



Notice of a meeting of Council

**Monday, 17 December 2012 at 2.30 pm
Council Chamber, Municipal Offices**

Membership	
Councillors:	Colin Hay (Chair), Wendy Flynn (Vice-Chair), Andrew Chard, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Barbara Driver, Bernard Fisher, Jacky Fletcher, Rob Garnham, Les Godwin, Penny Hall, Tim Harman, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, David Prince, John Rawson, Anne Regan, Rob Reid, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Jo Teakle, Pat Thornton, Jon Walklett, Andrew Wall, Simon Wheeler, Roger Whyborn and Suzanne Williams

Agenda

1.	A MOMENT OF REFLECTION	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	MINUTES OF THE LAST MEETING 15 October 2012	(Pages 1 - 22)
5.	COMMUNICATIONS BY THE MAYOR	
6.	COMMUNICATIONS BY THE LEADER OF THE COUNCIL	
7.	PUBLIC QUESTIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
8.	MEMBER QUESTIONS	
9.	LOCALISATION OF COUNCIL TAX SUPPORT Report of the Cabinet Member Finance	(Pages 23 - 30)
10.	COUNCIL TAX DISCOUNTS ON EMPTY PROPERTIES Report of the Cabinet Member Finance	(Pages 31 - 40)

11.	TREASURY MID-TERM REPORT 2012/13 Report of the Cabinet Member Finance	(Pages 41 - 48)
12.	SCRUTINY TASK GROUP REVIEW - EVENTS SUBMISSION A report of the Overview and Scrutiny Committee - to be introduced by the vice-chair of the committee, Councillor Klara Sudbury who will ask Councillor Penny Hall as chair of the scrutiny task group to introduce their report.	(Pages 49 - 80)
13.	SCRUTINY TASK GROUP REVIEW - COMMUNITY GOVERNANCE REVIEW A report of the Overview and Scrutiny Committee - to be introduced by the vice-chair of the committee, Councillor Klara Sudbury who will ask Councillor Barbara Driver as the elected member of the scrutiny task group to introduce their report.	(Pages 81 - 98)
14.	NOTICES OF MOTION	
15.	TO RECEIVE PETITIONS	
16.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION	
17.	LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION The Council is recommended to approve the following resolution:- <p>“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1, 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:</p> <p>Paragraph 1; Information relating to any individual.</p> <p>Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p>Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceeding</p>	
18.	REQUEST FOR DISCRETIONARY ALLOWANCE Report of the Head of Human Resources (GO Shared Services) and the Borough Solicitor & Monitoring Officer	

Contact Officer: Saira Malin, Democracy Officer, 01242 775153
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Andrew North
Chief Executive

Council

Monday, 15th October, 2012

2.30 - 6.05 pm

Attendees	
Councillors:	Colin Hay (Chair), Wendy Flynn (Vice-Chair), Andrew Chard, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Barbara Driver, Bernard Fisher, Jacky Fletcher, Rob Garnham, Les Godwin, Penny Hall, Tim Harman, Rowena Hay, Diane Hibbert, Peter Jeffries, Steve Jordan, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, David Prince, John Rawson, Anne Regan, Rob Reid, Duncan Smith, Charles Stewart, Klara Sudbury, Jo Teakle, Pat Thornton, Jon Walklett, Roger Whyborn and Suzanne Williams

Minutes

1. A MOMENT OF REFLECTION

Reverend Robert Pastelli invited members to take a moment of reflection.

2. APOLOGIES

Apologies were received from Councillors Wall, Holliday, Wheeler, Lansley, Stennett and Seacome. Councillor Williams would be late and subsequently arrived at 4.20pm.

3. DECLARATIONS OF INTEREST

Councillor Garnham declared a personal and prejudicial interest in agenda item 14 (Joint Core Strategy Gloucester, Cheltenham and Tewkesbury) due to his private business being engaged by landowners of a site in Brockworth.

Councillors Sudbury, Teakle, Bickerton and Chard declared a personal interest in agenda item 14 (Joint Core Strategy Gloucester, Cheltenham and Tewkesbury) as members of LEGLAG.

4. MINUTES OF THE LAST MEETING

The minutes of the last meeting had been circulated with the agenda.

The Leader highlighted an error on page 10 of the minutes at item 10e whereby the consultation document 'developing a preferred option' should have been referenced rather than the NLP report.

Upon a vote it was unanimously

RESOLVED that the minutes, as amended, of the meeting held on the 24 September be agreed and signed as an accurate record.

5. COMMUNICATIONS BY THE MAYOR

The Mayor paid tribute to Edward Gillespie who had stepped down as Managing Director at Cheltenham Racecourse after 32 years in the role. Ed, who was made a Freeman of the Borough in 2008 had transformed the Cheltenham Festival from a well known race meet to the foremost steeple chase festival in the country. The popularity of the other race meets grew year on year and it was recognised what this added to the Cheltenham economy. The Mayor was pleased that Ed would not be leaving the County and looked forward to working with him in the future.

The Mayor agreed to a request to write to Edward Gillespie on behalf of this Council and thank him for all that he had done for the town.

Upcoming events included the Monster Walk on the 27 October, a Halloween-themed fancy dress charity walk and Remembrance Sunday on the 11 November which he urged members to attend as it meant a lot to people in the town and suggested that Councillors attendance was always well received by the public.

6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader fully endorsed the comments made by the Mayor regarding Edward Gillespie whose major contribution to the town had been recognised in this chamber when he had been made a Freeman of the Borough.

He had recently attended the AGM of CBH and took this opportunity to thank Lawrence Boyd and Mike Tyrrell who were standing down as members of the Board at CBH after a fantastic contribution as both Chairs and members of the Board. He congratulated Stuart Hutton on his appointment as Chair and wished him all the very best in his new role.

7. PUBLIC QUESTIONS

Councillor McLain arrived at 2.45pm and Councillors Hibbert and Prince arrived at 2.50pm.

The following responses were given to the 3 public questions received;

1.	Question from Kit Braunholtz to the Leader, Councillor Steve Jordan
	Is the Council aware that the average household size in the JCS area was 2.346 in 2001 and was 2.341 in 2011 using figures published by the Office of National Statistics and calculations supplied to me by Councillor Ian Bickerton?
	Response from Leader
	Nathaniel Lichfield and Partners (NLP) state in a recent report using the same source data as Councillor Bickerton that household size for 2001 was 2.3 and for 2011 was 2.29. Hence both set of figures indicate a slight fall. In a supplementary question, he asked whether the Council was further aware that the figure of 28,500 extra houses in the JCS area (in 2031 compared with 2011) quoted by NLP implies that the average household size in 2031 will be approximately 2.22 as opposed to the average household size of 2.33 in 2031 obtained by linear projection from the

	<p>actual figures of the last 10 years; and in the light of this discrepancy, will the Council carefully investigate different ways of obtaining projections (i.e. educated guesses) of what the housing requirement will actually be? And in view of the large differences between projections of the housing requirement obtained by different methods, will the Council consider adopting a sensible strategy of using a figure towards the lower end of the range to begin with, and increasing this figure later if necessary in the light of circumstances?</p> <p>In response the Leader confirmed that the report to Council was recommending that these issues are looked at and the role of the JCS working group would be to examine the figures and report back.</p>
2.	Question from Kit Brauholtz to the Leader, Councillor Steve Jordan
	<p>Does the Council realise that if the population of the JCS area increases (as the JCS team assumes it will) by 44,700 from 2011 to 2031, and if the average household size were to be 2.331 people per household in 2031, (which is what one would obtain by projecting linearly forward the local trend in average household size over the past ten years), then the number of extra houses needed by 2031 would be approximately 19,900? (This figure is slightly higher than the figure previously quoted of 18,600 which was calculated using the national average of 2.4 for household sizes instead of the slightly lower local ones.)</p>
	Response from Leader
	<p>While this is true, members have been advised by officers that making projections based on short-term trend data is not a sound basis on which to assess future housing needs.</p> <p>It is important to assess the evidence as to what the future trend is likely to be rather than just assume the current situation will continue. The report to be discussed by Council later recommends that the JCS and Planning Liaison Overview and Scrutiny Working Group reviews this evidence.</p>
3.	Questions from Gerry Potter to the Leader, Councillor Steve Jordan
	<p>It was quoted in the Cheltenham Echo of Monday 8th October <i>"figures have revealed the number of new jobs in Cheltenham and Tewkesbury boroughs and Gloucester City increased by only 5,000 in 20 years"</i> - the leader of Cheltenham Borough Council also stating the same.</p> <p>However, the figures from the Joint Core Strategy (JCS) suggest 27,000 jobs will be needed in the next 20 years, which would mean an increase of 600 per cent. At a recent meeting of Tewkesbury Borough Council it was also stated <i>"that the number of jobs needed could be between 15,500 and 27,000, depending on two different projections made by separate groups of analysts"</i>. Even if the lower amount turns out to be correct, it would mean the three areas would still need to generate more than three times the number of jobs created in the last 20 years.</p> <p>Where will these jobs come from given that there are a considerable number of unemployed people in Gloucestershire, with unemployment rising in September? The predicted growth that</p>

	<p>everyone expects, and the assumption on which housing requirements have been based, may not happen for at least a decade or two. Surely an informed economic view, and much more information, is needed before any land is committed for building homes on.</p> <p>If one thing has been learnt from the work which has been done as part of the Joint Core Strategy, it must be that future housing needs cannot be looked at in isolation. It begs the question: Can we employ the increased population we are planning homes for - in these tough economic times, it's hard for even the most optimistic among us to consider this feasible ?</p> <p>Do we need to swallow up large parts of the borough to accommodate growth that might not happen ?</p>
	Response from the Leader
	<p>I agree that future housing needs cannot be looked at in isolation and also that the development plan must be internally consistent in respect of the level of economic growth and the level of new housing provision.</p> <p>The joint core strategy must be in conformity with the National Planning Policy Framework (NPPF) otherwise there will be no prospect of the plan being found sound at examination. The NPPF requires that local authorities plan positively for growth, including housing to meet objectively assessed needs.</p> <p>Taken together, these matters are reflected in Resolution 6 agreed at the Council meeting on 24th September which states:</p> <p><i>Agree that "objectively assessed need" for the JCS area should be based upon local job projections and the alignment of housing and employment provision. Also to agree that in preparing the JCS Preferred Option document, further work will be carried out to understand the level of economic growth assumed in the demographic, Cambridge Econometrics and Experian Business Strategies Ltd projections and work with the Local Enterprise Partnership to establish the level of economic growth for the JCS area during the period up to 2031 and the potential implications that this may have on the level of housing required.</i></p> <p>Officers are now working closely with the Local Enterprise Partnership in pursuance of this objective.</p>

8. MEMBER QUESTIONS

The following responses were given to the 5 member questions received;

1.	Question from Councillor Tim Harman to Cabinet Member Corporate Services, Councillor Jon Walklett
	Could the Council be advised of the likely savings to the Council Budget if the Whole Council elections were adopted at the next opportunity?
	Response from Cabinet Member Corporate Services

	<p>The following response has been extracted from a paper presented to Council on 26th July 2010 :-</p> <p>“The current cost of a local council election is £130,000 per election or £260,000 over a 4 year period, budgeted at £65,000 per annum.</p> <p>If the Council was to run a single full election this would increase the costs by £30,000 to £160,000 per election, resulting in a saving over four years of £100,000, or an average saving of £25,000 per annum. This assumes the number of bi-elections do not increase as a result of a four year cycle.</p> <p>However, under legislation, the timetable for holding local elections is such that, in the first year of changing to a 4 year cycle there would be insufficient funding available, as this would be held 1 year earlier than under the planned 2 year cycle. One-off additional budget of £95k would therefore be required to support the new arrangement. There would therefore be a payback period of approximately 4 years.</p> <p>In addition, there will be one-off consultation costs of the proposed changes, as yet undetermined.”</p> <p>I would also like to make you aware that in the event of any increase in bi-elections resulting from a four year cycle further incremental costs currently estimated at £8000 per ward could also be incurred.</p> <p>The result of the July 2010 Council's vote on the matter of four yearly elections was a win (For 25, Against 9) for an amendment which became the substantive motion “<i>Council resolves not to pursue a move to four yearly elections</i>” For interest a further motion “<i>Council reconsiders the matter during 2013</i>” was also defeated (For 10, Against 25)</p> <p>In a supplementary question, Councillor Harman asked whether with greater pressure on council budgets in the year ahead, the Cabinet Member would be looking at every possible saving as ongoing savings would be possible from a change in election arrangements.</p> <p>In response the Cabinet Member said that the average saving of £25,000 per annum that could be achieved from moving to four yearly elections was relatively small and would amount to only 27.89 p for each member of the electorate. This compared with the benefits of giving the Cheltenham electorate the opportunity to exercise their democratic right every two years which he believed was something that the council should endorse.</p>
2.	<p>Question from Councillor Barbara Driver to Cabinet Member Built Environment, Councillor Andrew McKinlay</p>
	<p>As this council quite rightly encourages more cycling could the Cabinet Member responsible tell me why there are not many more bicycle stands across the whole of Cheltenham, and why have some have even be taken away, which as has been pointed out to me by constituents? You do not need large ones, but one or two every few hundred meters both in the town centre, Montpellier the Suffolk's and Bath Road. Also, would CBC encourage the bus companies to place bicycle racks on the front of</p>

	their buses (again as in other towns) so that both can be used to the best advantage?
	Response from Cabinet Member Built Environment
	<p>Currently there are a number of reviews being undertaken on the Cheltenham Cycle Network.</p> <p>CBC together with Gloucestershire County Council, Gloucestershire Highways and local cycle interests such as Cheltenham Cycling Forum are looking at a number of initiatives to not only improve accessibility to Cheltenham for cyclists but more importantly the provision of adequate cycle parking</p> <p>The success of the local sustainable transport fund has now enabled a number of cycle projects to be brought forward this includes in particular the provision of and location of adequate cycle parking. A number of recent cycle parking improvements have taken place in areas identified by local residents and community groups these include Church Piece and Charlton kings.</p> <p>Improvements to cycle parking along the Bath Road Corridor in Leckhampton are also planned as is an extensive review of the cycle parking needs within the town centre where currently there are a number of trials being undertaken to identify the need for and best location for the placement of cycle parking facilities. Historically cycle parking has often been implemented with no overall strategic thought as to the location and or demand for cycle parking.</p> <p>The current need for and future demand for cycle parking facilities are subject to an ongoing process as we move the town towards smarter accessibility and being sustainable travel town.</p> <p>Why have some cycle stands been taken away? With reference to the removal of cycle racks as reported by Councillor Barbara Driver, our officers will meet with and discuss the concerns raised as the removal of cycle stands are only endorsed by CBC where they are removed for maintenance purposes or the location has been deemed no longer functional. Having said this they are not removed without due engagement and consultation being undertaken.</p> <p>Would CBC encourage the bus companies to place bicycle racks on the front of their busses? Discussions have taken place with bus operator/s regarding ways in which potential improvements can be achieved to bus access, in particular cycle carriers and the establishment of localised transport nodes at key bus connection points where improved cycle parking provision can be provided.</p> <p>With regards to cycle carriers being installed on local buses we will again raise this issue with operators and the County's bus management team. The concept of on bus cycle carriers would assist residents and commuters in considering linking cycle and bus travel as part of their first travel choice.</p>

	<p>This can assist in reducing the number of motor vehicle journeys in and around the town.</p> <p>In a supplementary question, Councillor Driver referred to a recent survey which indicated that 8% of the population rode bicycles and she asked the Cabinet Member if this figure was going up or down in Cheltenham.</p> <p>In response the Cabinet Member said he was unaware of this survey. His assumption was that it was going up but he had no figures to verify this. He added that the Cabinet was committed to sustainable transport in the town and this would include encouraging more people to take up cycling.</p>
3.	Question from Councillor Andrew Chard to Cabinet Member Built Environment, Councillor Andrew McKinlay
	<p>Interruption of power affects both businesses and homes alike. In recent months Cheltenham appears to have suffered from more and more power cuts. Please would the relevant Cabinet Member tell this council what steps they have taken to find out why this happening and what the power supply companies have said?</p>
	Response from Cabinet Member Built Environment
	<p>The Council has not undertaken any specific investigations into the recent power losses as clearly the appropriate delivery of electrical supplies is not a Council responsibility.</p> <p>Officers have however reviewed the Council's Corporate Business Continuity Plan and introduced additional measures to ensure that our ICT provisions are appropriately protected. The plan has also been revised to provide a more efficient communication cascade to staff and Members.</p> <p>A new officer team will be set up which will include staff from Property, Front line services, and ICT whose primary role will be to assess the known facts and implement appropriate action. Terms of reference for this group are currently being developed by the Executive Director.</p>
4.	Question from Councillor Rob Garnham to the Leader
	<p>As I have declared a conflict of interest on all matters relating to the JCS I will not be in the council chamber for the debate under agenda item 14. However my question is to the Leader of the Council and is more concerned with who is running the Council and how it is being run. The Press has quoted the Leader of the Council as saying "the additional resolutions by Cheltenham Borough Council on the 24th September wouldn't 'blow the whole thing apart' and that the "18600 figure would not be a 'showstopper'" Given the responses from our JCS partners in Tewkesbury and Gloucester, that would indicate because of his actions the JCS is on the brink of disaster, does he still stand by those quotes?</p>
	Response from the Leader
	Cheltenham Council has already agreed the same 7 clauses agreed by

	<p>both Gloucester and Tewkesbury Councils. It is equally true that the additional resolves agreed by this Council on 24th September do not contradict anything in those 7 clauses.</p> <p>The response of the Gloucester and Tewkesbury Council does indicate a level of confusion over what this Council was actually saying. Last week I had a very useful meeting with Paul James and Rob Vines where we were able to clarify our positions and confirm that we are all committed to making the JCS work so it clearly doesn't 'stand on the brink of disaster'.</p> <p>The report before Council today indicates how the concerns expressed by this council can be taken forward although I do appreciate Cllr Garnham has a conflict of interest in these matters.</p> <p>In a supplementary question, Councillor Garnham asked the Leader to explain why there was a widespread public belief that the amendments proposed by the Leader at the last Council meeting were because Councillor Bickerton had threatened to resign his seat unless the amendments were put.</p> <p>The Leader responded that this was completely untrue and explained the sequence of events. Members of the joint steering group had met on Wednesday after receiving the NLP report on the Monday. The seven resolutions which the Leader himself had drafted were put to the steering group and agreed. The Leader had considered that a useful starting point but he had always intended to take on board people's comments as they arose in further discussions with members of his group and other councillors. He felt this was a very appropriate way for council to approach this issue. He apologised for any confusion with the other councils who may have had a different interpretation of what would happen after the meeting.</p>
5.	Question from Councillor Anne Regan to Cabinet Member Sustainability, Councillor Roger Whyborn
	<p>Can the appropriate portfolio holder tell us since the withdrawal of the free dog bags, has the recorded number of complaints of dog fouling increased particularly in our parks, gardens, and recreational areas. As the danger to children of disease from this issue may increase, will this council consider reintroducing the green bag scheme?</p>
	Response from Cabinet Member Sustainability
	<p>Complaints to the Council's Public Protection Team about dog fouling in the twelve months prior to 01.04.11 (when free dog foul bags were withdrawn) were 134. In the twelve months subsequent to 01.04.12 there were 159 complaints.</p> <p>The Council's Public Protection Team respond to any exceptional dog fouling problems by targeting resources at specific problem areas as they arise and this normally resolves things.</p> <p>Free bags were introduced at the time in order to raise public awareness when dog bags were less widely used and available. Now that they are widely used and available in shops, and expected to be used, continued</p>

	<p>provision by CBC is not considered the best use of council money.</p> <p>In a supplementary question, Councillor Regan asked what steps would be taken to tackle this problem as she was receiving an increasing number of complaints in her ward.</p> <p>In response the Cabinet Member said that the figures available did not show a significant increase in complaints and it was certainly not the case in his ward. He didn't believe that the free supply of dog bags significantly affected the number of dog fouling problems.</p>
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9. STATEMENT OF ACCOUNTS-REPORT OF THE CHAIR OF AUDIT COMMITTEE

The Chair of the Audit Committee, Councillor Massey, introduced the Statement of Accounts 2011/12 which had been discussed by the Audit Committee at their meeting on the 19 September. He referred members to item 3.1 of the report, the audit did not identify any material issues in the accounts and item 3.3 of the report emphasising that the finance team had prepared the accounts whilst simultaneously implementing and launching GO. Finance was a small team and deserved recognition for their efforts.

