mentioned in section 193(7), or</li> <li>• any decision of a local housing authority as to the suitability of accommodation offered to him by way of a private rented sector offer (within the meaning of section 193)</li> <li>• any decision of a local housing authority as to the suitability of accommodation offered to him by way of a private accommodation offer (within the meaning of section 193).</li> <li>• An applicant who is offered accommodation as mentioned in section 193(5), (7) or (7AA) may request a review of the suitability of the accommodation offered to him whether or not he has accepted the offer.</li> </ul>	
S204 Right of appeal to county court on	If an applicant who has requested a review under section 202	Yes

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<p>point of law</p>	<p>is dissatisfied with the decision on the review, or is not notified of the decision on the review within the time prescribed under section 203, he may appeal to the county court on any point of law arising from the decision or, as the case may be, the original decision.</p>	<p>(NB the appeals will be against CBC but CBH will still be able to give evidence on CBC's behalf as they do now for possession cases etc).</p>
<p>S204A Section 204(4) appeals</p>	<p>Authorities have power under HA 1996 s.204(4) to house pending any appeal (and any subsequent appeal). Interim relief will not be needed on a county court appeal if the authority agrees to use this power.</p> <p>an applicant with a right to appeal to the county court against a local authority's decision on review (s.204A(1)) may also appeal to the county court if the authority refuses to exercise its power to secure interim accommodation under s.204(4) or is only willing to do so for a limited period ending before the final determination of the main appeal</p>	<p>Yes</p>
<p>S205 - 209 Discharge of functions</p>	<p>By s.206, a local authority may discharge its duty under s. 193 in one of three ways:</p> <ul style="list-style-type: none"> <li>(i) by securing that suitable accommodation provided by it is available for the applicant;</li> <li>(ii) by securing that the applicant obtains suitable accommodation from some other person; or</li> <li>(iii) by giving the applicant such advice and assistance as will secure that suitable accommodation is available from some other person.</li> </ul> <p>S208 – provides when a placement can be made out of the council's area</p>	<p>Yes</p>

<p>S211 Protection of property of homeless person and persons threatened with homelessness (S212 supplementary provisions)</p>	<p>This section, supplemented by s.212, makes provision for local housing authorities to take steps to protect the property of homeless people.</p>	<p>Yes</p>
<p>S213 Co-operation between relevant housing authorities and bodies</p>	<p>Where housing duties of any type arise, or when inquiry duties arise, the authority may seek cooperation from one of the specified bodies, or may even request a social services authority to take over their functions, and that authority shall co-operate to the extent "as is reasonable in the circumstances".</p>	<p>No</p>
<p>S213A Co-operation in certain cases involving children</p>		<p>Yes</p>

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**PUBLIC NOTICE**

**CABINET 18 JUNE 2013**

**HOUSING OPTIONS REPORT**

A key decision is being taken at Cabinet on 18 June regarding the transfer of the Housing Options Service.

As this decision was not included on the Forward Plan, the 28 days clear notice of a key decision required under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 was not given.

Following the general exception procedure in Regulation 10, the Chief Executive advised the Chair of the O&S Committee about the decision to be made. A copy of this correspondence is attached overleaf.

The Chief Executive determined that it was impracticable to defer the decision until 28 days notice could be given which in this case would be the Cabinet meeting on 16 July. The reason it could not be deferred was because a decision was required in order to meet the project timescales for the transfer.

Accordingly the item is now included in the Cabinet agenda for 18 June and the report is included in the papers published for the meeting on Friday 7 June 2013.

Rosalind Reeves  
Democratic Services Manager  
10 June 2013

**Copy of the notification sent to the chair of the O&S committee on behalf of the Proper officer, Andrew North, Chief Executive**

**From:** "Rosalind.Reeves@cheltenham.gov.uk" <Rosalind.Reeves@cheltenham.gov.uk>  
**To:** clr.duncan.smith@cheltenham.gov.uk  
**Sent:** Wednesday, 5 June 2013, 12:11  
**Subject:** Cabinet Key decisions not on the forward plan

There are 2 reports tabled for Cabinet on 18 June which are not on the Forward Plan. As they are key decisions and 28 days notice is required in accordance with our constitution they need to follow the urgency procedure set out in the council's constitution.

The Proper Officer (Andrew North) is required to notify the Chair of O&S that the items have been added to the Cabinet Agenda and the reasons why 28 days notice cannot be given.

The two reports are

1. Housing Options Review - part of the Cheltenham Futures Project and a decision is needed to meet project timescales.

.....

If you need any more information please let me know.

