



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Council

Friday, 22 February 2013

2.30 pm

Council Chamber, Municipal Offices

Membership	
Councillors:	Colin Hay (Chair), Wendy Flynn (Vice-Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Andrew Chard, 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 8 February 2013	(Pages 1 - 34)
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.	REPORT OF THE ALLOTMENTS SCRUTINY TASK GROUP A report of the Overview and Scrutiny Committee - to be introduced by the Chairman of the committee, Councillor Duncan Smith who will ask Councillor Anne Regan as Chair of the scrutiny task group to introduce their report	(Pages 35 - 60)

10.	REPORT OF THE SEX TRADE SCRUTINY TASK GROUP A report of the Overview and Scrutiny Committee - to be introduced by the Chairman of the committee, Councillor Duncan Smith who will ask Councillor Barbara Driver as chair of the scrutiny task group to introduce their report	(Pages 61 - 78)
11.	POLICY ON MEASURES TO CONTROL STREET SCENE ACTIVITIES IN CHELTENHAM Report of the Cabinet Member Housing and Safety	(Pages 79 - 146)
12.	COUNCIL TAX RESOLUTION 2013-14 Joint report of the Cabinet Member Finance and the Director of Resources	(Pages 147 - 154)
13.	NOTICES OF MOTION	
14.	TO RECEIVE PETITIONS	
15.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION	
16.	LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION The Council is recommended to approve the following resolution:- “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: Paragraph 1; Information relating to any individual. Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information) Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
17.	EXEMPT MINUTES To approve the exempt minutes of the meeting held on the 8 February 2013	(Pages 155 - 156)

Contact Officer: Saira Malin, Democracy Officer, 01242 775153
Email: democratic.services@cheltenham.gov.uk

Andrew North
Chief Executive

Council

**Friday, 8th February, 2013
2.30 pm - tbc**

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, Peter Jeffries, Steve Jordan, 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, Pat Thornton, Jon Walklett, Andrew Wall, Simon Wheeler, Roger Whyborn and Suzanne Williams

Minutes

1. A MOMENT OF REFLECTION

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

2. APOLOGIES

Councillors Lansley, Holliday, Teakle and Hibbert had given their apologies.

3. DECLARATIONS OF INTEREST

Councillor C. Hay declared a disclosable pecuniary interest in agenda items 11 (Final Housing Revenue Account Revised Budget 2013/14) and 17 (Cheltenham Borough Homes Development Options) as a CBH Board Member.

Councillor Smith declared a disclosable pecuniary interest in agenda items 11 (Final Housing Revenue Account Revised Budget 2013/14) and 17 (Cheltenham Borough Homes Development Options) as a CBH Board Member.

Councillor Driver declared a disclosable pecuniary interest in agenda items 11 (Final Housing Revenue Account Revised Budget 2013/14) and 17 (Cheltenham Borough Homes Development Options) as a CBH Board Member.

Councillor Williams declared a disclosable pecuniary interest in agenda items 11 (Final Housing Revenue Account Revised Budget 2013/14) and 17 (Cheltenham Borough Homes Development Options) as a CBH Board Member.

Councillor Flynn declared a personal interest in agenda items 11 (Final Housing Revenue Account Revised Budget 2013/14) and 17 (Cheltenham Borough Homes Development Options) as a tenant of CBH.

4. MINUTES OF THE LAST MEETING

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

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 17 December 2012 be agreed and signed as an accurate record.

5. COMMUNICATIONS BY THE MAYOR

The Mayor referenced a communication from the Cabinet Office regarding the Honours system in which they considered Gloucestershire as being underrepresented. He explained that they were particularly interested in younger candidates and whilst the process could be a long one, of up to 18 months, help and support was available and members should contact the Chief Executives office for more information.

The Jubilee book had now been published and was available to buy from Hannah Wright or the Tourist Information Centre for only £5.

He explained that staff, were today taking part in a dress down day in aid of Age UK's 'Bobble Day'. 'Bobble Day' aimed to make winter a better season for older people and Councillor Harman would be collecting donations from members if they wished to donate.

6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader explained that a number of the reports being considered by Council today had previously been to Cabinet and he had therefore considered it prudent to circulate a sheet which summarised what was being asked of Council.

He referenced the recent suspension of waste collections and confirmed that the matter would be reviewed by the Cabinet Member Waste Group which would be meeting later in the month.

7. PUBLIC QUESTIONS

No public questions had been received.