He explained that the second recommendation was a departure from previous years and aimed to align working practices with partner authorities. The consideration and sign off of the Statement of Accounts had been delegated to Audit Committee but in future a report would only be made back to Council if there were issues arising from the audit.

In response to a question from a member, the Chair of the Audit Committee explained that neither of the two elector challenges had been deemed by KPMG as significant enough to delay the signing of the accounts.

The Leader endorsed the comments of the Chair regarding the efforts of the finance team and also thanked the Audit Committee.

Councillor R Hay, as a member of the Audit Committee, highlighted that the Committee had put on record their thanks to KPMG for their hard work and support as they would no longer fulfil the role of external auditor for this authority.

Upon a vote it was unanimously

RESOLVED that:-

- 1. The decision of the Audit Committee to approve the Statement of Accounts for 2011/12 be noted, including the Annual Governance Statement and note that the Chair of the Audit Committee, Councillor Massey, signed the accounts to formally signify their approval by the Council.**
- 2. As outlined in section 4, the Chair of the Audit Committee will only report to the Council if there are any issues arising from the audit of the Statement of Accounts.**

10. RESTORATION OF PITTVILLE GATES

The Cabinet Member Finance was pleased to introduce the report and move the recommendations on the supplementary paper that had been circulated in advance of the meeting. The resolutions had been amended as those that Council needed to agree were different to those that Cabinet had passed previously.

Cabinet strongly supported Friends of Pittville (F.O.P) in their charge to restore the Gates and the surrounding area which had become somewhat neglected. Both Cabinet and F.O.P saw the restoration of the Gates and surrounding area as marking the Jubilee Year.

The Council had supported F.O.P in their efforts as much as possible through an initial allocation of £20k from the Environmental Improvement Fund 2011 which had enabled the design, planning consent and procurement to progress and F.O.P had applied for a further £20k from the Environmental Improvement Fund 2012.

In excess of £134k had been raised by F.O.P so far and these funds would be used to appoint a Project Manager and initiate Phase 1 which would include replacement pillars, lamps and some landscaping. It was important to note that some of the funding that had been secured by F.O.P required works to have commenced by the end of November 2012.

Finally, the Cabinet Member Finance commended the generosity of the funders, the support of the ward Councillors and Officers and above all the tenacity of the F.O.P.

Councillor Hibbert, as Ward Councillor for Pittville, echoed the comments of the Cabinet Member. She informed members that the F.O.P had worked tirelessly to secure funding and had to date secured in region of £155k and already had plans underway for Phases 2 and 3 and she reiterated the importance of work commencing soon.

Councillor Hibbert proposed an amendment to the resolution, namely the addition of the following wording:-

“and wishes to put on record its thanks for the valuable work that has been done by the Friends of Pittville.”

The Cabinet Member Finance welcomed and accepted the amendment.

Members commended F.O.P, especially for their planned restoration of the gates.

Upon a vote it was unanimously

RESOLVED that Council agrees to allocate the funding for this project over the 2 phases as set out in Sections 2.9 and 2.10 of the report be

agreed and wishes to put on record its thanks for the valuable work that has been done by the Friends of Pittville.

11. ICT SUPPORT TO CHELTENHAM FESTIVALS LTD

The Cabinet Member Finance introduced the report as circulated with the agenda. He congratulated Cheltenham Festivals (CF) on the 2012 Literature Festival which he believed had been the most successful yet. Whilst CF were separate to the Council he acknowledged that there was a strong relationship between both organisations with the Council currently providing in kind support to CF for ICT networking and telephony.

As the festivals grew so did the demands on the ICT team and these increasing needs were becoming more difficult to fulfil. A review of ICT in 2011 concluded that CF had different ICT requirements to those of the Council given their extensive use of social media and need to hold massive video files and maintain a huge photo library. Both organisations would benefit from the proposal to make funding available for CF to create an independent ICT structure as this would drive out savings for the Council.

He hoped that members would be able to support the report and recommendation.

Whilst one member voiced her support for the recommendation, another member was not as supportive, querying why the taxpayers of Cheltenham should pay CF £139k if they were as successful as was being suggested.

The Leader reiterated that the Councils current agreement cost £73k year on year so the proposal before members today would ultimately result in a saving for Cheltenham taxpayers.

Upon a vote, with 1 member voting against, it was

RESOLVED that a grant of £139k to Cheltenham Festivals to fund the establishment of independent ICT infrastructure and financing of the first year of independent maintenance support, to be met from the Council's General Fund Reserve be approved.

12. ADOPTION OF STATEMENT OF PRINCIPLES - GAMBLING ACT 2005

The Cabinet Member Housing and Safety introduced the report. Cabinet had approved the draft policy statement for consultation on the 19 June 2012 and there had been no changes following the conclusion of that consultation. It was also noted that the legislation relating to the scope of this policy had remained largely unchanged.

A member queried how many establishments, including outlets, were currently in the town and whether there was a limit to the total number permitted in the town and if so, what this figure was. The Cabinet Member Housing and Safety was not able to provide this information at the meeting and as such agreed to provide the answer in writing.

Upon a vote it was unanimously

RESOLVED that:-

1. The consultee comments received be noted; and

2. The draft policy statement be approved and adopted.

13. BUSINESS RATES RETENTION SCHEME POOLING

The Cabinet Member Finance accepted that this was a complicated issue and attempted to explain it as clearly as possible. The good news for local councils was that next year they could retain 50% of the business rates collected. The bad news being that any council that collected above its baseline funding level may have to pay a levy and those councils that did not achieve their baseline funding level could be eligible for top-up funding from central government to protect them against significant reductions on their income.

The coming together of local authorities to pool business rates could put member authorities in a beneficial collective financial position and could also allow for the off-setting of tariffs against top-ups and reduction in levy. Importantly no Council would be worse off as a result of business rate pooling but this matter would need to be considered further when the Local Government Financial Settlement was announced in November/December 2012.

Given the timescales it would not be possible to bring the matter back to Council but as per the new Executive arrangements the decision by Officers would be published.

The Cabinet Member Finance gave the following responses to member questions;

- The monies would continue to form part of the Council's income streams as they did at present and the surplus could be used for economic development but this would be a matter for consideration and determination by Council.
- The Business Rate Retention scheme would start in April 2013 but the submission deadline for proposals to the Government for a Gloucestershire Pool was the 19 October 2012. Given that the exact impact of the business rate pooling would not be fully understood until the draft Local Government Finance Settlement was announced, a cooling-off period had been built into the Government's timetable which offered an element of flexibility for councils to change their mind. It was stressed however that such a decision would impact other authorities.

The Mayor welcomed the principle of the Council being in control of monies collected locally.

In closing, the Cabinet Member Finance acknowledged the huge amount of work undertaken thus far by Officers at this Council and across the County.

Upon a vote it was unanimously

RESOLVED that

- a) **The proposal to be part of a Gloucestershire Business Rates Pool, subject to a thorough assessment of risks/rewards and agreement on satisfactory governance arrangements be agreed in principle**
- b) **Subject to a) above, the submission of a proposal to the Government for a Gloucestershire Pool by the 19th October deadline be approved**
- c) **Authority to assess the risks/rewards and agree the business case for joining a Gloucestershire Business Rates Pool be delegated to the Section 151 Officer and Chief Executive**
- d) **Authority to agree the governance arrangements for the operation of a Gloucestershire Business Rates Pool be delegated to the Section 151 Officer and Chief Executive, in consultation with the Borough Solicitor, Leader of the Council and the Cabinet Member for Finance.**

14. JOINT CORE STRATEGY GLOUCESTER, CHELTENHAM AND TEWKESBURY

The Mayor explained that the Leader would introduce the report and there would then be the opportunity for members to ask questions. In response to a question from a member, the Head of Legal Services confirmed that members had the right to ask the Chief Executive any questions as the author of the report.

In his introduction, the Leader referred to the long and useful debate that had taken place at Council on 24 September. Council had agreed the seven resolutions previously agreed by representatives of all three councils at the JCS joint member steering group and in addition had agreed three other resolutions which highlighted issues for Cheltenham. At the time he had been satisfied that these three resolutions clarified but did not contradict the seven. He agreed that there had been some confusion since the joint member steering group had met. Going away from that meeting, he had not envisaged that these seven resolutions couldn't be added to and he apologised for any confusion with regard to Tewkesbury and Gloucester City if they had not gone away with this same understanding.

He reported that he had had a useful meeting last week with the three leaders of the councils to understand their respective positions and as a result they had all reaffirmed their commitment to making the JCS work. In addition they had all signed up to the important piece of work regarding economic growth. His aim would be to follow this with an early meeting of the Chief Executives, the Leaders and the officers leading the JCS process across the three councils.

He felt that it was important that certain issues such as household size were referred to the Council's JCS and Planning Liaison Overview and Scrutiny Working Group to examine the facts and opinions and give their views.

In conclusion, he emphasised that the most important thing was for the JCS to continue working across the three councils and the report before members set out how the JCS would be progressed to the Preferred Options stage.

The Mayor invited questions on the report which are set out below together with the responses:

- Could the Chief Executive give his assurance that the additional piece of work set out in recommendation 4 could be completed in the timescales set out for the JCS which were already extremely tight? Would the newly formed working group be sufficiently qualified to deal with the complex situation they were being asked to investigate?
 - The Chief Executive responded that the officers' view was that yes they could be achieved in the timescales but they would need the willingness on the part of members to support the process. He suggested that there should be an early review of the terms of reference, the membership and the mode of operation of the working group to ensure the matter could be progressed as quickly as possible.
- It appeared from the Planning Inspector's website that many councils had submitted JCS documents for periods of less than 20 years and in some cases even 10 years. Should the council be giving themselves more flexibility by following this example?
 - The Interim Strategic Land Use Manager responded that the National Planning Policy Framework (NPPF) set out a minimum of 15 years and it was then discretionary if a council wished to increase this period. He pointed out that the JCS would be reviewed at five year intervals and therefore this should provide the council with adequate flexibility. In his view 20 years was the appropriate period.
- As public confidence in the JCS process seemed to be currently very low, should this be reflected in the risk assessment?
 - The Chief Executive agreed that this should be added.
- If some of the contentious issues that members had raised could not be resolved before the final document needed approval, what was Plan B?
 - The Chief Executive said there was no Plan B. The JCS had to be progressed with the support of the members so that it was sound from an officer's point of view but was also something that members could support from a political stance. In his view there had been a democratic deficit in the process up to now and the Leader had some ideas on how members could be brought more into the process. In that way he hoped that by the time it got to the Preferred Options stage, it would be something that members could sign up to. The alternative of reverting to a process for Cheltenham alone, would potentially involve repeating consultation and recreating the evidence base and would overall delay the adoption of a sound Local Plan for Cheltenham.
- How did the Duty to Co-operate influence the situation where one of the partner councils might want to build close to another's boundary. Would that council have the right to veto any development proposals?
 - The Interim Strategic Land Use Manager said that the duty to co-operate worked both ways but a council did not have the power of veto outside of its boundaries although they could object if there were sound planning reasons.
- Could the Chief Executive outline the governance process and how the O&S member working group would report back progress?
 - The Chief Executive said it was his understanding that O&S were happy to take on this piece of work and he referred to his earlier comment regarding the terms of reference and membership of this

group. He also highlighted that it would be important for the group to consider what meetings would be held in public or private and how they would share information.

- The Head of Legal Services added that greater flexibility had been built into the new scrutiny arrangements regarding the reporting of recommendations. These would be reported initially to the O&S Committee and then on to Council or another body as the O&S committee decided.
- In response to a question, the Interim Strategic Land Use Manager confirmed that five days of the Planning Advisory Service's time and resources had already been allocated to further the work referred to in paragraph 1.6 .4 on page 6 of the report.
- Did working in partnership on the JCS give the council more options?
 - The Leader responded that in his view it was better to work with three councils as without partnership working the council would have very little control over what happened in surrounding land outside the borough.
- A member suggested that Council were being asked to make a very difficult decision. He asked for confirmation that the situation with Gloucester City was as reported and that they would pull out of the JCS if council did not pass the resolutions set out in the report?
 - The Chief Executive responded that it was not a difficult decision from an officer's point of view. Although the three additional resolutions passed by Council appeared to be innocuous paragraphs, the problem had been not with the wording but in the general messages they had sent to JCS partners. Our partners had been concerned that Cheltenham might be causing unnecessary delays to the process or affecting the soundness of the plan. If members were of the view that those additional resolutions merely clarified points then it seemed sensible to drop them in order to keep Gloucester City and Tewkesbury Borough councils on board.
- A member asked the age of the local plans for Tewkesbury and Gloucester City?
 - The Interim Strategic Land Use Manager indicated that Tewksbury's plan was of a similar age as Cheltenham's and Gloucester City's local plan dated back to the 1980s.

The Mayor invited debate on the resolutions in the report which were proposed by the Leader and seconded by Councillor Whyborn.

A member expressed concern that the Leader had not apologised for misleading Council about the impact of the amendments which had been passed at the last meeting and requested an apology for threatening the JCS process, putting Cheltenham at the hands of developers and necessitating a further debate today.

As chair of the Overview and Scrutiny Committee, Councillor Duncan Smith indicated that he was very happy to use the working group to support the process. As the next meeting of the O&S committee was not till 26 November, he suggested that any member who was interested in joining this working group should advise Democratic Services by the end of this week. He would then, in consultation with his vice chair, Councillor Sudbury agree the membership of the working group. He suggested that in order to meet the timescales, the group

would need to be flexible and able to make both daytime and evening meetings and members would need to take that into consideration before putting themselves forward.

Councillor Smith proposed the following amendment which was seconded by Councillor Chard.

Insert an additional resolution 5.

- i. Note that this Council does not want to see undeveloped green and white land in Leckhampton zoned for housing*
- ii. Refers the matter to the O&S JCS working group to examine how this may be reflected in the final JCS*

In proposing the motion, Councillor Smith said that there were a large number of Leckhampton residents who were furious about the proposed development between the Shurdington Road and Leckhampton Road.

In seconding the motion, Councillor Chard said that it was important to address the concerns of local residents and build this into the O&S process.

Other members expressed concern that the amendment could actually make Leckhampton more vulnerable by appearing to prejudice future options. It could also risk Tewkesbury Borough Council withdrawing from the JCS if they favoured development at this location.

The Chief Executive advised against adding a further resolution which may again risk offending our partners. The council could still engage in further discussions with concerned residents and there was no reason why the O&S working group could not encompass this request in its terms of reference and/or make any specific recommendations which could then be discussed with partners.

Councillor Smith when asked by the Mayor, said he could support the approach of including it in the remit of the O&S working group but only if the amendment was to fall.

Other members spoke against the amendments and questioned Councillor Smith's motives for raising it. Having criticised the Leader for supporting amendments which put the JCS partnership at risk and confusing supply and demand, this amendment seemed to do the same thing. If Leckhampton was to be specifically mentioned then this raised the question why other sites should not be protected in this way. It was important to protect all areas from unsustainable development and it was not helpful to single out Leckhampton in a JCS document at this stage.

The council's focus for development should be on promoting growth and reducing unemployment by considering the location of potential business parks.

Asked to advise on a potential predetermination issue, the Head of Legal Services clarified that the question related to pre-determination of planning policy as opposed to planning applications. He said that the process for development of planning policy must be objectively based and advised that if

there were indications that a planning authority had allocated a particular area for development or protection too early in the process this could be used as a matter of argument against the Council. However this was only a general response to a general query and he could not be more specific at this stage.

The Interim Strategic Land Use Manager added that in formulating the JCS, the council must demonstrate that it had considered all alternatives and if the land was taken out of consideration too early the council could be at risk of the plan being considered unsound. He advised that the preferred option stage was the time to consider sites and until then the council should follow due process.

Another member spoke in support of the amendment by saying that Leckhampton was a special case because it was very much an immediate issue and therefore there was justification for making an exception. The referral to O&S was unlikely to change anything.

In his summing up for the amendment, Councillor Smith said he had promised local residents he would raise it and it was a serious issue for council's consideration.

In responding to the amendment, Councillor Jordan said that in resisting the amendment he was not suggesting that Leckhampton was unimportant but passing the amendment would add unnecessary risk to the JCS process and he was satisfied that the matter could be looked at by the O&S working group.

Upon a vote the amendment was **LOST**.

Voting: For 7, Against 21 with 4 abstentions.

Returning to the debate on the substantive motion, a member suggested that members should consider the recommendations in the report alongside the risks. The risks of the JCS partnership collapsing if the recommendations were not passed should be assessed against the risk of the council being seen to accept the housing figure in the NLP report if they were. He was concerned that by appearing to concede to the housing figure this could weaken the council's position on any subsequent appeals. Another member supported this assessment and again questioned the assumptions made in the NLP report which were the basis of the 28,500 demand figure for housing. However if the JCS partnership fell apart, the consequences for Cheltenham were not good and potentially Cheltenham would have no control over what other councils wanted to build around Cheltenham's borders. One member likened the decision to a Hobson's choice. Another member said they were bitterly disappointed by the other two councils' reaction to the amendments but were very supportive of recommendation 4 which allowed the JCS working group to make a contribution and study the figures in more depth.

A member emphasised the need to work in partnership with the other councils as it was very clear that even the minimum projections for housing demand could not be satisfied with the land that was currently available in Cheltenham.

Another member reinforced the need to progress the JCS work quickly in order to support the 11,000 people across the three councils who were now registered with Gloucestershire Homeseekers.

In his summing up, the Leader did not consider that he had misled Council and therefore an apology was not appropriate. He had already apologised for the confusion to other JCS members. He emphasised to members that the JCS was never going to be a risk-free process and he concurred with the member who had described the decision as a balance of risks. The 28,500 figure for housing demand was not something that the Council had signed up to. It was factually true that household size had reduced marginally over the last 10 years but it was the future projections that were important and needed to be verified. He urged members to support the recommendations in the report.

Upon 7 members standing in their seats it was agreed that a recorded vote would be taken.