Regards

Rosalind

Rosalind Reeves

Democratic services manager

Commissioning division

Room 132 Municipal Offices

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**Cheltenham Borough Council  
Cabinet – 18 June 2013  
Nominations to outside bodies  
Third Sector Services  
Report of the Leader**

<b>Accountable member</b>	Leader, Councillor Steve Jordan
<b>Accountable officer</b>	Rosalind Reeves, Democratic Services Manager
<b>Accountable scrutiny committee</b>	All
<b>Ward(s) affected</b>	Not applicable
<b>Key Decision</b>	No
<b>Executive summary</b>	<p>Following each Selection Council, and at other times when vacancies arise, the Cabinet takes the opportunity to nominate and, in limited cases, appoint persons to various roles within bodies external to the Council.</p> <p>In June 2012, Councillor Barbara Driver was appointed as an observer on the Board of Third Sector Services. She has now been appointed to the board in her own right so there is a vacancy for an observer.</p> <p>Councillor Regan has put herself forward for the position and all Group Leaders are in agreement to her appointment.</p>
<b>Recommendation</b>	<p>Cabinet appoint Councillor Anne Regan as the observer on the Board of Third Sector Services in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>• <b>all nominations are made on the basis that the nominee/appointee is a representative of Cheltenham Borough Council insofar as that is compatible with any overriding legal duty to the outside body; and</b></li> <li>• <b>Cabinet reserves the right at any time to withdraw/terminate a nomination/appointment which it has made</b></li> <li>• <b>Cabinet should refer a nomination/appointment to Council for determination where consensus on that nomination/appointment cannot be achieved between all the political groups on the Council</b></li> </ul>

<b>Financial implications</b>	<p>There are no financial implications associated with this report.</p> <p><b>Contact officer: Paul Jones, Head of Finance</b>  <a href="mailto:paul.jones@cheltenham.gov.uk">paul.jones@cheltenham.gov.uk</a>, 01242 775154</p>
<b>Legal implications</b>	<p>Two general powers are relevant to nomination/appointment to outside bodies, these being the 'Well Being' power found in the Local Government Act 2000 and the power of an authority to do anything conducive, incidental to or facilitative of the discharge of any of their functions found in the Local Government Act 1972.</p> <p>Updated guidance for Members appointed to outside bodies can be found at Part 5G of the Council Constitution.</p> <p><b>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk,</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications associated with this report</p> <p><b>Contact officer: Julie McCarthy , Human Resources Manager West</b>  <a href="mailto:Julie.mccarthy@cheltenham.gov.uk">Julie.mccarthy@cheltenham.gov.uk</a>, 01242 26 4355</p>
<b>Key risks</b>	<p>Members appointed should be aware of their roles and responsibilities.</p>
<b>Corporate and community plan Implications</b>	<p>Supports all the community priorities and supports community engagement.</p>

## 1. Background

- 1.1 The bodies to which nominations/appointments are made comprise a variety of organisations and groups. A traditional distinction can be drawn between incorporated and unincorporated bodies; the former being distinct legal entities such as companies, having a legal personality and a framework imposing obligations upon those who become involved by appointment; the latter being bodies which, albeit without formal legal foundation, play an important role in representing interests within the local community. Involvement in these unincorporated organisations will often carry few or no legal obligations on those appointed.
- 1.2 In the majority of cases Cheltenham Borough Council decides who to nominate to the body concerned and it is then for that body to decide on whether to accept the nomination and make the appointment.
- 1.3 In 2008, it was agreed that all nominations/appointments would be made by Cabinet with the proviso that if all political groups on the Council do not agree to a nomination the matter will be referred to full Council for determination. The reason for this change was that all of the bodies referred to related to Cabinet rather than Council functions and therefore it was deemed more appropriate for Cabinet to make the appointments and simplified the whole process.

## 2. Legal issues

- 2.1 The power of Cabinet to nominate/appoint is subject to the proviso that if all political groups on the Council cannot agree a particular nomination/appointment then it will be referred to full Council for determination.
  - 2.2 Whilst nominations/appointments are made on the general basis that the nominee/appointee is the Council's representative on the outside body, it is important to note that in many cases the overriding duty is to the outside body. For example, a company director has a primary duty of care towards the company and to act in the best interests of the company as a whole and a trustee must act in accordance with the trust deed and uphold the trust's objectives.
  - 2.3 The Council is able to indemnify members (and officers) in the course of their activities on outside bodies provided they are acting within the scope of their authority as Council representatives. Outside bodies, such as companies, that are legal entities in their own right must have their own appropriate insurance arrangements in place. It is important that members (and officers) clarify the position in each particular case.
- 3. Reasons for recommendations**
- 3.1 Appointments must be made in accordance with the Council's constitution.
- 4. Alternative options considered**
- 4.1 not applicable
- 5. Consultation and feedback**
- 5.1 Councillors were advised of the vacancy on 23 May 2013.
- 6. Performance management –monitoring and review**
- 6.1 Members are encouraged to give feedback on their attendance at meetings of outside bodies and communicate any relevant issues.

<b>Report author</b>	<b>Contact officer: Rosalind Reeves Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk  Tel: 01242 774937</b>
<b>Appendices</b>	None
<b>Background information</b>	None

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