8. MEMBER QUESTIONS

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

1.	Question from Councillor Chard to the Leader of the Council
	Further to my question at the last meeting of the Council, can the Leader of the Council confirm that he has received representations from Leckhampton with Warden Hill Parish Council addressed to the Highways Agency on the subject of proposed changes to the Air Balloon Roundabout, does he agree with them and, if so, will he be making similar representations to the relevant transport ministers Norman Baker MP and Stephen Hammond MP on behalf of the Borough Council?
	Response from the Leader of the Council, Councillor Jordan
	I have received a copy of the letter referred to and share many of the concerns expressed. As Cllr Chard will be aware a motion on this issue, proposed by Cllr McKinlay, will be debated later in this meeting. I hope the whole council will support it and I will be happy to ensure the Highways Agency and anyone else relevant is aware of it.
2.	Question from Councillor Garnham to the Leader of the Council

	<p>The Leader of the Liberal Democrats in the Cotswold called the decision to cancel waste collection after the recent snowfall as “crazy”. Cheltenham’s MP has also said, “I think they were just bad decisions. Councillors should read the riot act to Ubico's senior management, get them to prioritise clearing the backlog and make sure this kind of thing never happens again.” Can the Leader please tell us if he has indeed read the Riot Act to Ubico and what action he has taken to ensure this situation does not happen again?</p>
	<p>Response from the Leader of the Council, Councillor Jordan</p> <p>The Riot Act was repealed in 1967 so would not be appropriate.</p> <p>Understandably any suspension of the collection service causes concern. The cabinet member's working group will review how everything operated during the bad weather and what improvements can be made for when similar conditions occur.</p> <p>Councillor Garnham accepted that the Cabinet Member working group had been convened to review the issue but in a supplementary question he queried what measures were in place for informing the public if the snow that was being forecast on Sunday caused similar disruption.</p> <p>The Leader would not attempt to forecast the weather but assured members that communications would be made as appropriate.</p>
3.	<p>Question from Councillor Driver to Cabinet Member Sustainability</p> <p>All Cheltenham Borough Council’s staff do a fantastic job, especially in these days of challenging resources and a council reducing in size. They can only work with the resources they are given and operate in accordance with the policies that Council has set. It is important therefore that all staff are treated with the utmost respect and when the public call for answers, as happened with the recent refuse collection service problem, it should be politicians who appear in the press and on TV. Can the Cabinet Member please explain why his appearance was sadly lacking and it took days of Ubico staff being put in the media spotlight before he came out of his hiding place and began to answer questions?</p>
	<p>Response from Cabinet Member Sustainability, Councillor Whyborn</p> <p>When the council receives a media enquiry the communications team will liaise with relevant officers and cabinet members as to who is available and who is the most appropriate person to respond given the lines of enquiry and the issue at hand. This practice was followed during the recent disruption to the refuse and recycling service which is why on occasion officers were interviewed by the press. I did two television interviews, one radio interview, and answered several calls from the Echo.</p> <p>In a supplementary question Councillor Driver asked whether the Cabinet Member would agree that he was hiding behind Officers.</p> <p>The Cabinet Member entirely disagreed with this suggestion and felt he had already answered the question.</p>
4.	<p>Question from Councillor Garnham to Cabinet Member Sustainability</p> <p>Gloucestershire County Council’s recycling targets are 60% by 2020 and</p>

	<p>70% by 2030. The local MP Martin Horwood has described Cheltenham's target of 60% as unambitious. Can the Cabinet Member please tell us the administration's target for recycling in Cheltenham, for each year to 2030 and how will it achieve each increase?</p>
	<p>Response from Cabinet Member Sustainability, Councillor Whyborn</p>
	<p>Cheltenham Borough Council (CBC) does not have corporate waste targets set beyond 2014/15, because CBC is a member of the Gloucestershire Waste Partnership, and signed up to the Joint Municipal Waste Management Strategy (JMWMS) during the previous administration in 2007. Each authority is required to set performance targets for the amounts of waste being recycled and composted, but at present these are only agreed for the next two financial years - 2013/14 & 2014/15. It is within this context that Gloucestershire County Council's recycling target is 60% by 2020 with an aspiration of 70% by 2030. Martin Horwood MP is right to describe a target of 60% as unambitious within that overall County context. However within that same overall County context, a 60% re-cycling target for an <u>urban</u> borough such as Cheltenham, and which is collecting segregated recycle, would be very ambitious indeed by the standards of today.</p> <p>It is therefore not possible to provide Cllr Garnham with the recycling performance target information for the next 17 years. As new technologies develop within the waste industry, new opportunities become available, so it would be impractical to set such defined targets for such a long period of time</p> <p>CBC introduced a service redesign in 2011, which included weekly food waste collections along with plastic bottles and card being added to the list of material accepted in the recycling collection service along with residual waste switching to a fortnightly frequency instead of weekly. As a consequence, CBC's recycling performance has had a stepped increase from 34% to 46% (in excess of a targeted 42%), and in one quarter peaking to 50%. This step increase has been commended in the industry because CBC is the fourth most improved UK authority for reduction of waste to landfill in 2011/12.</p> <p>However it is commonplace in the industry following a service redesign for the levels of recycling presented by households to drop off slightly as the new service settles, so in an attempt to build on the success of the recycling service to date, we are now appraising a business case on whether or not the authority could introduce a mixed rigid plastic recycling collection, much the same as recently introduced by Cotswold District Council in 2012. If introduced, this would further enhance the recycling services provided in Cheltenham and increase the amount of waste diverted from landfill, thus having a knock-on effect in increasing the authorities recycling performance even further.</p> <p>In a supplementary question Councillor Garnham queried how the Cabinet Member expected Gloucestershire County Council to achieve their target if CBC would not set one.</p> <p>The Cabinet Member stressed that the 70% figure was entirely aspirational and not a set target by GCC.</p>