Upon a vote it was

RESOLVED that:-

- 1. It be noted that the seven recommendations set out in the report to Council of 24th September, 2012, have now been accepted by all three JCS authorities;**

(Voting: Councillors Barnes, Bickerton, Britter, Chard, Coleman, Driver, Fisher, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, Massey, McCloskey, McKinlay, McLain, Prince, Rawson, Regan, Reid, Smith, Stewart, Sudbury, Teakle, Thornton, Walklett, Whyborn and Williams **FOR**)

- 2. It be noted that the additional paragraphs 4, 5 and 10, added at the Council meeting on 24th September, 2012, will be adequately addressed by the original seven report recommendations, or by the ongoing JCS programme, or by the proposal at recommendation 4 below;**

(Voting: Councillors Barnes, Britter, Chard, Coleman, Driver, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, McCloskey, McKinlay, Rawson, Regan, Reid, Smith, Stewart, Thornton, Walklett, and Whyborn **FOR** / Councillors Bickerton, Fisher, Massey, McLain, Prince and Teakle **AGAINST** / Councillor Sudbury and Williams **ABSTEINED**)

- 3. Resolutions 4, 5, and 10 relating to the Council's decisions on "Housing Needs Assessment Report" of 24th September 2012 be withdrawn and the remaining paragraphs renumbered to reflect the original seven recommendations standing alone; and**

(Voting: Councillors Barnes, Britter, Chard, Coleman, Driver, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, McCloskey, McKinlay, Rawson, Regan, Reid, Smith, Stewart, Thornton, Walklett, and Whyborn **FOR** / Councillors Bickerton, Fisher, Massey, McLain, Prince, Sudbury, Teakle and Williams **AGAINST**)

The task of evaluating alternative methods of assessing household formation rates over the plan period, feeding conclusions and recommendations into the JCS "Preferred Option" process for consideration by the three JCS Councils be referred to the Council's 'JCS and Planning Liaison Overview and Scrutiny Working Group'

(Voting: Councillors Barnes, Bickerton, Britter, Chard, Coleman, Driver, Fisher, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, Massey, McCloskey, McKinlay, McLain, Prince, Rawson, Regan, Reid, Smith, Stewart, Sudbury, Teakle, Thornton, Walklett, Whyborn and Williams **FOR**)

15. NOTICES OF MOTION

Councillor McKinlay proposed the following motion which was seconded by Councillor McCloskey:

This Council wishes the Secretary of State for Communities and Local Government to note the following:

That Cheltenham Borough Council believes that local people, through their democratically elected local authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make;

This Council opposes:

- The Secretary of State's proposals for the Planning Inspectorate to have powers to override agreements between Councils and developers over the number of affordable housing units allocated to planning applications.
- The Secretary of State's proposals for planning permission – currently required for extensions of more than three or four metres from the rear wall of any home – to only be needed for those reaching beyond 8m for detached homes and 6m for others
- The Secretary of State's intention to override Section 106 of the Town and Country Planning Act of 1990 which will allow developers to immediately appeal to the Planning Inspectorate over the allocation of affordable housing units in any scheme they maybe concerned with.
- The Secretary of State's proposals for the Planning Inspectorate to take planning powers away from local authorities which he deems to be slow or of making poor quality planning decisions in determining applications.

This Council notes that the current Coalition government did listen earlier in the year over concerns regarding the National Planning Policy Framework and revised its plans accordingly, so urges the Government to listen to the concerns being expressed by the cross-party LGA.

In proposing the motion Councillor McKinlay had done so as he felt that the proposals posed issues regarding potential loss of control at a local level. Members had debated the pros and cons of the JCS at great length but if these

proposals were to become a reality this Council would have very little influence on what happened in Cheltenham. This was a concern for many councils and to the LGA as a whole rather than being a political concern and the motion sought for this Council to form part of a national campaign to get Mr Pickles, the Secretary of State to change his mind. Particular concerns with the Secretary of State's proposals were;

- The Planning Inspectorate would have the power to overturn the figure of 40% affordable housing set by this authority.
- Extensions for which planning process needed to be followed and for which there had been 300-400 applications over the last x years, would no longer be required for extensions under 8 meters.
- Given the drive from Central Government to build as many houses as possible, singularly the most serious threat was the proposal to take powers away from local authorities.

Governments aim may be to boost the economy through these proposals but they had serious implications for local authorities.

Members who supported the motion did so as they shared concerns about the loss of decision making powers at a local level. These members felt the proposals regarding planning permission could result in the ground floor of some terraced properties potentially doubling and that this posed a risk of back garden development. The proposal that the Planning Inspectorate would have powers to overturn a local authority's decision on the amount of affordable housing in a development on appeal was a major concern for members and those that supported the motion felt that this could result in developments with little or no affordable housing provision in Cheltenham.

Some member indicated that they may abstain because they were unhappy about the reference to Mr Pickles and feared that it was a political issue.

One member refuted the claim that the changes being proposed would threaten this council. These changes would instead affect those councils where councillors were unwilling to make difficult decisions and the powers would only be enforced in extreme circumstances.

It was suggested by one member who had previously worked for the LGA that it was a surprisingly non party political organisation which was currently chaired by a Conservative member and lobbied on behalf of local authorities. He reiterated that the LGA had drafted the motion before Council and felt that there was sufficient evidence to demonstrate that this was not a partisan point.

A small number of members disagreed with the proposals suggestion that the planning system in any way restrained economic development, though admitted that there may be ways of improving the system.

As seconder of the motion, Councillor McCloskey had been happy to support the motion as she felt that the proposal flew in the face of the Localism Act, and read an excerpt from 'the Plain English Guide to the Localism Act':-

"For too long, central government has hoarded and concentrated power. Trying to improve people's lives by imposing decisions, setting targets and demanding

inspections from Whitehall simply doesn't work. It creates bureaucracy. It leaves no room for adaptation to reflect local circumstances or innovation to deliver services more effectively and at lower cost. And it leaves people feeling 'done to' and imposed upon - the very opposite of the sense of participation and involvement on which a healthy democracy thrives."

In particular relation to Planning the guide said:

"There are however some significant flaws in the planning system that this Government inherited. Planning did not give members of the public enough influence over decisions that make a big difference to their lives. Too often, power was exercised by people who are not directly affected by the decisions they were taking. This meant, understandably, that people often resented what they saw as decisions and plans being foisted on them. The result was a confrontational and adversarial system where many applications end up being fought over.

The Localism Act contains provisions to make the planning system clearer, more democratic and more effective."

And it was for these reasons that she respectfully asked members to support the motion.

In summing up Councillor McKinlay echoed comments of other members and stated that whilst the LGA was a political group, it was not party political. The LGA were simply attempting to get local authorities to give their views on this matter formally and the same resolution had been passed by a number of councils across the country, not all of whom were Liberal Democrat councils. His references to Mr Pickles in his introduction were because the Secretary of State had been actively promoting these proposals in the media and in his opinion had been critical of local authorities in the process

Upon a vote the motion was CARRIED (Voting: 23 Favour / 1 Against / 2 Abstentions)

16. TO RECEIVE PETITIONS

No petitions were presented nor had any been received since the last meeting.

17. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION

There were no urgent items for discussion.

Colin Hay
Chair

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**Cheltenham Borough Council
Council– 17 December 2012
Localisation of council tax support**

Accountable member	Councillor John Rawson, Cabinet Member Finance
Accountable officer	Mark Sheldon, Director of Resources
Accountable scrutiny committee	Overview and Scrutiny Committee
Ward(s) affected	All
Significant Decision	Yes
Executive summary	To feed back the results of the public consultation on the proposal to keep the 2013/14 council tax support scheme for working age customers similar to the current council tax benefit scheme and to agree a localised council tax support scheme from 1 st April 2013.
Recommendations	<ul style="list-style-type: none"> a) That Council adopt the Department for Communities and Local Government (DCLG) default scheme as the Council's Local Council Tax support scheme for working age customers in 2013/14. b) That Council disregard in full war widows and war disablement pensions in their local council tax support scheme for working and pension age customers as currently happens for housing and council tax benefit. c) That work commences on developing a robust council tax support scheme for working age customers, to take effect from April 2014, which reduces the council tax support costs, protects vulnerable people as far as possible and keeps work incentives.

Financial implications	<p>If the Council adopt the DCLG default scheme, then the cost to the Council in 2013/14 will be approximately £90,000 and the cost to the County Council and the Police Authority will be £522,000 and £96,000 respectively.</p> <p>The Government have recently announced that a one-off transitional grant is being made available for 2013/14 to support councils with well designed schemes. Initial indications seem to suggest that if the Council adopts the DCLG default scheme, then it will qualify for this funding, provided it makes an application within 14 days of 31st January 2013. If awarded this would reduce the Council's share of the costs down to £68,020, the County Council's share to £396,587 and the Police to £73,035.</p> <p>The cost of also disregarding war widows and war pensions as a local variation to the default scheme will cost an additional £8,000 for 2013/14 which may be shared between the District, County and Police depending on the final regulations.</p> <p>The Council will need to find other budget savings to meet these costs or consider using other council tax reforms introduced in the Finance Act relating to empty properties. A separate report will be presented to the Cabinet on this option.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>Cheltenham Borough Council must approve its local council tax support scheme at full council by 31st January 2013.</p> <p>Contact officer: Peter Lewis, peter.lewis@teWKesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>None arising from this report</p> <p>Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>There is a risk that council tax support take-up could increase during 2013/14, which will increase the projected costs that need to be found.</p>
Corporate and community plan Implications	<p>None</p>
Environmental and climate change implications	<p>None</p>

1. Background

- 1.1** In the 2010 Spending Review, the Government announced it would localise support for council tax from 2013/14 and reduce expenditure. This reform is part of a wider policy of decentralisation, aimed at giving councils increased financial autonomy and a greater stake in the economic future of their local area.
- 1.2** This means that from 1st April 2013, council tax benefit will no longer exist and in its place must be a scheme designed by the Council that gives support for council tax. Funding for this scheme will be at least 10% less than is currently received.
- 1.3** The Welfare Reform Act 2012 contains provisions for the abolition of council tax benefit paving the way for new localised schemes. The Local Government Finance Act 2012 imposes a duty on local authorities to design a localised council tax reduction scheme by 31 January 2013 and to consult about the scheme with major precepting authorities and such other persons as it considers likely to have an interest. Failure to do so will result in the DCLG imposing a default scheme, which is the same as the current council tax benefit scheme.
- 1.4** This Local Government Finance Act also contains a requirement to protect vulnerable pensioners, who will continue to receive the same levels of support under any localised scheme as they currently receive from council tax benefit.
- 1.5** The Prescribed Requirement Regulations came into force on 27th November 2012 and the Default Scheme Regulations for working age customers were laid before Parliament on 22nd November 2012 and will come into force on 18th December 2012.
- 1.6** On 17th July 2012 the Cabinet approved in principle that existing working age council tax benefit claimants will not be affected by the introduction of a local support scheme for 2013/14 and resolved to carry out a full public consultation on that basis as set out in the report.

2. Council Tax Benefit

- 2.1** The Council currently pays approximately £7.1 million in council tax benefit each year and receives the same in benefit subsidy from the Government. A 10% reduction in funding will mean having to design a local scheme that reduces support for council tax by £710,000.
- 2.2** The protections in place for eligible pensioners will mean that a higher cut will have to be borne by working age claimants. In Cheltenham eligible pensioners make up 40% of the total caseload
- 2.3** Of the working age claimants in Cheltenham, about 68% receive other benefits and allowances from the DWP and so automatically qualify for council tax benefit. These claims are referred to as 'passported' claims and very little data is held by the Council for these people in order to assess their eligibility for support from a local scheme.
- 2.4** The new scheme for working age claimants is also expected (but this is not compulsory) to protect the vulnerable (not defined by the Government) and not to disproportionately disadvantage those in work.
- 2.5** Based on the Finance Act timetable the data sharing procedures etc will not be available until the end of February 2013, making it difficult to develop a sustainable localised scheme for 2013/14.
- 2.6** In addition to this, universal credits are due to go live in October 2013 and at this stage we are unable to predict the impact of these changes on the council tax support customer base.

3. Local council tax support scheme and war pensions

- 3.1** Under the old council tax benefit regulations and the new prescribed/ default local council tax support schemes the first £10.00 of any war widows/widower's or war disablement pension is disregarded when working out a claimant's entitlement.
- 3.2** Cheltenham, along with most other councils, disregarded in full the remaining part of these types of income under a local scheme in council tax benefit and housing benefit. In return the Government reimbursed 75% of the cost of this local scheme.
- 3.3** The local scheme on the housing benefit side will continue under the existing powers.
- 3.4** In Cheltenham we have 13 pension age customers (£6,200) and 3 working age customers (£1,800) who currently fall under our local scheme for council tax benefit.
- 3.5** It is recommended that council disregard in full war widows/widower's or war disablement pensions as part of the local Council Tax support scheme for working age and pension age customers.

4. Impact of the Reduction in Funding

- 4.1** The table below shows that the cost of Cheltenham choosing the default scheme would be around £90,000 in 2013/14. The County and Police share would be around £618,000 with their countywide costs being £3.273m.

10% Reduction in Funding for Gloucestershire

	CBC	CDC	FoDDC	GCC	SDC	TBC	Total
Precepting body	£'000	£'000	£'000	£'000	£'000	£'000	£'000
County Council	522	355	433	647	481	327	2,765
Police Authority	96	65	79	119	88	60	507
District	90	47	63	107	82	30	419
Parishes	0	17	21	0	26	13	77
Total	708	484	596	873	678	430	3,768

- 4.2** The Government have recently announced that £100m is being made available for 2013/14 as a one-off transitional grant to support councils that have designed schemes which limit the reduction in support to less than 8.5%.
- 4.3** Initial indications seem to suggest that if we adopt the DCLG default scheme for 2013/14, then the Council will qualify for this funding, provided it makes an application within fourteen days of 31st January 2013. If awarded this would reduce the Council's share of the costs to £68,020, the County Council's share to £396,587 and the Police share to £73,035.
- 4.4** The cost of also disregarding war widows and war pensions as a local variation to the default scheme for working age customers and the prescribed scheme for pension age customers would be an additional £8,000 for 2013/14.
- 4.5** This would be a shared cost between Cheltenham, County and Police for working age customers and may also be a shared cost for pension age customers subject to clarification of the final regulations.

5. Reasons for recommendations

- 5.1** Details regarding welfare reform are still emerging and the picture continues to change and develop. The rules surrounding data sharing will not be finalised until February 2013.
- 5.2** Universal credits are due to go live in October 2013 and at this stage we are unable to predict the impact of these changes on the council tax support customer base.
- 5.3** The Government have announced a one off £100m transitional grant on the condition that local authorities cap any increased liability for council tax benefit customers to less than 8.5% for 2013/14. This means our shortfall, if we adopt the default scheme, is reduced to £68,000.
- 5.4** By delaying the adoption of a true local support scheme until 2014/15, we have twelve months to come up with a scheme which takes into account all the welfare benefit changes, public opinion, amount of savings we need to make long term, develop/test new software and understand the impact on collection levels of councils who didn't adopt the default scheme in 2013/14.

6. Alternative options considered

- 6.1** Alternative options were considered at the 17th July 2012 meeting and it was agreed only to consult on keeping the 2013/14 council tax support scheme for working age customers similar to the current council tax benefit scheme.
- 6.2** If an alternative option was considered we would not have time to do a public consultation within the deadline of 31st January 2013 and therefore the default scheme would be imposed on the Council by the DCLG.

7. Consultation and feedback

- 7.1** Based on the Cabinet decision on 17th July 2012, the Council embarked on a consultation exercise in collaboration with the other five local authorities in Gloucestershire, the County Council and Police during the period 10th August to 5th October 2012.
- 7.2** The consultation included a telephone survey, a publicised online web survey and a paper based survey (where requested). The full telephone survey results and a summary of the online web survey can be found in the background papers.
- 7.3** The consultation asked the key question of whether the Council should adopt the current council tax benefit scheme (DCLG default scheme) as its local council tax support scheme for 2013/14. The exercise was also used to start to gauge opinion on potential changes that could form part of the revised local scheme from April 2014.
- 7.4** In response to the key question, 69% of the telephone responses and 64% of the online web responses strongly agreed/agreed that the local council tax support scheme for 2013/14 should be broadly the same as the current council tax benefit scheme and the funding shortfall should be found from other sources.

8. Performance management –monitoring and review

- 8.1** The benefits service will monitor additional expenditure against budget and any increased take-up of council tax support and any significant changes will be reported to cabinet.

Report author	Contact officer: Paul Aldridge, Paul.aldridge@cheltenham.gov.uk, 01242 264196
Appendices	1. Risk Assessment
Background information	<ul style="list-style-type: none"> • Link to telephone survey • Link to Online survey • Link to DCLG default scheme for working age customers • Link to DCLG prescribed scheme for pension age customers

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
	Financial risk if take up of council tax support significantly increases during 2013/14	Mark Sheldon		4	2	6	Accept	Monitor throughout year as part of the ongoing controls			
	Potential reputation risk if war pensions is not disregarded under the local council tax support scheme	Council		3	2	6	Accept	Council takes this risk into account when making the decision			
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											

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Cheltenham Borough Council Council 17 December 2012 Council Tax Discounts on Empty properties

Accountable member	Councillor John Rawson, Cabinet Member Finance
Accountable officer	Mark Sheldon, Director of Resources
Accountable scrutiny committee	Overview and Scrutiny
Ward(s) affected	All
Significant Decision	Yes
Executive summary	The Local Government Finance Act 2012 introduced discretionary power allowing councils to set local discount levels on certain categories of empty properties that have previously been subject to exemptions from council tax for a limited period of time. It also included the provision to increase the level of charge on properties classed as second homes from 90% to 100%
Recommendations	<p>That Council</p> <ol style="list-style-type: none"> 1. Sets the level of discount for former class A exempt properties at 25% for the 12 month period, as detailed in table 1 2. Sets the level of discount for former class C exempt properties at 100% for the first month and 25% for the remaining 5 months, as detailed in table 1. 3. Confirm the level of discount for long term empty properties should remain at zero, as detailed in table 1 4. Sets the level of discount on properties classed as second homes at zero, as detailed in table 1

Financial implications	<p>Table 3 at point 3.3 shows the potential additional council tax that could be raised as a result of proposals in this report.</p> <p>However, it should be noted that the actual council tax collected may be lower than the figures stated as owners of empty properties may bring them back in to use more quickly.</p> <p>These changes will also impact on the Housing Revenue Account as they will apply to council owned empty properties managed by Cheltenham Borough Homes</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>The legislative context is set out in the report.</p> <p>Contact officer: peter.lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>None arising from this report</p> <p>Contact officer: julie.mccarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	As detailed in appendix 2
Corporate and community plan Implications	<p>The proposal to reduce the level of council tax discounts in respect of empty properties as outlined on the report will support the following outcomes</p> <ul style="list-style-type: none"> • A balanced and sustainable housing market • Reducing crime and disorder
Environmental and climate change implications	<p>These changes will support the Council's strategy for bringing empty homes back in to use</p>

1. Background

- 1.1 The Local Government Finance Act 2012 makes some technical reforms to council tax giving new flexibilities for councils with regards to the level of council tax levied on second homes and certain categories of empty dwellings.
- 1.2 These changes present an opportunity to reduce the level of discounts currently awarded as a measure to help bring empty properties back in to use more quickly. They will also increase the council tax income which could help with reduction in Government funding for the council tax support scheme in 2013/2014.
- 1.3 Finance and revenue officers from all Gloucestershire districts as well as the County Council and Police have been working together to agree a countywide approach to all of the changes affecting council tax and council tax benefit from April 2013. If this can be achieved it will provide some budget certainty for all councils and mean there is a consistent approach across district boundaries.

2. Changes being proposed

- 2.1** Currently there are various categories of exemptions which apply to empty dwellings. Two of these exemption classes are being abolished and replaced with discount classes for which councils can set their own level of discount. With regard to second homes, this Council has used existing powers to reduce the discount to 10% but the new powers allow for the discount to be removed completely.
- 2.2** The table below details the current position for the classes of dwelling affected by the changes, changes in the local Government Finance Act 2012 and the discount levels it is recommended that the Council should adopt from April 2013.

Table 1 – Details of Proposed Council Tax Reforms

Current Position	Changes in Local Government Finance Act 2012 and The Council Tax (Prescribed Classes of Dwellings) Regulations 2012	Proposed changes for Cheltenham from 01 April 2013
Exempt Class A This applies to properties in need of or undergoing structural repairs to render them habitable. The exemption can apply for a maximum period of 12 months	The exemption is being abolished and a new local discount class D can be set with a discount level between zero and 100%. The circumstances in which a property would fall in to this class are the same as for exemption class A The maximum 12 month period will apply after which properties will be classed as long term empty	Set the discount level at 25% for Class D
Exempt Class C This applies to properties which are unoccupied and unfurnished and awarded for a maximum of 6 months	The exemption is being abolished and properties which are unoccupied and unfurnished will fall in to discount Class C which can be set with the discount level between zero and 100%	Set the discount level for Class C at 100% for the first month and at 25% for the following 5 months to replace the 6 month period previously subject to the exemption
Long Term Empty Properties These are properties which are unoccupied, unfurnished and where no exemption category	The discount Class C which already applies for long term empty properties now incorporates the initial 6 month period previously covered by the	Confirm the discount level for Class C at zero in respect of properties which have been unoccupied and unfurnished for 6 months or more (long

applies. The discount level has been set at zero since approved by Council on 1 st December 2003	exemption class	term empty properties)
Second Homes Second homes are properties which are furnished but not occupied as a main home. In accordance with current local discretionary powers the discount level has been set at the minimum level allowed which is 10%	The discount level may now be reduced to zero	Set the discount level at zero

2.3 Council only has the discretion to set the discount level. The qualifying conditions and maximum time periods which apply to the exemptions will continue to apply to the local discount classes.

2.4 A complete list of all exemptions which apply in respect of empty properties is shown in Appendix 1.

3. Tax Base and Collection Fund

3.1 If the above proposals are implemented the tax base used to set the council tax for 2013/2014 will be increased to reflect the changes.

3.2 Table 2 below shows how the changes will affect the tax base. The number of properties in each category is taken from a tax base extract on 1st October 2012.

Table 2 – Additional Tax Base due to Proposed Changes on Second Homes and Empty Dwellings

Tax Base for additional 10% charge on second homes 75% charge on former class A & C exemptions	A	B	C	D	E	F	G	H	Total
Band Proportions to Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
Additional 10% charge on second homes	199	212	160	98	65	32	28	3	797
Class A (75% of full charge)	20	21	39	11	11	6	5	1	114
Class C (75% of full charge)	211	214	141	71	35	21	17	1	708
Equivalent number of properties (10% on second homes, 75% on Class A, 75% on Class C)	193.15	197.45	151.00	871.30	41.00	23.45	17.05	1.80	696.20
Band D Equivalents	128.8	153.6	134.2	71.3	50.1	33.9	28.4	3.6	603.86

Gross Tax Base		603.86
Net Tax Base (98.5%)		594.80

3.3 Table 3 below shows the potential additional income that could be generated as a result of the increased tax base

Table 3 - Potential Additional Income Generated from Proposed Changes

	County (£)	Police (£)	Cheltenham (£)	Total (£)
2012/2013 Band D Council Tax	1,090.50	199.69	187.12	1,477.31
Net Tax base (98.5%)	594.80	594.80	594.80	594.80
Council Tax generated	684,633	118,776	111,300	878,709

3.4 These calculations estimate the total income that we could expect to generate based on an extract from the council tax database on 1st October 2012. For Cheltenham this could be in the region of £111,000, for the County Council £648,000 and for the Police £118,000.

3.5 A significant portion of the estimated additional income is generated from the changes to class A and C exemptions. The figures assume that the number of properties in each class is fairly consistent throughout the year. The changes being proposed will encourage owners of empty properties to bring them back in to use more quickly which would reduce the additional income being generated.

4. Impact of These Changes

4.1 Table 4 below details who will be affected by these changes

Additional 10% charge on second homes	<ul style="list-style-type: none"> • Owners of properties used as second homes either for work or leisure purposes • Landlords who let furnished properties which are treated as second homes between lets
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<p>75% charge instead of class A exemption</p>	<ul style="list-style-type: none"> • Owners of empty properties which have fallen in to disrepair • Owners of empty properties undergoing major renovation or structural repairs • Property developers converting or renovating properties
<p>75% charge instead of class C exemption where properties have been empty and unfurnished for more than one month</p>	<ul style="list-style-type: none"> • Owners who move out of a property but retain ownership • Tenants who vacate properties prior to the end of their lease • Landlords of properties which are between tenancies • Owners, property developers, landlords who but can't sell or let properties

- 4.2** The 100% discount for the first month on former class C exempt properties will reduce the impact where properties are empty for short periods between occupations. The amount of council tax which would otherwise be raised in these cases is very small. It would not be cost effective try and bill and collect such small amounts. It would also take up valuable staff resource.

5. Reasons for recommendations

- 5.1** The proposed changes are part of the Government's wider agenda for localism. They give local authorities to increase the income from council tax without increasing the overall level of council tax.
- 5.2** Discounts and exemptions reduce the council tax base which impacts on the level of council tax set and the revenue available. The proposed changes will increase the resource available to fund local services. The County Council and Police will also benefit from the increased tax base.
- 5.3** The proposed changes are also intended to incentivise owners of empty properties to bring them back in to use more quickly. Bringing empty properties back in to use forms part of the calculation for the New Homes Bonus and therefore may attract further additional resources for the Council.

6. Alternative options considered

6.1 The countywide working group considered various options.

7. Consultation and feedback

7.1 Consultation has taken place with Leadership Gloucestershire, representatives from the County Council, Police and other Gloucestershire districts

8. Performance management –monitoring and review

8.1 The impact of these changes on the level of council tax income and the collection rate will be monitored closely and reported to members in budget monitoring reports.

8.2 The discount levels set will apply initially in respect of 2013/2014 and will be reviewed in advance of 2014/2015.

Report author	Contact officer: Jayne Gilpin, Revenues Manager, jayne.gilpin@cheltenham.gov.uk, 01242 264323
Appendices	<ol style="list-style-type: none"> 1. List of council tax exemptions which apply to unoccupied properties 2. Risk Assessment
Background information	<ol style="list-style-type: none"> 1. The Local Government Finance Act 2012 http://www.legislation.gov.uk/ukpga/2012 2. The Council Tax (Prescribed Class of Dwellings (England) Regulations 2003 http://www.legislation.gov.uk/uksi/2003/3011/contents/made 3. The Council Tax (Prescribed Class of Dwellings (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/2964/contents/made 4. The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 http://www.legislation.gov.uk/uksi/2012/2965/contents/made 5. DCLG consultation paper – Technical Reforms of Council Tax https://www.gov.uk/government/consultations/technical-reforms-of-council-tax

Council Tax Exemptions for Unoccupied Properties

- A** Dwellings requiring or undergoing structural alteration or major repair (maximum 12 months)
(This is being abolished and replaced with a local discount)
- B** Dwellings last occupied for the purposes a charity (maximum 12 months)
- C** Unfurnished Dwellings (maximum 6 months)
(This is being abolished and replaced with a local discount)
- D** Dwellings left unoccupied by persons detained in prison
- E** Dwellings left unoccupied by persons now living and receiving care in a hospital or care home
- F** Dwellings formerly occupied by a deceased person where probate has not been granted and for 6 months after probate has been granted
- G** Dwellings where occupation is prohibited by law
- H** Dwellings awaiting occupation by a minister of religion as a residence of office
- I** Dwellings left unoccupied by persons who have moved to receive personal care
- J** Dwellings left unoccupied by persons who have moved to provide personal care to another person
- K** Dwellings left unoccupied by the owner who has moved to become a student
- L** Dwellings which have been repossessed by a mortgage lender
(This is being abolished and mortgagees in possession will be liable for the relevant class of charge)
- Q** Dwellings left empty by a person made bankrupt and a trustee in bankruptcy is responsible
- R** Caravan pitches and boat moorings not occupied by a caravan or boat
- T** Dwellings comprised of a self contained unit which cannot be let separately from the main property without breaching planning (granny annexes)

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 there is a reduction in the number of class A and C properties the additional income may be lower than estimated	Mark Sheldon	11/12/2012	2	3	6	Accept	Monitor and review the estimated income	31/03/2014	Jayne Gilpin	
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											

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Cheltenham Borough Council
Council – 17 December 2012
Treasury Mid-Term Report 2012/13

Accountable member	Finance & Community Development , John Rawson
Accountable officer	Director Resources , Mark Sheldon
Ward(s) affected	None
Significant decision	No
Executive summary	The Treasury Management Strategy for 2012/13 has been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year. The Code also recommends that members are informed of Treasury Management activities at least twice a year. This report therefore ensures this authority has adopted the code and complies with its requirements.
Consultation	The Treasury Management Panel considered this report on 19th November 2012.
Recommendations	1. Note the contents of the summary report of the treasury management activity during the first six months of 2012/13.

Financial implications	All financial implications are detailed throughout the report Contact officer: Andrew Sherbourne, andrew.sherbourne@cheltenham.gov.uk, 01242 264337
Legal implications	None specific arising from the report recommendations. Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01242 264216
HR implications (including learning and organisational development)	No direct HR implications arising from this report Contact officer: Amanda Attfield, amanda.attfield@cheltenham.gov.uk. 07920 284313
Key risks	see appendix 1
Corporate and community plan Implications	None

Environmental and climate change implications	None
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1. Background

- 1.1** The Treasury Management Strategy for 2012/13 has been developed by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year. The Code also recommends that members are informed of Treasury Management activities at least twice a year. This report therefore ensures this authority has adopted the code and complies with its requirements, one of which is the provision of a Mid-year report to Members.

2. Economic update for the first six months

- 2.1** The following key points have been provided by the councils Treasury Advisors, Arlingclose Ltd.
- 2.2** The world economy faced yet another turbulent six months. The UK and the Eurozone (except Germany) struggled to show visible growth whilst the US economy grew slowly. UK Growth Domestic Product (GDP) contracted by 0.3% on the first calendar quarter of 2012 and by 0.40% in the second, reflecting the difficult economic conditions faced by businesses and consumers domestically and globally.
- 2.2** Inflation which had remained stubbornly high throughout 2011 slowly began to fall. Annual CPI dipped below 3% for the first time in two and a half years in May and fell to the lowest level since November 2009 in June, with a rate of 2.4%. It moved up marginally to 2.5% by August. Although the recent rise in commodity prices has been worrying the rise in oil and food prices are well below the levels of 2010/11.
- 2.3** Some barometers of economic activity provided a more buoyant and positive picture but tendered to get overshadowed. Employment rose by 236,000 in the three months to July and the employment rate was at its highest since the three months to April 2009. The unemployment rate fell to 8.1% on the last quarter, the underlying data pointing to a more resilient and optimistic outlook for the economy
- 2.4** The lack of growth and the fall in inflation were persuasive enough for the Bank of England to sanction £50 billion of Quantative Easing (QE) in July, taking QE to £375 billion. The possibility of a rate cut from the current level of 0.5% was discussed at MPC meetings in June and July but was subsequently dropped suggesting that this policy option has been postponed for the immediate future. The government's Funding for Lending Scheme (FLS) initiative, intended to lower bank's funding costs, commenced in August. The Bank of England will assess its effects in easing the flow of credit before committing to further policy action.
- 2.5** The European sovereign debt crisis deepened. With the continuing problems in Greece, the Euro region suffered a renewed bout of stress when Italian and Spanish government borrowing costs rose sharply with Spain being forced to officially seek a bailout for its domestic banks. The European Central bank responded with the announcement in September of its Outright Monetary Transactions (OMT) facility which allows the ECB to buy unlimited amounts of one to three year sovereign bonds provided the sovereign(s) first asks for assistance and adheres to the strict conditions attached to such purchases.
- 2.6** The economic uncertainty resulted in analysts postponing the likelihood of an increase in the UK Bank Rate until late 2014 at the earliest.

3. Portfolio position 1/4/2012 to 30/9/2012

Movements in the Council's borrowing during the first six months of 2012/13 financial year can be seen in the table below. Long term loans are deemed to be those repayable over a period of more than one year.

Source of Loan	Balance at 1 April 2012 £	Raised during Apr-Sept £	Repaid during Apr-Sept £	Balance at 30 Sept 2012 £
Temporary Borrowing				
- Public Works Loan Board	2,000,000	0	0	2,000,000
- Banks	0	0	0	0
- Local Authorities	5,100,000	13,500,000	18,600,000	0
Temporary Investment	3,000	0	0	3,000
Total Short Term Borrowing	7,103,000	13,500,000	18,600,000	2,003,000
Long Term Borrowing				
- Public Works Loan Board	38,806,331	0	15,904	38,790,427
- Market Loans	15,900,000	0	0	15,900,000
Long Term Borrowing	54,706,331	0	15,904	54,690,427
Total External Borrowing	61,809,331	0	18,615,904	56,693,427

3.1 In February 2012 the Council's borrowing costs for 2012/13 was estimated to be £1,202,000. This is now forecast to be £2,095,100. This big increase is due to the additional borrowing of £27.414m taken from the PWLB in March 2012 to fund the HRA in coming out of the subsidy system. The HRA will be paying 100% of the interest relating to these loans. Temporary borrowing of £13.5m at an average interest rate of 0.30% has occurred between 1st April and 30th September 2012 to meet temporary cash flow shortfalls against a forecasted rate of 0.40%. Borrowing costs are now forecast for 2012/13 to be under by £35,200 against the original budget. The revised 2012/13 budget will be amended accordingly.

3.2 The PWLB remains an attractive source of borrowing for the Council as it offers flexibility and control. Due to downward moves in gilt yields in the second quarter, this resulted in PWLB rates falling across all maturities. In August HM Treasury announced details of the "Certainty Rate" which will enable this council to access cheaper PWLB funding, with a 20 basis point reduction on the standard PWLB borrowing rate. This has been introduced to encourage local authorities to provide robust forecasts on borrowing plans. This rate is expected to be introduced in November 2012. This council has completed the pro-forma projecting the Council's likely borrowing

requirement over a three period and returned it to the CLG by the deadline of 17th September 2012.

4. Investments

The DCLG's Guidance on Local Government Investments in England gives priority to security and liquidity and the Council's aim is to achieve a yield commensurate with these principles.

Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy for 2012/13 approved by Council on the 10th February 2012. This restricted new investments to the following

- T-Bills and the Debt Management Office (DMO)
- Other Local Authorities
- AAA-rated Money Market Funds
- UK Banks & Building Societies – Minimum long term rating of A- or equivalent across all three rating agencies (Fitch, Standard & Poors and Moody's)
- Other - Cheltenham Festivals, Gloucestershire Airport Company, Everyman Theatre, Ubico and Cheltenham Borough Homes

Counterparty credit quality is assessed and monitored with reference to :-

- Credit ratings
- Credit Default Swaps
- Share Price
- GDP of the country in which the institution operates

In June Moody's completed its review of banks with global capital market operations, downgrading the long-term ratings of all of them by between one to three notches. The banks on the Council's lending list which were affected by the ratings downgrades were Barclays, HSBC and the Royal Bank of Scotland. Separately the agency also downgraded the ratings of Lloyds Bank, Bank of Scotland, National Westminster Bank and Santander UK plc. None of the long-term ratings of the banks on the Council's lending list were downgraded to below the Council's minimum A-/A3 credit rating threshold.

- 4.1** Following the decision to shorten deposit durations with investment counterparties on the 3rd May 2012, the Council has since extended duration (decision made on 30th July 2012). The move to extend duration was as a result of monitoring economic and political developments in the UK. The various risk metrics highlighted in paragraph 4 to assess the creditworthiness of financial institutions had shown continued signs of stabilisation, and in some cases, considerable improvement.

- 4.2 Investments -** Movements in the Council's investment portfolio during the first six months of 2012/13 can be seen in the table below.

Source of Loan	Balance at 1 April 2012 £	Raised during Apr-Sept £	Repaid during Apr-Sept £	Balance at 30 Sept 2012 £
Short term Lending				
- Building Societies	0	0	0	0
- Banks	2,000,000	0	2,000,000	0
Bank of Scotland Call A/C	0	22,150,000	19,090,000	3,060,000
Santander UK Call A/C	2,600,000	27,450,000	28,400,000	1,650,000
Total Short Term Lending	4, 600,000	49,600,000	49,490,000	4,710,000
Icelandic Banks in administration	Balance at 1 April 2012 £	Raised during Apr-Sept £	Repaid during the year £	Balance at 30 Sept 2012 £
- Kaupthing Singer & Friedlander	1,110,000	0	300,000	810,000
- Glitnir	630,900	0	0	630,900
- Landsbanki	3,439,255	0	611,710	2,827,545
Total Icelandic Banks	5,180,155	0	911,710	4,268,445
Total External Investments	9,780,155	49,600,000	50,401,710	8,978,445

- 4.3** In February 2012 the Council's Investment income for 2012/13 was budgeted to be £48,200. The average cash balances representing the council's reserves and working balances, was £3.2m during the period this report covers. The UK Bank Rate has been maintained at 0.50% since March 2009 and is not expected to rise until late 2014 or beyond. The Council anticipates an investment outturn of £58,400 at a rate of 1.13% for the whole year. Security of capital has remained the Council's main investment objective. This has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2012/13.
- 4.4** The Council set up a Safe Custody account with King and Shaxton in September 2012. By opening a custody account with King and Shaxton, the Council now has the ability to use a number of approved investment instruments such as Treasury Bills.
- 4.5** Included within the investments of £8.727m as at 30th September 2012, the Council has £4.017m deposited in the collapsed Icelandic banks. On October 28th 2011 the Icelandic Supreme Court ruled that UK local authority deposits in the administrations of Glitnir and Landsbanki qualified as

priority claims. This means that the values of local authorities' claims in the Icelandic administrations qualifying for priority settlement are now final and will, at the very least, be equal to the value of the original deposit plus interest accrued.

- 4.6** Glitnir's Winding Up Board made a distribution to priority creditors, which included local authorities. This was accepted by all UK local authorities and implemented on the 16th March 2012. 78p in the pound has been recovered to date with the remaining balance held in an escrow account in Iceland. 100% is expected to be recovered
- 4.7** Landsbanki Winding Up Board made a second distribution on the 29th May 2012 which takes the repayments made to 43p in the pound. Further distributions are expected in the near future. 100% is expected to be recovered.
- 4.8** Kaupthing Singer & Friedlander administrators have made distributions of 73p in the pound to date. It is now expected that 85.25p in the pound will be recovered overall.
- 4.9** Further distributions have been made since September 2012 which will be included in the next update report to council

5. Prudential Indicators

- 5.1** During the financial year to date the Council has operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Policy Statement and Annual Treasury Strategy Statement.

6. Outlook

- 6.1** At the time of writing this activity report in November 2012, economic growth remains elusive. Tight credit conditions and weak earnings growth are constraining consumer and corporate spending. The outlook is for official interest rates to remain low for an extended period, as shown below.

	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15
Official Bank Rate													
Upside risk	--	--	--	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50
Central case	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25

7. Performance management

- 7.1** In compliance with the requirements of the Treasury Management CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during the first six months of 2012/13. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

Report author	Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk 01242 264123
Appendices	Risk Appendix 1

Background information	Treasury Management Strategy, Council 10 th February 2012
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The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>Icelandic Banks – exchange rate differences</p> <p>Distributions from Landsbanki and Glitnir are being repaid in a basket of currencies including sterling. The amount we receive each time based on our claim will depend on the Council's bank spot rates. It is possible we could receive a lower amount than expected when converted into sterling by the bank.</p>	Director for Resources Mark Sheldon	13 th November 2012	2	5	10	Accept	Council is committed to receiving the payments and accepts that there will be differences in value when the foreign currencies are converted into sterling.	31 st March 2018	Director for Resources Mark Sheldon	
<p>Explanatory notes</p> <p>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)</p> <p>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)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Cheltenham Borough Council Council

17 December 2012

Scrutiny Task Group – Event Submissions Report of the Overview and Scrutiny Committee

Accountable member	Not applicable
Accountable officer	Grahame Lewis – Executive Director
Ward(s) affected	All
Key Decision	No
Executive summary	<p>Following a request from the Overview and Scrutiny Committee, a scrutiny task group was set up to investigate the council's current approach to dealing with large scale events and to recommend ways that this process could be improved.</p> <p>Following a number of meetings, the scrutiny task group has identified a number of ways in which the current process can be improved and these improvements are contained in the task group's report attached as Appendix 1.</p> <p>The report of the scrutiny task group was considered by the Overview and Scrutiny Committee on 10 October 2012 but they asked for more work to be done before having it back in January to endorse the recommendations. In advance of this, they recommended that Council should have an opportunity to debate the report so that their views can be taken into account when Overview and Scrutiny reconsider the report on 10 January and the report will then be considered by Cabinet on 15 January 2012.</p>
Recommendations	<p>The Council is recommended:</p> <ol style="list-style-type: none"> 1. Consider the recommendations of the Scrutiny Task Group Report, and 2. Agree any issues that they would like Overview and Scrutiny/Cabinet to take into account when deciding whether to endorse/adopt the recommendations of the Scrutiny Task Group Report.
Financial implications	<p>There are no financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</p>

Legal implications	<p>The ECG/SAG can offer a forum for co-ordinating and consulting with organisers and agencies. Depending however on the type of event an organiser may have to make an application for a permission and/or licence and any decisions regarding the event will be made at in accordance with the Council's Constitution by officers, Cabinet (or Leader) or in terms of the regulatory side by the Licensing and/or Planning Committee. The group will not therefore have any decision making role.</p> <p>Contact officer: Sarah Farooqi, sarah.farooqi@teWKesbury.gov.uk, 01242 Contact officer: Sarah Farooqi,</p>
HR implications (including learning and organisational development)	<p>There are no HR implications arising from this report.</p> <p>Contact officer: Beverly Kershaw-Cole bev.kershaw-cole@chEltenham.gov.uk, 01242 77 4921</p>
Key risks	None identified
Corporate and community plan Implications	Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment
Report author	<p>Contact officer: Louis Krog, louis.krog@chEltenham.gov.uk,</p> <p>01242 775004</p>
Appendices	1. Event Submission scrutiny task group report



SCRUTINY TASK GROUP REPORT

NOVEMBER 2012

EVENT SUBMISSIONS

1. INTRODUCTION

- 1.1 The '2010-2015 Corporate Strategy: 2011-12 action plan' includes the objective 'Arts and culture are used to strengthen communities, strengthen the economy and enhance and protect our environment'.
- 1.2 At the Council meeting on 24 February 2012 a number of individuals and organisations expressed their unease at a 'major' event being proposed in Cheltenham.
- 1.3 The Environment Overview and Scrutiny Committee noted that there was no robust process in place to safeguard communities and the town's reputation from possible adverse impacts of 'major' events which did not form part of the Cheltenham Festivals programme. It was apparent that event organisers were able to submit separate applications with little or no opportunity for member or public overview.
- 1.4 The committee requested a task group develop an 'event submission form' and establish a set of criteria for early identification of 'major' events (with timescales) and develop a process by which such 'major' events would be considered by all representatives appropriate for the event being proposed.
- 1.5 This report sets out the findings and recommendations arising from the scrutiny review by the scrutiny task group.

2. MEMBERSHIP AND TERMS OF REFERENCE

2.1 Membership of the task group:-

- Councillor Penny Hall (Chair)
- Councillor Nigel Britter
- Councillor Diane Hibbert
- Councillor Anne Regan
- Councillor Diggory Seacome
- Councillor Klara Sudbury (new to the group in June 2012)
- Councillor Lloyd Surgenor (retired in May 2012)

2.2 Terms of reference

- To understand the requirement for organisers of events, which do not form part of the Cheltenham Festivals programme and which are likely to or will impact more broadly on the environment of Cheltenham, to prepare for an 'event submission'
- To recommend ways that this process could be improved to include criteria for the identification of a 'major' event and timescales
- To apply the process retrospectively to assess its effectiveness

As a consequence of discussions at the first meeting of the task group and an officer suggestion that a safety advisory group should be established to consider events in the borough, the following item was added to the ToR;

- A long term ambition for the review is to establish a Cheltenham based 'safety advisory group'.

3. WHAT DID WE DO?

3.1 The task group met on 6 occasions and spoke to a range of people involved with events in the council:-

- Trevor Gladding, Community Protection Team Leader
- Louis Krog, Business Support & Licensing Team Leader
- Sarah Clark, Public & Environmental Health Team Leader
- Owen Parry, Integrated Transport & Parking Manager
- Adam Reynolds, Green Space Development Manager
- Jeremy Williamson, Managing Director (Cheltenham Development Task Force)
- Grahame Lewis, Executive Director and sponsor of the task group
- Sara Farooqi, Solicitor One Legal

Officers were asked about their individual and/or service area role in relation to event applications at present and assisted members in the development of draft documents which would support new arrangements which it was hoped would result in a more effective and transparent process for event organisers, officers, councillors and member of the public.

3.2 Research into the event submission process at other authorities was undertaken and in particular those of our neighbouring authorities in Gloucestershire.

3.3 Officers were tasked with speaking to representatives from partner agencies on behalf of the task group;

- Gloucestershire Police Authority
- Gloucestershire Fire & Rescue
- Gloucestershire Ambulance Service
- Gloucestershire County Council or Highways

- 3.4 Members expressed thanks to members of the public who had welcomed this piece of work by scrutiny and those who had submitted information regarding the management of events at other authorities.
- 3.5 Members would like to thank all of the officers who attended meetings and contributed to the review and also thank those officers who provided support to the work of the group and in particular Saira Malin and Rosalind Reeves from Democratic Services.

OUR FINDINGS

4. CURRENT PRACTICE IN CHELTENHAM BOROUGH COUNCIL

- 4.1 The current practice in the council is set out in Appendix 2 and explained in more detail in the following paragraphs.
- 4.2 Cheltenham Borough Council has a legislative responsibility in respect of licensing public events and as such has a democratic public accountability. The Licensing Act 2003 has meant many smaller events can take place through serving a Temporary Events Notice although larger events still require licensing. Applications are normally administered by officers in accordance with the statutory provisions but will be referred to a licensing sub-committee if relevant objections are received from statutory Responsible Authorities or interested parties. Under the terms of the act these Responsible Authorities can include the Licensing Authority, i.e Cheltenham Borough Council, ward councillors, the police and the fire service amongst others.
- 4.3 Public and community events may be 'one-off' and may take place in venues such as local parks and gardens. In some cases there are already licences in place for the parks which permit certain events to take place within existing Land Use Agreements.
- 4.4 There is at present a 'parks events application form' which requires special event organisers to submit detailed information about their event in the form of an event plan, risk assessments, public liability insurance and where necessary, signpost event organisers to other Council departments or statutory bodies such as the police or licensing. Once these elements of the event application have been checked off, then the council will enter into a Land Use Agreement with the organiser consenting to the use of green space subject to detailed conditions including the restoration of damage to council land or property caused by the event. A land hire fee is also applied and legal fee where a bespoke agreement is required. There may be penalties if the terms of the land use agreement are broken, for example a request for the same event in the future may be turned down.
- 4.5 Environmental Health Services are sometimes consulted when either a licensing or park event application form is received which identifies event activities that could result in noise or the potential cause of public nuisance.
- 4.6 Submissions under the legislation covering temporary events which have an impact on the streetscape and highways are dealt with by the Integrated Transport and Parking Manager and his team and applications received are generally part of an event being held in one or more designated area (parks,

- gardens and event venues). Interactions with event organisers are about enabling temporary events such as a parade or road closure and there is liaison between the highways authority, the police, event organisers and other key partners at all times.
- 4.7 In some cases a planning application may be required and would follow a statutory process similar to licensing with appropriate representations.
 - 4.8 Officers from the council are in regular contact with their colleagues in other agencies so there is likely to be some informal liaison between them on significant new events. For example if an event organiser made an initial enquiry to Gloucestershire Highways about a road closure in Cheltenham, normal practice would be for the county to advise the district council about the potential event.
 - 4.9 The task group noted that there were already many events which took place in Cheltenham on a regular basis. These often followed tried and tested procedures and so all the agencies involved were accustomed to dealing with them and knew exactly what needed to be done. These events were not specifically in the scope of this task group however it did become apparent during the review that there could be inconsistencies in the way these events were dealt with because of their historical nature. Ideally all events should be treated in the same way.
 - 4.10 The task group noted that Cheltenham Racecourse currently had its own Safety Advisory Group to handle its race meetings. This SAG includes all relevant agencies including the borough council but is not run by the borough council.
 - 4.11 We concluded that many different departments in different divisions of the council could be involved in the initial stages of assessing an event. During these early stages, the event organiser may make some contact with members of the Cabinet or senior management team to seek support for their event but there is no clearly defined process for informing ward councillors and the public.

Issues with current process

- 4.12 There were a number of issues with the current process;
 - the event organiser may have to speak to several departments and complete several different forms which could be confusing
 - the process could result in inconsistency in the way new and/or existing events are treated
 - ward councillors may not be made aware about the event during the application process and do not have the opportunity to give their views
 - the public feel there is little scope for them to give their views until it reaches a formal planning or licensing application stage
 - although officers in the various areas do liaise with each other, there may be no single area of the council which has a complete picture and understanding of the full scope of the event.
 - There may be impact on the public from events being held on private land

5. CURRENT PRACTICE IN OTHER AUTHORITIES

SAFETY ADVISORY GROUPS

- 5.1 A number of other authorities, including Gloucester City Council and Tewkesbury Borough Council, have established Safety Advisory Groups (SAGs) as a tool in planning the safety of community events and other similar public mass gatherings and are recognised as good practice.

Health and Safety Executive Guidance

- 5.2 The Health and Safety Executive produce guidelines and standard terms of reference for a SAG. In this guidance they say that “SAGs are usually, but not exclusively, coordinated by a local authority and made up of representatives from the local authority, emergency services and other relevant bodies. They meet at regular intervals, or when necessary, to review event applications and advise on public safety.” It goes on to say that “SAGs do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place. They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event. (Individual representatives of organisations forming the SAG may have powers to require event organisers to comply with their legal obligations.)”
- 5.3 Their guidance acknowledges "It can be difficult to strike the right balance in deciding which events should be considered by a SAG. The guiding principle is that events presenting a significant public safety risk (whether in terms of numbers of people attending, or the nature of the event and/or the challenge of the environment) should be considered however, small events like village fetes, where large numbers are not expected and/or the event is routine in relation to the activity normally carried out, need not go to a SAG.”

Gloucester City SAG

- 5.4 Gloucester City Council have recently introduced a SAG and we were keen to learn from their experiences. Officers at Gloucester City had initiated the process and the police had welcomed the formation of a SAG. It had taken a significant effort to set up the terms of reference and protocol and agree the process but all agencies had been able to sign up to the resulting documents. They had held their first meeting in June 2012 and were now planning meetings on a quarterly basis. The launch of the SAG was backed up by publication of information on the Council's website advising potential organisers of the process. Gloucester City - organising an event.
- 5.5 Officers commented that when they had first introduced the new system some regular event organisers had queried why they needed to fill in a new form but once the process was explained they were happy to support it. Gloucester City were keen to emphasise that the SAG could not refuse permission for an event to take place. However they could advise an event organiser that they would not be supporting an event and give their reasons and urge them to reconsider certain aspects.
- 5.6 The relevant officers and agencies attending the SAG could also make a formal representation in their own right if they had particular concerns about health and safety or noise for example. We noted that membership of the Gloucester City SAG did not include Councillors and this was typical of the

membership at other councils.

Events Submission Form

- 5.7 We looked at a number of other councils who had adopted an events submission form. The advantage of this was that the event organiser could submit all the information about their event on a single form which could then be considered by the council and other agencies.

6. WHAT OPTIONS DID WE CONSIDER?

A TAKE NO ACTION

- 6.1 Members felt that to take no action was not an acceptable option. All Members could recount instances whereby event applications had been received and approved by the council and ward councillors were unaware until constituents had voiced concerns following receipt of marketing material for the event. Such instances had disconcerted councillors and members of the public.

B. ADOPT AN EVENT SUBMISSION FORM AND GUIDANCE NOTES

- 6.2 The event submission form would negate the need for separate applications (though subsequent applications would be required for particular aspects of an event). On receipt of an event submission form all relevant officers could decide which was the most appropriate service area to lead on this event given its nature. They would then become the point of contact for the event organiser during this stage of the process.

The lead officer would make ward Councillors aware of all but minor events. They may have some informal contact with other agencies depending on the nature and extent of the event. Guidance notes were developed to guide event organisers through the process and it is envisaged that they would be available on the council's website. Whilst this option was considered to be an improvement to the current process, members had residual concerns that 'major' events should be discussed collectively to address any concerns and minimise any adverse impacts.

C. ADOPT THE EVENT SUBMISSION FORM AND GUIDANCE NOTES AND ESTABLISH AN EVENTS CONSULTATIVE GROUP (ECG)

- 6.3 This option was the preferred option of members of the task group who were of the opinion that this approach would be beneficial to all concerned (event organisers, officers, partner agencies, councillors and local communities). The reason for setting up this group was that it could for the first time look at a whole event and its impact on the town. From that position it would be appropriate for the group to form an overall opinion and for this to be taken into account moving forward.
- 6.4 The ward councillors involved in the ECG could keep the public and local interests groups informed of any potential events and represent their views. There should also be a process for keeping neighbouring councils involved

where the event was close to their boundaries and may have an impact. They should be encouraged to do the same for Cheltenham.

- 6.5 Terms of Reference were drafted based on those produced by other authorities and proposed core membership would comprise of senior officers (or their representatives) drawn from;

Cheltenham Borough Council

- Public Protection
 - Licensing department
 - Environmental Health
 - Community Protection
- Parks department
- Building Control
- Integrated Transport
- Corporate Health and Safety

Along with

- The Licence holder and/or event organiser and
- Ward councillors

- 6.6 Initially the task group envisaged that other agencies such as the police would be involved in the Events Consultative Group. However when officers approached other agencies with our draft proposals, the police responded that the ECG was not something that they could support as they viewed it as very much an internal group to the council. In the same response they did say that the police were very supportive of Safety Advisory Groups which already existed in other districts in Gloucestershire but not in Cheltenham.
- 6.7 As community representatives, the task group's vision for the ECG was that it it would have some 'teeth' and be in a position to influence whether or not an event should go ahead. The advice we received from officers in One Legal was that the ECG as a body would have no legal standing to make representations to Council committees in its own right as they did not fall under the definition of an interested party/Responsible Authority. Hence the ECG as a body could not make a representation to Licensing Committee or Planning Committee when the relevant applications for an event were considered.
- 6.8 We had further discussions with One Legal to clarify the legal position and in the course of these discussions they were able to suggest an alternative option. In the case of licensing, we were advised that the Licensing Authority could make representations that reflected the views of the ECG including suggesting conditions they might want to impose. Similar representations could be made on behalf of Environmental Health, Health and Safety or Planning by the relevant officers. .
- 6.9 In practical terms this would mean that an officer attending the ECG could make representations provided they were relevant. i.e an officer could not put forward artificial objections just because the ECG did not support the event for other reasons. The same applies to representations to the Planning

Committee.

- 6.10 Officers also advised us that in this situation, the officer making the representation could not then be the officer advising the committee on the application. Councillors on the ECG would also need to be careful about declaring an interest if they subsequently sat on the committee considering such an application.
- 6.11 The benefits of an ECG would be that ward councillors would be better informed, event organisers would have a simpler process to follow and there would be a more joined up process across the council for dealing with events. The process would be much more transparent and although the group did not have the power to veto an event, they could make officers aware of their views and opinions on the suitability of the event.
- 6.12 It was very apparent to the working group that there was still a need to formally involve other agencies when large or significant events were proposed for Cheltenham. We would expect there to be informal consultation with other agencies by our officers but for larger events this needed to be on a more formal basis, hence our consideration of a Safety Advisory Group or SAG.

D. FORM A CHELTENHAM SAFETY ADVISORY GROUP (SAG) FOR LARGE OR SIGNIFICANT EVENTS

- 6.13 Given that the police and other agencies had already indicated their support for local authority SAGs, we explored this option.
- 6.14 If an event was major and was likely to have a significant requirement for coordination by other agencies, the events admission form could be referred to a SAG set up and administered by the local authority.
- 6.15 As the process had already been agreed for Gloucester City and Tewkesbury Borough Council we saw no reason for reinventing the wheel and requested officers to draft proposals based on their terms of reference and protocols.
- 6.16 We noted that membership of SAGs usually consisted of relevant officers from the organisations involved and we were concerned that this was a lost opportunity for ward councillors to raise their awareness of events. Therefore we would recommend that the Cheltenham SAG does permit councillors to attend as observers.
- 6.17 Although the SAG would represent a major step forward in managing major events, it may still bypass the consultation with ward councillors and raising public awareness that the task group wish to put in place.

E. A PROCESS COMBINING THE EVENT SUBMISSION FORM, AN ECG AND A SAG FOR LARGE EVENTS

- 6.18 Having considered all the options, the task group recommends that the Council adopts a combination of C and D and this is illustrated in Appendix 3.

- 6.19 The task group acknowledges that the success or otherwise of this process will be very dependent on the ability to judge whether an event is small or large/significant and hence should be considered by the ECG and/or a SAG. It would be impractical for every event request to be considered by an ECG and therefore guidelines and procedures will need to be drawn up to support administrative staff carrying out the initial assessment. The process will also need to be clearly set out for potential event organisers and supported by information on our website. With the new commissioning structure within the council, officers will need to assess the best place to receive the Events submission form. We have suggested it should lie in the business support area of Public Protection.

7. CONSULTATION

- 7.1 During the course of this review we have consulted widely with officers involved in this issue. Officers have been invited to attend our meetings and comment on our proposals at every stage. They welcome the events submission form which will help streamline the process for handling events and have indicated they would be happy to support the concept of member involvement via the ECG. They would also welcome having a more formal process for working with the other agencies on major events which would be provided by a SAG.
- 7.2 The results of initial consultation with the police and other agencies on an Events Consultative Group is referred to in section 6.6 of the report. We would envisage further consultation with all relevant agencies as part of the implementation of a SAG.
- 7.3 The Cabinet Member Housing and Safety attended our fourth meeting and had the opportunity to take part in the discussion regarding our proposals and review the final draft of our report. He was very keen to have the detailed procedures in place to support the process but acknowledged that these could be drawn up as part of the implementation of the recommendations assuming they were agreed by Cabinet. He has also discussed the possibility of using the event submission form as a pilot for forthcoming events.

8. RECOMMENDATIONS

- 8.1 The Events Submission scrutiny task group therefore recommends that Cabinet;
- a) **Establishes an Events Consultative Group and adopt the Terms of Reference set out in Appendix 4 ***
 - b) **Adopts the guidance note in Appendix 5 * and the event submission form in Appendix 6 ***
 - c) **Creates an information page on the Council's website to assist event's organisers and the public**

- d) Liaises with other agencies to establish a Safety Advisory Group for Cheltenham as set out in the terms of reference in Appendix 7***
- e) Consider the inclusion of relevant councillors as observers on the SAG.**
- f) Produce detailed procedures and guidelines to support the operation of this new process**

* in agreeing the terms of reference for the ECG and SAG and the events admission form and guidance notes, we acknowledge that during the implementation of the recommendations it may be necessary for officers to make some amendments as they develop and enhance the events process.

9. PROGRESSING THE SCRUTINY RECOMMENDATIONS

- 9.1 The task group acknowledges that more work will be required by officers to set up the appropriate processes and documentation to support the recommendations in this review. It has been suggested that whilst this work is in progress be events admission form and guidance note could be piloted to seek feedback on its use.
- 9.2 We have purposefully not been too prescriptive as we feel officers are in the best position to work out the optimum process which will work for them in practice, for the other agencies involved and give the members the involvement they want as set out in this report.
- 9.3 Members are satisfied that the ECG and ToR and guidance notes will go some way to raising awareness of events and timely liaison with event organisers.
- 9.4 We would welcome a debate at Council on this report once it has been endorsed by the Overview and Scrutiny Committee as we feel this is an issue which affects all members and therefore we would like to hear their views. The next meeting of O&S is on 10 January 2012 followed by Cabinet on 15 January. The next meeting of Council is on 17 December so O&S will need to consider what route they want this report to take.
- 9.5 Assuming our recommendations are accepted by Cabinet, we would request that the task group to be kept informed of developments and we would carry out a review of the implementation of our recommendations after a period of six months.

Report author	<p>Councillor Penny Hall, Chair of the scrutiny task group</p> <p>Contact officers: Saira Malin, Democracy Officer, saira.malin@cheltenham.gov.uk 01242 77 5153</p> <p>Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937</p>
Appendices	<ol style="list-style-type: none"> 1. The One page strategy for this review 2. Diagram of current procedures 3. Diagram of recommended future procedure 4. ECG Terms of Reference 5. Event submission guidance and flowchart 6. Events submission form 7. SAG Terms of Reference and membership
Background information	<ol style="list-style-type: none"> 1. None

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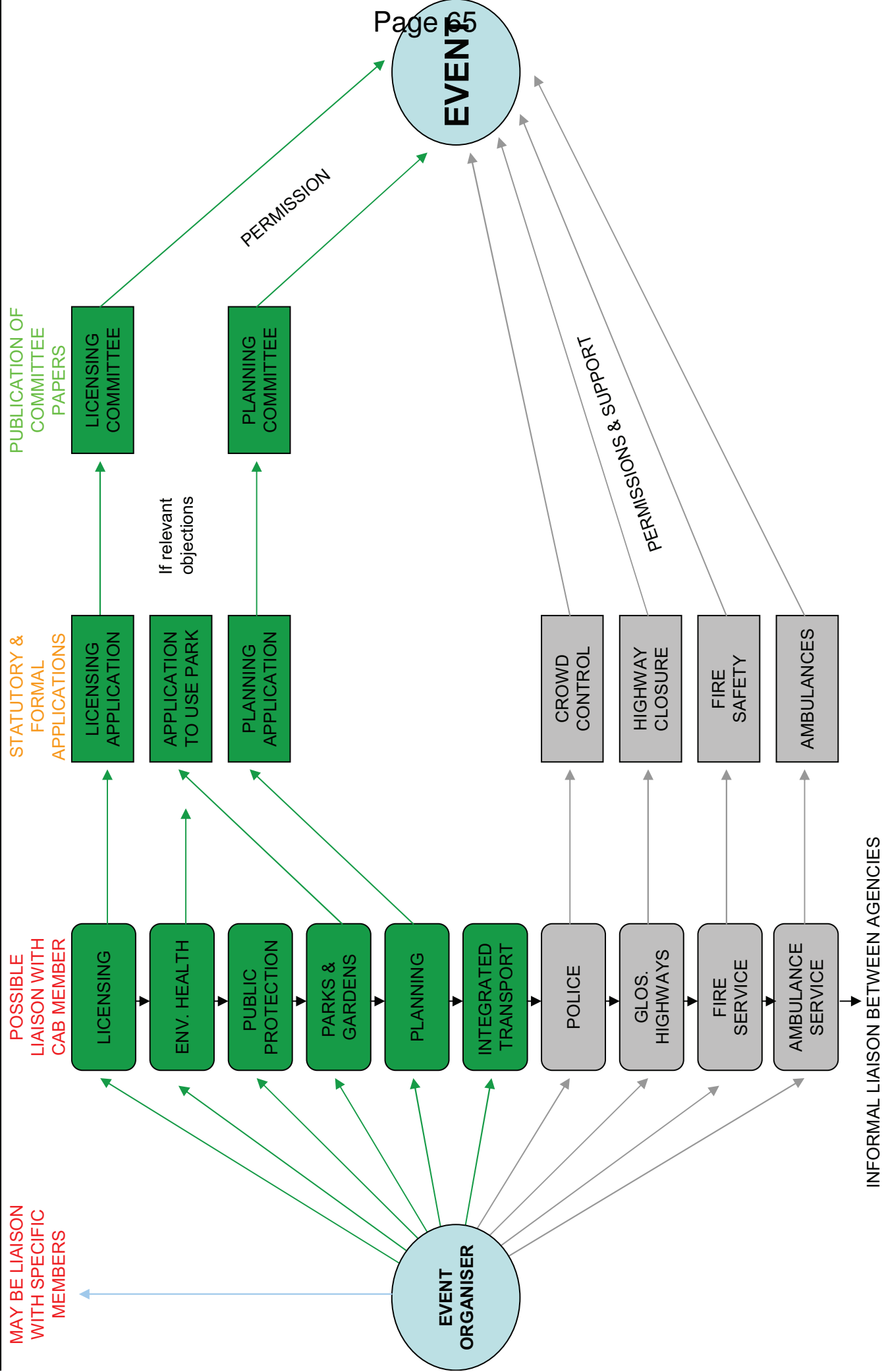
SCRUTINY REVIEW – ONE PAGE STRATEGY

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Events in the town
Specific topic area	'Events Submission' – consider the draft process from Officers, develop, approve and recommend for adoption
Ambitions for the review	<ul style="list-style-type: none"> Understand the requirement for organisers of events which do not form part of the Cheltenham Festivals programme which are likely to or will impact more broadly on the environment of Cheltenham, to prepare an 'event submission' Recommend ways that this process could be improved, to include criteria for the identification of a 'major' event and timescales Apply the process retrospectively to assess its effectiveness A long term ambition for the review is to establish a Cheltenham based 'safety advisory group'
Outcomes	Develop a robust process by which the impact and their requirements of a proposed event in the town can be considered to safeguard our communities and the town's reputation
How long should the review take?	March 2012 start. Final report and recommendations to be considered by the O&S Committee in November 2012 and endorsed for adoption by Cabinet
Recommendations to reported to:	O&S and Cabinet
Membership:	Councillors Britter, Hall, Hibbert, Regan, Seacome and Sudbury
FOR COMPLETION BY OFFICERS	
Officers experts and witnesses	Trevor Gladding, Community Protection Team Leader Louis Krog, Business Support & Licensing Team Leader Adam Reynolds, Green Space Development Manager Sarah Clark, Public & Environmental Health Team Leader Owen Parry, Integrated Transport & Parking Manager
Sponsoring officer	Grahame Lewis, Strategic Director
Facilitator	Saira Malin, Democracy Officer
FOR COMPLETION BY THE SCRUTINY TASK GROUP	
Are there any current issues with performance?	An issue arose whereby a major event was being proposed which had not been assessed by CBC officers or external partners
Co-optees	None
Other experts and witnesses	None
Other consultees	<ul style="list-style-type: none"> Gloucestershire Police Gloucestershire Fire & Rescue Services NHS Gloucestershire County Council

Appendix 1

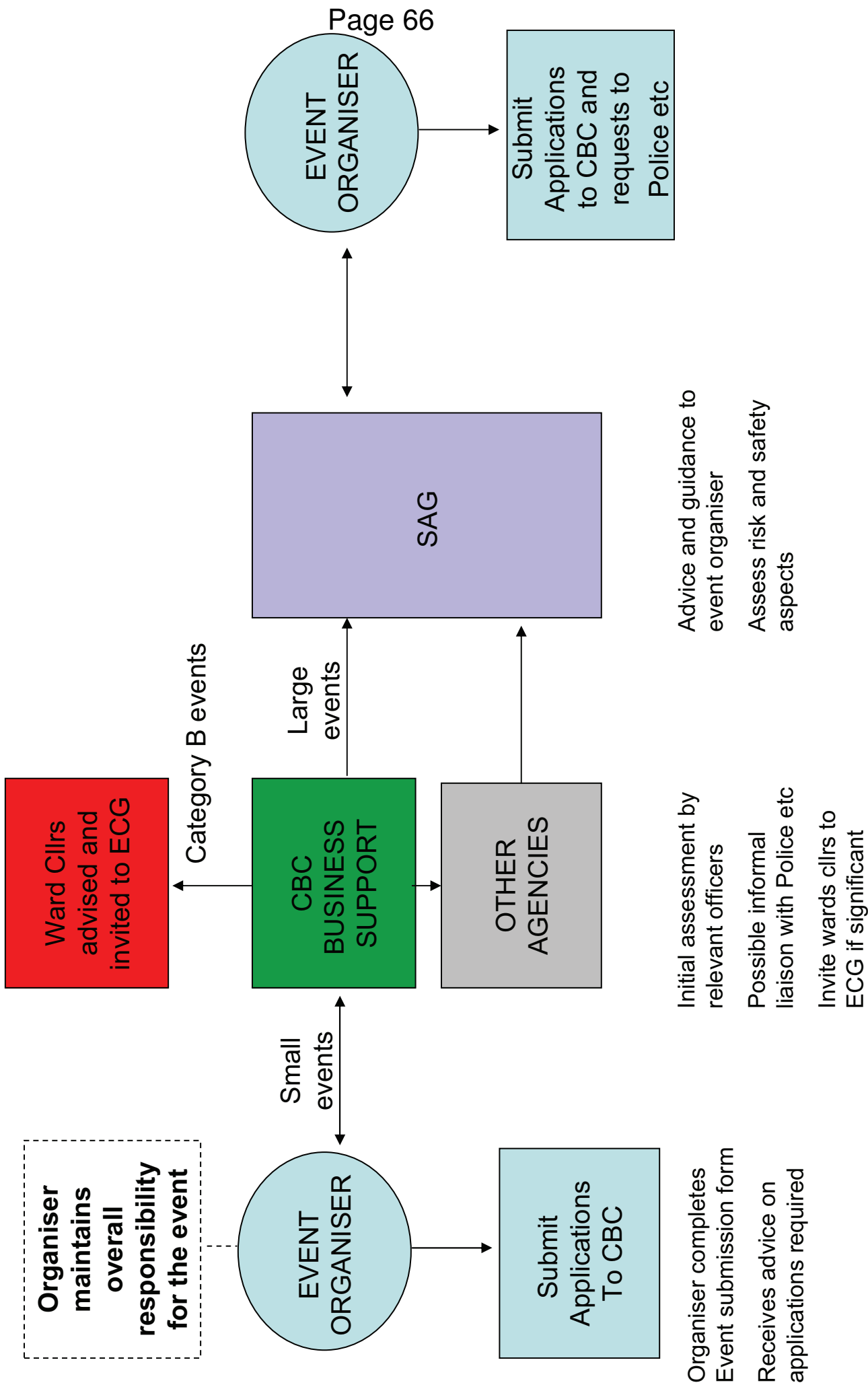
	<ul style="list-style-type: none">• CBC internal officers
Background information	<ul style="list-style-type: none">• Olympic Torch Relay papers• Notes of the Cheltenham Olympic Task Force
Suggested method of approach	<ul style="list-style-type: none">• Research outside of meetings• Series of meetings to discuss draft documentation
How will we involve the public/media? Or at what stages	By appropriate press release in due course
Preferred timing for meetings	4pm starts and the Sherbourne room is preferable

DRAFT



Proposed new arrangements

Appendix 3



EVENTS CONSULTATIVE GROUP – TERMS OF REFERENCE

The Event Consultative Group (ECG) exists to act as a consultative forum for events in the borough, providing an opportunity for ward councillors to be made aware of potential events at an early stage and for the event organiser to have an initial meeting with the relevant council officers to answer questions about their event and seek advice and guidance from the council.

The Event Consultative Group will not take any decisions on behalf of the Local Authority. The Local Authority's decision making power remains with the relevant Committee, or with relevant officers within the Council's approved Scheme of Delegation. It exists;

- 1 To provide a recognised process for carrying out an initial review/assessment of a proposed event which has been identified as a Category B (i.e. not small).
- 2 To provide a mechanism by which ward councillors can be made aware of an event at an early stage to enable them to raise awareness in their wards and with relevant local interest groups.
- 3 To provide a forum for officers and ward councillors to meet with the event organiser, review the event submission form and ask relevant questions so that they have a full understanding of the event and its potential impact.
- 4 To enable the event organiser to meet with relevant officers at an early stage and seek advice and guidance with regard to how to submit any necessary applications.
- 5 To enable an initial discussion on the relevant health and safety issues which need to be addressed by the organiser in order to ensure that as far as possible risk to public safety is minimised for the event.
- 6 To consider whether an event is sufficiently large or significant that officers approach other relevant agencies with regard to setting up a Safety Advisory Group.
- 7 To form an overall view of an event and its potential impact and highlight any concerns or conditions which relevant officers may wish to take forward in their role as Appointed Representatives for statutory committees.
- 8 To carry out a post event review of the ECG consultation process if significant issues are identified during the course of the event or as a result of the event with a view to identifying lessons and good practice for the future.
- 9 To build up expertise and a history of past events to help inform future events and impact assessments.
- 10 To provide a forum which can be consulted by other authorities organising an event which may impact on the residents of Cheltenham.

The Local Authority members of the Event Consultative Group must declare any material interest in relation to any item put before the Group, prior to any discussion on that matter. If the interest could be considered prejudicial, then that person should consider if they should withdraw and be replaced by an appropriate party agreed with the Group.

Any Member who sits on an ECG will need to consider whether it is appropriate for them to sit on any committee or sub committee that formally considers any application in relation to an event.

DRAFT

EVENT SUBMISSION – GUIDANCE NOTES

Cheltenham Borough Council, working in partnership with selected agencies want to support event organisers to ensure that events in the Borough are safe, successful and enjoyable for all people involved with events whilst maximising benefits to local residents and businesses as well as helping to manage the impact of events on the wider community.

We and our partners need a certain amount of notice to be able to support your event effectively so please be aware that the earlier we know about what you want to do, the more likely it is that we can support you through this process.

COMPLETING THE EVENT SUBMISSION FORM

This form should be completed by anyone that wants to organise an event in the Borough ideally at least 2 months before the event is due to take place. This notice period is consistent with the timescales for applications for land-use agreements and licensing applications. The Borough Council and our partners will give advice and support to help ensure that an event is successful from all aspects and this is the first stage in enabling them to do that.

Cheltenham Borough Council does not wish to prevent or hinder small scale impromptu events from taking place, and therefore subject to the event organisers meeting all of the Council's criteria for operating on Council land, certain events and activities shall be exempt from the Event Submission process. This may apply under the following circumstances:

1. Where the event is already established on an annual basis and currently meets all the criteria for operating on Council land.
2. Where the event is small scale and of low risk and the organiser is able to complete the Parks Special Event Application process to the Council's satisfaction.
3. Where the event or application is so small in scale that it barely goes beyond what can reasonably be interpreted as everyday use of a public green space.

Examples of **small scale events** would be; a small community fun-day, which could include stalls, a bouncy castle, a small PA system and some acoustic music. A sponsored walk, run, or cycle ride which takes place solely in one green space and may require a registration gazebo, a course set out with pins and tape and marshalling. A charity or commercial display to promote a product or cause using a towed display and possibly some form of activity (e.g. a mobile climbing wall). The use of the park for organised group exercise classes, or a series of youth activities run by an external organisation.

Examples of **everyday use** would be; a gathering of a local community or friends and family for a picnic, for a special occasion (e.g. the Queen's Jubilee or a children's birthday party) with organised games and activities, but NOT hired equipment such as a bouncy castle. A gathering of people (up to 50) playing team sport and games or a sponsored walk which includes a green space as part of a bigger route.

Please visit the [Council's website](http://www.cheltenham.gov.uk), email the Parks and Gardens Team at parksandgardens@cheltenham.gov.uk or call them on 01242 774511 for more details.

The judgment of whether an event or activity is either small scale or everyday use will be determined when the event submission form is first submitted to the business support team in public protection. There will be an initial informal discussion with the relevant officers.

PART 1A

Name of enquirer

The name of the person completing the form (e.g. Mr John Smith).

Organisation/Group

If you are applying on behalf of an organisation or group, please include the name of said organisation or group (e.g. The Friend of xx Gardens).

Postal address and Postcode

The postal address to which all correspondence will be sent.

Contact telephone number(s)

Should ideally include a landline and a mobile number but at least one must be listed.

Email address

The email address via which we can correspond electronically with the enquirer and your website if relevant.

PART 1B

Name of event

The title the event will be given (e.g. Paws in the Park).

Date(s) of event

The dates on which the event will be held (e.g. Saturday 7 July 2012 and Sunday 8 July 2012)

Time(s) of event

The time(s) at which your event will be open to the public (e.g. 10am – 5pm on Saturday 8 July and 11am – 4pm on Sunday 9 July)

Set-up and clear-up time

How long it will take you to set-up and clear-up your event and when (e.g. set-up from 4pm-6pm on Friday 7 July 2012 and clear-up from 4-6pm on Sunday 9 July 2012).

Please indicate the nature of your setting up and the dismantling work required. This

Duration of event

This should be the total number of days including set-up, event and clear-up days.

Nature of event and event description

Clearly identify the nature of your event (community, commercial, private, etc) and provide a brief description (demonstration, concert, etc). Please indicate if you have run a similar event in the past and give details.

Location of event

Please state where your event will be held. List all locations if more than one is applicable (e.g. the route of a charity walk, etc).

Who owns the land

Is your event to be held on Council owned land or property or privately owned land or property. If held on privately owned land or property, please state who owns the land.

Has permission been sought

If your event is being held on private land or property, you will need to obtain the permission of the landowner and follow their guidance. If the Council owns or manages the land or venue you may need to make a separate booking/application for which there may be an associated fee.

Target audience

Who are your target audience (families, under 18's, etc). You must also consider the effect your event will have on the public and if it is suitable for all ages.

Target audience figure

Please give an approximate number of people expected to attend your event (this information is mandatory).

PART 2

Will you be selling alcohol?

If the answer is 'yes' then please be aware that you may need to make a licensing application for which there is an associated fee. Please visit the [Council's website](#), email the Licensing Team at Licensing@cheltenham.gov.uk or call them on 01242 775200 for more details.

Will there be commercial traders?

If the answer is 'yes' then please be aware that you may need to make a licensing application for which there is an associated fee. Please visit the [Council's website](#), email the Licensing Team at Licensing@cheltenham.gov.uk or call them on 01242 775200 for more details.

Will you be making charitable collections?

If the answer is 'yes' then please be aware that you may need to make a licensing application for which there is an associated fee. Please visit the [Council's website](#), email the Licensing Team at Licensing@cheltenham.gov.uk or call them on 01242 775200 for more details.

Will there be any form of entertainment?

Please give details and officers may wish to ask further questions. Please visit the [Council's website](#), email the Environmental Health Team at envhealth@cheltenham.gov.uk or call them on 01242 264135 for more information.

Will you be selling food?

At this stage we simply need to know if you plan to sell food at your event. An environmental health officer may need to undertake certain checks before or during your event. Please visit the [Council's website](#), email the Environmental Health Team at envhealth@cheltenham.gov.uk or call them on 01242 264135 for more information.

Will you be erecting any form of structure either temporary or permanent?

Any structures will require inspection prior to your event opening to the public and any corporate health and safety issues may be raised by the Events Consultative Group.

Please visit the [Council's website](#), email Building Control at BuildingControl@cheltenham.gov.uk or call them on 01242 264321 for more details.

Will you be making any traffic management proposals?

If your event is likely to spill out onto the highway, or an event on a public highway that may impact businesses, communities or residents, you will need to apply to the Gloucestershire County Council. You should also advise the integrated transport team at the borough council who can be contacted at travelplus@Cheltenham.gov.uk.

Will you have Public Liability Insurance?

The Council requires evidence of valid public liability insurance with a Limit of Liability of £5m or above (depending on the type of event being proposed). For certain events the Council may require an increased Limit of Liability. In the absence of such evidence of public liability insurance the event will not be permitted to take place.

When we receive your event submission form, we will contact you by email or post to let you know that we are processing it.

ASSESSMENT OF SCALE OF EVENT

When an event submission form is received an assessment will be made, based on the answers provided, as to the scale of the event being proposed (please refer to the flowchart below for more details).

Category A

Typically events where less than 500 people are expected to attend will be considered Category A events. These events will require some further form of *application and the organiser will be referred to the relevant department or agency to make the necessary applications once the event submission has been processed.

*Please be reminded that some applications have an associated fee. More information regarding fees will be available from the relevant department or agency.

Category B

Typically events where 500 people or more are expected to attend are considered large scale public events (Category B) which will be considered by the ECG, though smaller events may require the involvement of the ECG depending on the type of event.

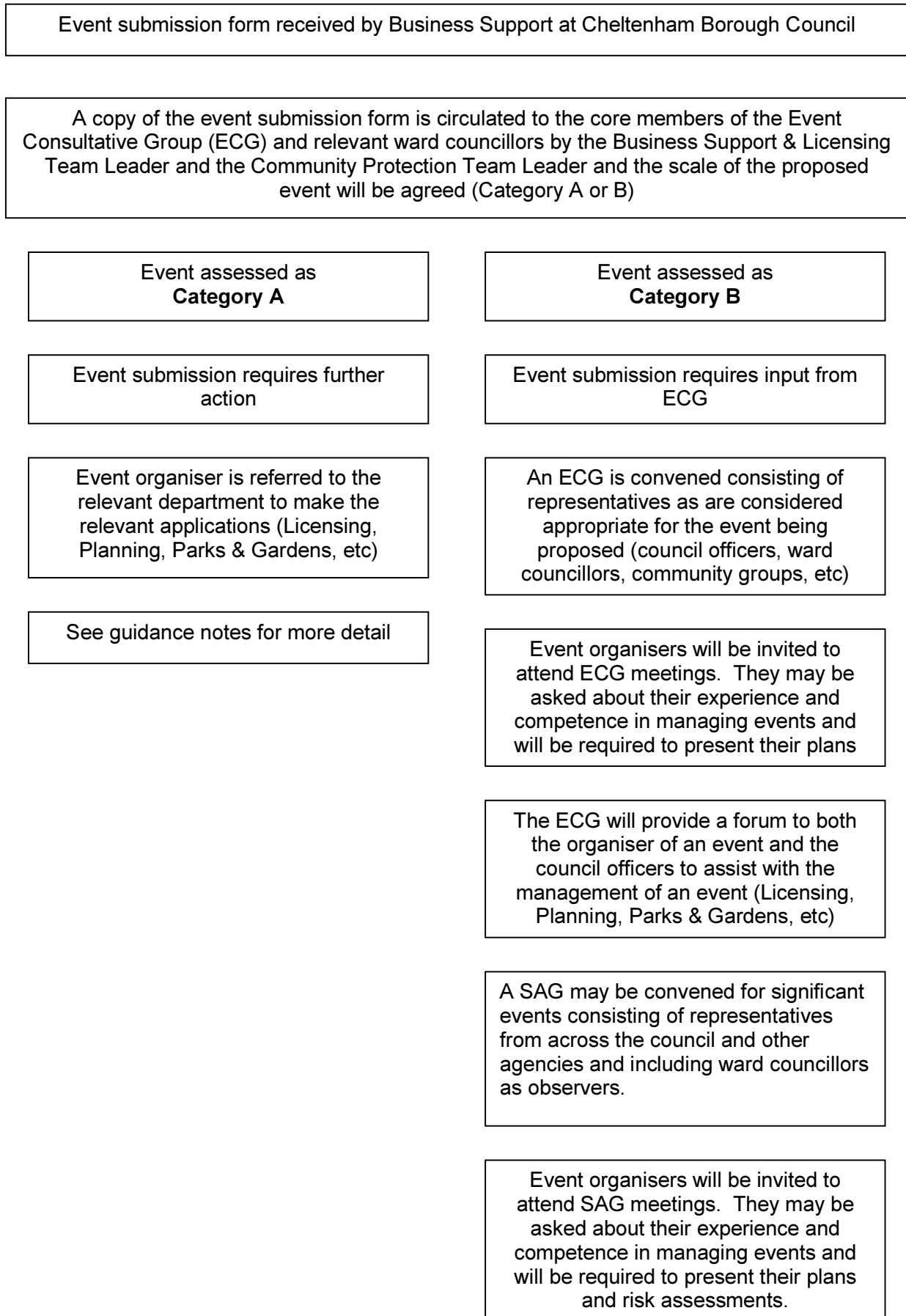
Event organisers will be invited to attend an ECG meeting and may be asked about their experience and competence in managing events and will be required to present their plans and relevant risk assessments.

The ECG will act as a consultative forum for events in the borough for both the organiser of an event and relevant officers and ward councillors.

If the event is likely to require significant input from other agencies, officers may approach other agencies with a view to setting up a Safety Advisory Group. This group will be made up of officers from the council as well as representatives from other agencies such as the police, fire service, county council highways etc depending on the event. The SAG has formal terms of reference with the overall aim to ensure that as far as possible that risk to public safety is minimised for the event. Ward councillors may be in attendance as observers.

The ECG or SAG will review each Category B event through a formal de-brief, identifying any significant incidents or 'near misses' and making recommendations where appropriate to the event organiser and/or documenting learning points for the future.

EVENT SUBMISSION – FLOWCHART



EVENT SUBMISSION – FORM**PART 1A**

Name of enquirer	
Organisation / Group	
Postal address	
Postcode	
Contact telephone number(s)	
Email address/ website address if relevant	

PART 1B

Name of event	
Date(s) of event	
Time(s) of event	
Set up / clear up time and nature of the work	
Duration of event	
Nature of event & event description and any previous experience of running such an event	
Location of event	
Who owns the land	
Has permission been sought from the landowner	
Target audience (demographic – age, etc)	
Target attendance figure (anticipated attendees)	

PART 2

Will you be selling alcohol?

NO ☐

YES ☐

If you've marked 'yes' then please be aware that you may need to make a licensing application for which there is an associated fee.

Will there be commercial traders?

NO ☐

YES ☐

If you've marked 'yes' then please be aware that you may need to make a licensing application for which there is an associated fee.

Will you be making an charitable collections?

NO ☐

YES ☐

If you've marked 'yes' then please be aware that you may need to make a licensing application.

Will there be any entertainment? (please give details)

Will you be selling food? (please give details)

Will you be erecting a structure (temporary or permanent)?

Will you be making any traffic management proposals?

Do you have public liability insurance?

NO ☐

YES ☐

If you've marked 'yes' then please state how much below

£

CHELTENHAM BOROUGH COUNCIL
SAFETY ADVISORY GROUP

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1. Cheltenham Borough Council has established an independent Safety Advisory Group to ensure that large scale public events can take place safely and successfully. Through consultation and joint working between the council and its partners, its aim is to standardise the approach to all organised events staged in a public place, on a public highway and on private land open to the public in the Borough of Cheltenham.
- 1.2. The expertise of each of the members of the group can be shared and co-ordinated with the focus on crowd/spectator and overall event safety. In addition, the Safety Advisory Group will provide advice and guidance to Event Planners and Event Organisers in staging their events and, help them understand their individual responsibilities and those of other agencies involved. The focussed approach allows a better planning and better understanding of roles/responsibilities, resulting in a process that facilitates the staging of public events in a safe environment.
- 1.3. Examples of Public Events considered by the Group include, open air concerts and music festivals; trade shows; sporting events; horse/dog/pet shows; car and caravan shows; firework displays; street parties; processions; marches; community carnivals; fairs/fetes; large scale religious festivals.
- 1.4. It is the role of Cheltenham Borough Council to uphold reasonable standards of public safety at all events in the Borough and to encourage the well being of all residents and visitors at those public events. To aid this, the council working in partnership with selected agencies, has established an Independent Safety Advisory Group, which is designed to:
 - Provide specialist advice to the Local Authority to help discharge its functions under public event legislation.
 - Provide an overarching role in enhancing safety at public events by providing advice and assistance to event planners, organisers and licensees.
 - Provide a forum within which the Council and other agencies may develop a joint approach to crowd safety.
 - Promote high levels of safety and welfare at all public events.

N.B. A large scale public event is defined as an event of more than 500 people. (A degree of flexibility will be needed, however, as smaller events may require the involvement of the SAG depending on the event).

2. Membership of The Safety Advisory Group.

- 2.1 The SAG will comprise senior officers from the following agencies:

- Cheltenham Borough Council
- Gloucestershire Highways
- Gloucestershire Constabulary
- Gloucestershire Fire and Rescue Service
- Great Western Ambulance Service

This will form the “Core” SAG which has overall responsibility for events.

Ward councillors will be invited to attend as observers.

- 2.2 Sub-groups of the SAG will be convened to deal with specific operational issues as required. These groups will only involve those representatives relevant to the issues in question and may comprise the following in addition to the representatives from the agencies referred to in paragraph 2.1 above. (where necessary):

- Emergency Planning
- Promoter/Organiser
- Specialist Contractors
- Security Company
- Town Centre Manager
- Hospitals
- St John Ambulance
- Red Cross
- Building Control (Structures)
- Food and Safety
- Pollution Control (Noise)

3. Terms of Reference

- 3.1. To receive and discuss all proposals referred to them by the Events Consultative Group, for public events within Cheltenham Borough with the emphasis on minimising the risk to spectator/visitor safety.
- 3.2. To ensure, as far as possible, that risk to public safety is minimised for all large scale public events.
- 3.3. To develop generic risk assessments/best practice where appropriate.
- 3.4. To ensure that there are in existence agreed contingency plans for dealing with major incidents.
- 3.5. To ensure that events are planned in accordance with current guidance from the Health and Safety Executive
- 3.6. To act in an advisory capacity to both the organiser of an event and other agencies/individuals involved.
- 3.7. To ensure that where appropriate, all relevant legal authorities, insurance cover and licenses are obtained.
- 3.8. To monitor compliance with the standards agreed.
- 3.9. To receive any relevant reports in relation to matters found during inspections by group members.

- 3.10. To consider the advice published in all available guidance documents.
- 3.11. To review each event through a formal de-brief and make recommendations where appropriate for improving safety.
- 3.12. To ensure that each member of the Group is aware of their role and area of responsibility within the Group.

The Core Members of the Safety Advisory Group must declare and material conflict of interest in relation to any item put before the Group, prior to any discussion on the matter. If interest could be considered prejudicial, then the person should consider if they should withdraw and be replaced by an appropriate party agreed with the Group.

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Cheltenham Borough Council

Council – 17 December 2012

Scrutiny Task Group - Community Governance Review

Report of the Overview and Scrutiny Committee

Accountable member	n/a
Accountable officer	Jane Griffiths, Director Commissioning
Ward(s) affected	Benhall and the Reddings, Warden Hill, Park, Leckhampton, Charlton Park, Charlton Kings, College, Battledown
Significant decision	Yes
Executive summary	<p>Following approaches from the parish councils of Charlton Kings, Leckhampton with Warden Hill and Up Hatherley to consider changes to their existing boundaries, full Council on 12th December 2011 agreed the following:</p> <ul style="list-style-type: none"> • A community governance review of parish boundaries be undertaken in 2012/13 ahead of parish elections in 2014; and • The Director of Commissioning be authorised to set up a cross-party member working group (which would also involve parish council representatives) to support the review and to build the review into the corporate strategy action plan for 2012/13 and that terms of reference for the review to be drawn up by the working group in March 2012 for approval by Council no later than July 2012. <p>Community governance reviews are now the responsibility of principal (district) authorities and it is good practice to conduct one every 10 – 15 years. The last one in Cheltenham was carried out in 2002.</p> <p>A Scrutiny Task Group was set up in June 2012 to scope the review in terms of the areas to be consulted and how. The group comprised elected members, parish council representatives and officers. It met four times and put the following proposal to Overview and Scrutiny on 26 November:</p> <ul style="list-style-type: none"> • To consult with 7,000 households in areas adjacent to the parish council areas of Charlton Kings, Leckhampton with Warden Hill and Up Hatherley, including the Reddings to see whether they would like to become parished (see consultation areas on the map attached as appendix 2). • Each household in the areas to receive a consultation document outlining the proposals; information about the parish councils and a questionnaire to return to indicate their views. In addition, a public meeting would be held in each parish council area plus the Reddings. • If members wanted to reduce the costs of the review, the task group was happy to not consult with residents in the Reddings and

Naunton Park, as these areas did not form a core part of the proposals from the parish councils.

Overview and Scrutiny members had a number of concerns about the proposals, which are set out in the meeting minutes from 26.11.12 attached as appendix 4. The Committee did not support the recommendations of the task group.

Recommendations

The Council is recommended:

To consider the following recommendation from the Overview and Scrutiny Committee (below), taking into account the financial, legal and HR implications outlined below:

- 1. The review should be deferred to a later date when any recommendations can be implemented ahead of the 2018 parish council elections**
- 2. The scope of the review should be reviewed at that time taking into account the views expressed at the meeting of 26.11.12.**

This will provide an opportunity to carry out a more comprehensive review that looks at the shape of communities across the whole borough.

Financial implications

Although not carrying out the review in 2012-13 will potentially save the council at least £3,600, the recommendation to carry out a more comprehensive review will mean the additional cost will need to be factored in to the medium term financial strategy for the financial year 2016/17. The cost of a review involving sending a paper-based form to every household in the borough would be in the region of £15,000 – £20,000.

Contact officer: Andrew Sherbourne,
Andrew.sherbourne@cheltenham.gov.uk 01242 01242 264337

Legal implications	<p>The principal council, in this case Cheltenham Borough Council, may carry out general reviews of their area, specific reviews if requested by a parish council or must carry out a review if an appropriate petition is presented to it under Section 80 of the Act. No petition has been presented and thus the decision whether to carry out a review at this time is for the Council to make.</p> <p>The Guidance on reviews recommends that it would be good practice to review a Local Authority's area every 10-15 years to ascertain whether parish boundaries are adequately reflecting the local situation and to consider if any new parishes should be established. It also indicates that existing parishes could, exceptionally, be abolished. Alternatively the council has power to look at reviews of parts of its area if it considers that 'anomalies' have arisen through, say, development.</p> <p>If the council decided to hold a review it would be necessary to decide how the review would take place including the terms of reference and there would be a period of 12 months within which to carry it out.</p> <p>There is currently a consultation paper released concerning possible changes to the law for community governance reviews in particular the number of petitioners needed to require a review. The consultation period ends in January 2013, although what changes, if any, there may be is unclear.</p> <p><i>Contact officer: Gary Spencer, gary.spencer@teWKesbury.gov.uk, 01684 272699</i></p>
HR implications (including learning and organisational development)	<p>No direct HR implications arising from this report.</p> <p>Contact officer: Sarah Flury sarah.flury@cheltenham.gov.uk 01242 77 5215</p>
Key risks	<p>Reputation – risk of damaging our relationship with our parish councils by not responding positively to the request from them.</p> <p>Resources - delaying the review with a view to making it more comprehensive will make it more costly in terms of money and staff time. It will need to be factored into the medium term financial strategy.</p>
Corporate and community plan Implications	<p>The review is one of the improvement actions for 2012/13 under the objective 'our residents enjoy a strong sense of community'.</p>
Environmental and climate change implications	<p>None identified</p>

1. Background – community governance reviews

- 1.1** The Local Government and Public Involvement in Health Act 2007 (Sections 79 to 102) provides the framework for reviews of parish boundaries and the existence of parishes under what is called a community governance review. This framework is supported by guidance dated March 2010 from the Department of Communities and Local Government and the Local Government Boundary Commission for England.

2. Background – the council's relationship with its parish councils

- 2.1** The Council has a healthy relationship with the five Cheltenham parish councils which is set out formally through the Cheltenham Charter adopted in 2008 and sustained through the C5 group which meets every three months.
- 2.2** All those involved in the review recognise the value of parish councils in the services they provide to their communities.
- 2.3** In addition, parish councils have acquired new powers under the Localism Act 2011 including the general power of competence which enables parish councils to take on an enhanced role: a power to produce a neighbourhood plan, which would set out general planning policies for the development and use of land in a neighbourhood plus powers under the community rights to challenge, build and bid.

3. The task group's proposal

The Scrutiny Task Group met for the first time in June 2012 and then met three other times thereafter. The group comprised elected members, parish council representatives and officers.

- 3.1** In outlining the Task Group Report (attached as appendix 3) to the Overview and Scrutiny Committee, the Strategy and Engagement Manager summarised the context within which the proposals were agreed:
- Prestbury and Swindon Parish Councils had no interest in altering their boundaries within Cheltenham borough at this stage, so did not take part in the review;
 - Any proposed boundaries had to be contained wholly within the borough boundary, though there was a looser relationship with ward boundaries;
 - The task group was mindful of the need to deliver the review at best value to the taxpayer; a sum of £2,300 had been carried forward from 2011/12 budgets, though the proposed cost would have exceeded this figure;
 - The task group had briefly discussed how existing parish council boundaries might become more aligned with natural communities on the ground, but as this subject provoked strong opinions from parish council representatives, the concept of giving residents the option to switch between parish councils was not taken any further; and
 - Unless all three parish council could agree on the proposal, the council would not progress the review.
- 3.2** Through a process of debate and discussion, the group agreed the proposals which would be consulted on as set out in the map attached as appendix 2.
- 3.3** Up Hatherley Parish Council asked for the area bounded by Alma Road, Hatherley Road and Windermere Road to be consulted with a view to the area becoming part of their parish council.
- 3.4** Since the Reddings was previously part of Badgeworth Parish Council, it was proposed that residents there be consulted about whether they would like to become parished, either through setting up their own parish council or by joining with Up Hatherley Parish Council.

- 3.5** Leckhampton with Warden Hill Parish Council asked for the area between Shurdington Road and Leckhampton Road up to the Norwood Arms and the Pilley area to be consulted. There was a desire for a mutual boundary to be formed between Leckhampton with Warden Hill and Charlton Kings Parish Councils.
- 3.6** The task group suggested that the remainder of the Warden Hill borough ward be consulted (the area around Bournside School with a view to it becoming part of Leckhampton with Warden Hill Parish Council if there was support.
- 3.7** The group also suggested consulting with the Naunton Park area, to see if residents there would like to join Leckhampton with Warden Hill Parish Council.
- 3.8** Charlton Kings Parish Council asked for the roads off Sandy Lane to be consulted, along with Charlton Park, the small area on the un-parished side of Oakley Road and the area including the old GCHQ buildings as these areas are thought to be seen as part of Charlton Kings but are not within the current boundary.
- 3.9** The impact on the electorates for the 3 parish councils based on the proposals was estimated to be roughly: Charlton Kings growing from 8,110 electors to 8,957 plus potential future development; Leckhampton with Warden Hill growing from 3,803 to 9,947 electors (if all areas consulted wanted to join the parish council) plus potential development; Up Hatherley growing from 4,775 electors to 5,622 plus the possibility of joining with the Reddings which comprises 1,988 electors.
- 3.10** The cost of the review was estimated at £3,672 to include printing of booklets and freepost envelopes, distribution and reinstating the Council's freepost license, plus the cost of freepost returns. This cost was due to be met from £2,300 carried forward from 2011/12 under spend and the remainder from the Commissioning Division's printing budget.

4. Response from Overview and Scrutiny

- 4.1** Overview and Scrutiny members raised the concerns outlined in the minutes from 26 November attached as appendix 4 and did not approve the recommendations of the task group.

5. Reasons for recommendations

As the review is a power that only the Borough Council should exercise every 10-15 years, Scrutiny members were keen to assess the proposal to ensure best value for local tax-payers.

Scrutiny members also wanted to ensure that if a review was conducted, it was done so in a fair and comprehensive way, making the most of the opportunity to ask people who already live in a parish as well as those who do not about how they view their area to ensure parish council boundaries best reflect strong local communities.

In addition, scrutiny members identified the following concerns:

- The proposals lacked clear criteria for success or failure of the consultation and also lacked any consideration of the equity issues about consulting households rather than individual electors.
- The scope of the proposals was in excess of the limited scope of the original proposal which was to seek to address small 'anomalies' to existing parish boundaries.
- The proposed extensions to existing boundaries did not appear to make sense in regard to borough ward boundaries and new county divisions. Scrutiny members felt that the boundaries should be co-terminous in order to improve accountability, help build community identity and tie into delivery of services by all local authorities.

- Emerging Government policy will require a more fundamental review of neighbourhoods, governance and plans in the next few years which could make a further change necessary in preparation for 2018 elections.
- A more comprehensive review would have to be properly funded and contributions to consultation costs should be built in to future budgets of parish councils.

Scrutiny members also highlighted that there is a risk that in the current economic climate, many people who do not currently live in a parish council area might not be in favour of additional council tax – called a precept.

Scrutiny members felt on balance, having considered the proposals, that the review should be postponed so that it was complete before the 2018 parish council elections. By then, the Joint Core Strategy and Cheltenham Local Plan would be in place and a full review of the whole borough could be done at that point with a clearer picture of future shape of neighbourhoods across the whole borough.

6. Alternative options considered

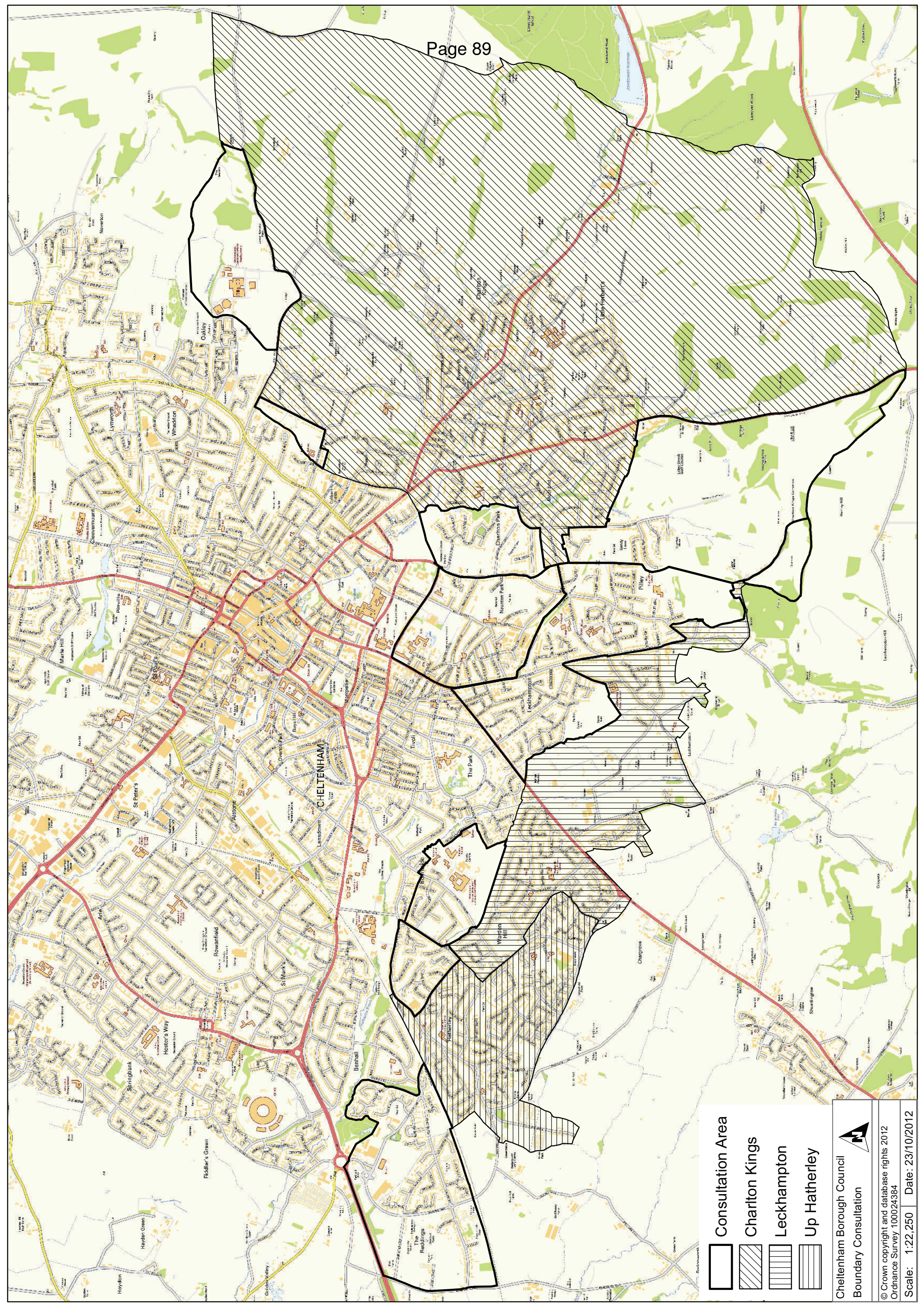
- 6.1** Scrutiny members considered whether to scale the review back to a bare minimum, just addressing anomalies in the existing parish boundaries and go ahead with it now, but decided on balance that it made more sense to wait and do it more comprehensively at a future date.

Report author	Contact officer: Helen Down, Helen.down@cheltenham.gov.uk, 01242 774960
Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Map of the consultation areas put forward by the Task Group3. Task Group Report on Community Governance Review to Overview and Scrutiny committee 26.11.124. Minutes of Overview and Scrutiny committee meeting 26.11.12
Background information	<ol style="list-style-type: none">1. Communities and Local Government guidance on community governance reviews

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
	<p>If the review is postponed, there is a risk that this will harm our working relationship with the parish councils who have requested the review and worked with officers to develop proposals.</p> <p>If the council did not then carry out the review at a later date, this would cause further damage to the relationship.</p>	JG	28.11.12	2	3	6		Explain the reasons behind postponing the review to the next meeting of the C5 Parish Councils Group along with the commitment to carry it out at a later date.	January 2013	HD	
	If a more comprehensive review is sought by elected member, then this will increase the cost (to around £15-20k) which will need to be factored into the MTFS.	JG	28.11.12	2	3	6		Factor the review into the medium term financial strategy		JG	
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											

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SCRUTINY TASK GROUP REPORT TO OVERVIEW AND SCRUTINY 26.11.12

COMMUNITY GOVERNANCE REVIEW

1. INTRODUCTION

1.1 What is a community governance review?

- 1.1.1 Under the Local Government and Public Involvement in Health Act 2007, Cheltenham Borough Council has the power to carry out a community governance review (CGR). A CGR is a review of the whole or part of the Council's area to consider creating parish councils; reviewing and changing parish council boundaries and in extreme cases, abolishing parish councils. It can also consider the electoral arrangements for parish council including the year of election, the number of councillors to be elected and any warding of the parish.
- 1.1.2 A CGR has been requested by 3 of our parish councils to look at some changes to their current boundaries. It is considered good practice to conduct a review every 10-15 years and the last review in Cheltenham was carried out in 2002.
- 1.1.3 The Communities and Local Government department guidance on community governance reviews states that a CGR should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services. The Council must ensure that community governance in the area under review reflects the identities and interests of the community in that area, and is effective and convenient. The Council must consult local government electors in the areas affected by the review and other people and bodies which appear to the Council to have an interest in it.

1.2 What does a parish council do?

- 1.2.1 Parish councils are the most local form of government and there are 5 in Cheltenham. They collect money from council tax payers, known as the precept, and this is used to improve services in the area. This is usually in the region of £10 per household **per year** for a band D property in Cheltenham. Parish councillors are elected and do not receive remuneration for their services. The role of the parish council is to represent the local community; provide services to meet local needs and improve quality of life and community wellbeing. For example, they might provide or maintain allotments, community centres, bus shelters, seats, signs, notice boards, parks and open spaces. They liaise with borough and county councils and other service providers and have a significant input to planning, being statutory consultees for planning applications.

- 1.2.2 Through the Localism Act, more power is being passed down from central government to local communities and parish councils are being given more powers to help them do more to support their community. This includes playing a role to help sustain local services which other public sector bodies can no longer afford to provide.

2. WHAT HAVE WE DONE SO FAR?

2.1 The task group

- 2.1.1 A Scrutiny task group was set up following the elections in May and the first meeting was held on 22 June. The members are:

Councillor Barbara Driver
Councillor Klara Sudbury (attended one meeting)
Leckhampton with Warden Hill Parish Council: Cllr Adrian Mears and Amanda Winstone (clerk)
Charlton Kings Parish Council: Cllr Reg Beagley, Cllr Mike Palmer and Tony Potts (clerk)
Up Hatherley Parish Council: Cllr Stuart Fowler and Cllr David Hall
Officers: Jane Griffiths, Richard Gibson, Hannah Wright, Helen Down

- 2.1.2 Other elected members were initially involved but withdrew.
- 2.1.3 The group scoped the review in terms of the areas under review and how the review would be carried out, including plans for consultation.
- 2.3.2 The parish councils of Charlton Kings, Leckhampton with Warden Hill and Up Hatherley are taking part in the review and are represented on the task group. Prestbury and Swindon Parish Councils are satisfied with their boundaries internal to Cheltenham borough.

3. WHAT ARE WE PROPOSING?

3.1 The areas under review

- 3.1.1 We are proposing to consult with residents in the proposed consultation areas shown on the map (on page 3 of appendix 1 – the draft consultation document) as follows:
- Up Hatherley Parish Council has asked for the area bounded by Alma Road, Hatherley Road and Windermere Road to be consulted with a view to the area becoming part of Up Hatherley Parish Council. This is a small area with links with Up Hatherley.
 - It has been suggested that since The Reddings was previously part of Badgeworth Parish Council, that residents there be consulted about whether they would like to become parished and if so, whether there is appetite to set up a new parish council or whether they would like to become a ward of Up Hatherley Parish Council represented by 4 councillors.

- Leckhampton with Warden Hill Parish Council has asked for the area between Shurdington Road and Leckhampton Road up to the Norwood Arms and the Pilley area to be consulted. There is a desire for a mutual boundary to be formed between Leckhampton with Warden Hill and Charlton Kings Parish Councils.
 - The working group suggests that the remainder of the Warden Hill borough ward be consulted (the area around Bournside School shown in the map which is appendix B with a view to it becoming part of Leckhampton with Warden Hill Parish Council if there is support.
 - The group also suggests consulting with the Naunton Park area, to see if residents there would like to join Leckhampton with Warden Hill Parish Council.
 - Charlton Kings has asked for the roads off Sandy Lane to be consulted, along with Charlton Park, the small area on the unparished side of Oakley Road and the area including the old GCHQ buildings as these areas are thought to be seen as part of Charlton Kings but are not included within the current parish council boundary.
- 3.1.2 Due to the costs involved in printing and distributing the consultation document, the group proposes to consult only the residents within the consultation areas shown. We are not proposing to consult with residents within the existing parish council boundaries.
- 3.1.3 We are not proposing to consult the whole borough because there has not been any indication of other areas wanting to become parished. The details of the review will be made public on the website however, and all feedback generated will be considered.
- 3.1.4 The impact on the electorates for the 3 parish councils based on the proposals is estimated to be:
Charlton Kings – from 8110 electors to 8957 plus potential development on the GCHQ Oakley site.
Leckhampton with Warden Hill – from 3803 electors to 9947 plus potential development.
Up Hatherley – from 4775 electors to approx 5622
The Reddings – 1988 electors (either a separate parish council or added to Up Hatherley's total)
- 3.1.5 We must also take into consideration any change in the number or distribution of electors which is likely to take place over the next five years. Planning assumptions and likely growth within the area, based on planning permissions granted and local plans should be used to project an accurate electorate forecast.
- 3.1.6 The overlay with the borough wards is attached as appendix 2. Where an area crosses into a separate borough ward, this will need to form a parish ward.

QUESTION FOR SCRUTINY:

- **Do you feel that our approach as outlined above is correct?**

3.2 How will we consult?

- 3.2.1 One copy of the consultation document (attached as appendix 2) will be sent to each household in the consultation areas shown. The questionnaire will not be available online (to reduce the likelihood of multiple responses), but the review will be publicised on the council's website and an email address for sending comments to will be provided. A public meeting in each parish council area plus the Reddings will be held during the consultation phase in January.
- 3.2.2 We also have a duty to consult other people or bodies which have an interest in the review and to inform Gloucestershire County Council.
- 3.2.3 As a principle, we will include both sides of a road in the consultation areas and seek to draw any new boundary lines in this way rather than using the middle of roads.
- 3.2.4 The questionnaire asks households whether they agree with the proposal for their area to be included within one of the parish council areas. For the Reddings, residents will be asked whether they want to become parished, and if so, whether they would be in favour of setting up a new parish council or joining with Up Hatherley.
- 3.2.5 Given that we will be consulting with so many local residents, we also propose to take the opportunity to ask some questions related to community building, to find out more about community activities that residents are involved in and whether they would like to do more.

Question for Scrutiny:

- **Do you agree with this suggested approach to consultation?**

3.3 What are the costs?

- 3.3.1 The group has researched the most cost effective way of carrying out the review and the estimated costs are as follows, based on consulting with roughly 7000 households that are in the consultation areas:
- Cost of printing and folding 7000 questionnaires £1221
 - Cost of printing freepost envelopes and packing £641
 - Cost of freepost license £200 (this may be less)
 - Cost of hand delivery by elections canvassers £1610 (23p per household)
 - Cost of freepost returns dependent on returns
 - TOTAL £3672 (+ freepost returns)**
- 3.3.2 The cost will be met from £2300 which was carried forward from 2011/12 underspend as set out in the Budget out turn report that went to Council in June. The remainder will be met from the Commissioning Division's printing budget.

Question for Scrutiny:

- **Options for reducing the costs would be to leave Naunton Park (approximately 1328 households) and / or the Reddings (approximately 1130 homes) out of the consultation. Do members feel this is justified?**

3.4 How will the results be analysed and how will decisions be made?

- 3.4.1 The results will be analysed in house using Microsoft Excel. We have used multiple choice answers for ease of analysis, although a comments box has also been included.
- 3.4.2 Only questionnaires with the address included on them will be considered and this is made clear in the document. This is so that we can break the results down into post code areas in order to draw any potential new boundaries from them.
- 3.4.3 We propose that more than 50% of responses in favour per post code area will mean that that area should become part of the parish council area. Where there is a clear response (50% or more of the responses received) from a particular street or post code area against the proposal, we will seek to leave that area outside the revised parish boundary, unless there is support from areas all around it which would mean there was a small 'hole' in the parished area. The aim will be to create the best boundary with 50% or more of the votes inside it being in favour. For the Reddings, there would need to be enough streets in favour for the option of setting up a new parish council to be viable. For the smaller consultation areas, it may be sensible to take an overall percentage so that the whole area is counted as in favour or not in favour. The results will be presented back to Overview and Scrutiny.
- 3.4.4 After taking a decision as to the extent to which it will give effect to recommendations made in the CGR, the Council must publish its decision and the reasons for it and make sure that those with an interest are informed.

Question for Scrutiny:

- **Do you agree with the approach to analysis suggested above?**
- **What level of return per consultation area would be statistically sound?**

3.5 What are the timescales?

A CGR must be completed within 12 months of starting it. The proposed timescales are:

17 December 2012	Report to Council for approval to go out to consultation
w/c 7 January 2013	Consultation starts (questionnaires delivered)
1 February 2013	Consultation closes
May 2013	Draft proposals presented to Scrutiny and Council for agreement to publish for consultation
30 June 2013	Last date for submissions
July 2013	Final proposals presented to Council and CGR order published.
1 April 2014	CGR order takes effect
May 2014	Parish council elections, using any new boundaries

4. RECOMMENDATIONS

- 4.1 In conclusion, the scrutiny task group asks Overview and Scrutiny to consider the questions in the body of this paper and to respond to the following recommendation:
- To undertake a Community Governance Review as detailed above and in the consultation document, including the Reddings, Naunton Park and the unparished parts of Warden Hill ward.

5. APPENDICES

- Draft consultation document
- Map of proposed consultation areas overlaid with borough ward boundaries
- Covering report to Council and risk assessment

The guidance on community governance reviews from Communities and Local Government can be found here:

<http://www.communities.gov.uk/documents/localgovernment/pdf/1527635.pdf>

Overview & Scrutiny Committee – 26 November 2012

Excerpt of minutes

9. Report of the Scrutiny Task Group - Community Governance Review

The Strategy and Engagement Manager introduced the report of the scrutiny task group on the community governance review. Helen Down, as Participation and Engagement Team Leader and author of the report, invited comments from the committee on any aspects of the recommendations.

Councillor Driver, as a member of the working group, commended Helen Down for the work she had done in getting the review to this stage. It had been a difficult process and had felt somewhat chaotic at times with all members of the group wanting to voice their strong opinions.

In the discussion that followed, members raised a number of concerns about the outcomes set out in the report.

- It was very clear that the parish councils were keen to extend their boundaries but Scrutiny members were unsure of the logic behind some of the proposals being made. Members made particular reference to Battledown and Charlton Kings and the old GCHQ site at Oakley where a small number of households would be asked about a large area of land.
- Members felt that The Reddings was a very distinct community and had no real links with Up Hatherley due to the railway line, yet it was suggested that it could be incorporated into that parish council's area. Councillor Britter as the ward councillor for that area, had feedback from his residents that there was no interest in being parished. There was reference that it had previously been a parished area but this was over 30 years ago and the area now consisted of many new houses.
- Advice was sought about the optimum size for a parish council as the recommendations would result in very differing population sizes and could increase significantly with any major developments in those areas.
- There were concerns about the consultation and the fairness if only a small number of people responded. A period of three weeks was too short and some felt the consultation could be much wider across the town, though this would cost more.
- There was concern that if the consultation was done on a household basis, as proposed, individual electors would not have a vote.
- There was concern about the cost of the consultation which was being borne by the borough council.
- Councillor Teakle mentioned an informal survey that she had been part of that suggested that there was a general perception that currently people preferred the status quo i.e. to remain a part of a parished area if they were in one and not to be parished if they were not already.
- There are a number of important changes coming up which could have a major influence including neighbourhood plans, major developments and how would these be taken into account?

- The parish council boundaries should be linked as far as possible to ward boundaries.
- Councillor Sudbury, as a former member of the task group, had found it a difficult experience. She felt very strongly that the starting point for any review should be based on community identity so that people can feel part of a community and focus on the issues that are important to them. This review had only done half a job and it was important that it should be done properly if at all. She felt in particular that residents within the existing parish council boundaries should also be consulted.
- Councillor Regan, invited to speak by the chair, gave her personal view and not as a member of the Leckhampton with Warden Hill parish council. She felt the review was totally unnecessary and felt that the proposed resulting increases to the population in her parish council did not make sense. The consultation should not be undertaken unless absolutely essential.

The Chief Executive advised that although the costs of the consultation were detailed in the report, there would be additional resource implications for the Strategy and Engagement team in supporting the consultation and the analysis of any results. He suggested that the challenge for this committee was to consider whether this was a good exercise in democracy versus the need to be prudent in the current budget constraints.

The Director Commissioning informed members that it was considered good practice to conduct a review every 10 to 15 years and the last review in Cheltenham was carried out in 2002. This particular review had been requested by three of our parish councils to look at some changes to their current boundaries. The timescales for the review had been set in order to have any changes in place for the 2014 elections. However given the concerns raised this evening, members may wish to recommend that the review is stopped at this point and re-instigated in time for the 2018 elections. By then there would be a clearer view on potential growth in the town and the impact of neighbourhood plans. She advised that the review was the responsibility of the borough council and although she had initially asked the parish councils as to whether they would be able to commit any resources to the review, they had only contributed time and not financial resources.

The Strategy and Engagement Manager highlighted the work that officers had put into this review and expressed his disappointment that the review had reached this stage before these concerns were aired. He emphasised that officers had tried hard to engage elected borough council members in the work of the scrutiny task group and he commended Councillor Driver for her persistence in supporting the review. The committee acknowledged the work of officers.

Resolved that:

- 1. The committee do not support the recommendations in the report**
- 2. The review should be deferred to a later date when any recommendations can be implemented for the 2018 elections**
- 3. The scope of the review should be reviewed at that time taking into account the views expressed at this meeting**