5.	Question from Councillor Garnham to Cabinet Member Housing & Safety
	Can the Cabinet Member confirm if Martin Horwood MP has lobbied the Council to ensure adoption of his idea that all Hackney carriages in Cheltenham should be re-sprayed white?
	Response from Cabinet Member Housing & Safety, Councillor Jeffries
	<p>Mr Horwood MP has not lobbied this council, but when the Taxi Licensing policy review gets underway I would welcome any views that he has. I believe it would be irresponsible not to listen to any interested party whatever their views, comments or suggestions.</p> <p>In a supplementary question Councillor Garnham queried who had been mistaken, Mr Horwood MP or the Gloucestershire Echo.</p> <p>In response the Cabinet Member explained that he could not speak for either, he could only speak for himself or on behalf of Cabinet.</p>
6.	Question from Councillor Garnham to Cabinet Member Housing & Safety
	Can the Cabinet Member confirm that the ridiculous idea of ensuring all Hackney taxis are painted white, which at a cost of £2,000 per re-spray could mean many taxi drivers being put out of business, will not be discussed by Cheltenham Borough Council and that the idea is now dead in the water?
	Response from Cabinet Member Housing & Safety, Councillor Jeffries
	<p>This proposal can be investigated as part of the planned licensing policy review later in the year, and as always comments will be welcomed during the public consultation before any decision is taken by Cabinet and then Council.</p> <p>In my view there could be positive benefits if Cheltenham's Hackney Carriage fleet were of a uniform colour.</p> <p>A uniform colour would make licensed Hackney Carriage vehicles easily identifiable for residents and visitors to the town. This could promote public safety and raise the quality standards of the fleet.</p> <p>This would also enhance Cheltenham's street scene further, adding to the look, feel and friendly atmosphere of the town.</p> <p>Adding additional costs for the Hackney Carriage drivers during these tough economic times would be undesirable, so any proposal to adopt a uniform colour scheme should systematically be implemented, as and when licensed vehicles are replaced. This would enable Cheltenham's Hackney Carriage fleet to change naturally over a longer period of time with no additional costs for the drivers.</p>
7.	Question from Councillor Regan to the Leader of the Council
	There was a visit on 2nd April 2012 to Weihai for Educational Business links. In addition there was a visit to us by 5 Twinning town representatives to the Olympic celebrations in 2012. Business links established 2 business links out of the 28 Twinning events.

	<p>Can we be informed what is the total financial benefit to the town of these two business links? What permanent financial gain have 411 Twinning visitors provided to the town other than a good relationship and a cultural programme?</p>
	<p>Response from the Leader of the Council, Councillor Jordan</p>
	<p>In 2012, there were 28 separate twinning events that involved 411 participants with 288 visitors to Cheltenham. Many of these were for educational or cultural benefits, but 5 were identified to be of particular benefit to the local economy. In terms of forming business links, the two most significant events were:</p> <p>Visit to Weihai: This visit, which was totally self-funded by all the 14 participants, included the following people:</p> <ul style="list-style-type: none"> • The international recruitment officer for Gloucestershire College • A teacher from Cheltenham Ladies College • A travel agent, specialising in tours to more unusual places • The owner of a private language school • The Chief Executive and Mayor of Cheltenham Borough Council <p>All these people had meetings with people in Weihai with a view to developing educational and business links for the benefit of Cheltenham. For example:</p> <ul style="list-style-type: none"> • Andrew North discussed links and opportunities on behalf of the University and Chamber of Commerce, including the establishment of a Confucius Centre and a link with the Harbin Weihai University. • Gloucestershire College received 13 Weihai students to their international summer school for 2 weeks in the summer and as a result of this visit they hope the numbers will increase again this year. The cost of the 2 week summer school, including tuition and accommodation is £935 per person which creates valuable income for the College. <p>The visit was considered a success and has prompted the Cheltenham Chamber of Commerce to take on a local student who is looking to improve business opportunities with Weihai. She is currently exploring the potential for local businesses to take stands at Weihai's food and building material exhibitions in 2013.</p> <p>Olympic Torch Visit; Representatives from all of our twin towns attended the Olympic Torch relay in Cheltenham and during the final day, we held a "Business and Tourism opportunities with Cheltenham's Twin Towns" seminar. This enabled Andrew North, Michael Ratcliffe and Donna Renney to make presentations about doing business in Cheltenham and in turn each twin town made a presentation about the economic merits of their towns.</p> <p>As a result of this visit, the profile of our overseas link towns and what they have to offer was raised and many educational, cultural and business links were made.</p>

<p>Financial benefit to the town</p> <p>The two activities described above may not have resulted in immediate business co-operation or financial gain, but gives local leaders the opportunity to establish contacts and mutual links between businesses.</p> <p>It is impossible to calculate exactly the permanent financial gain to the town of twinning, but we know that education, cultural and business links are being formed which can only be healthy for our local economy.</p> <p>In addition, having 288 extra twinning visitors to Cheltenham helps boost the economy directly through them spending money in the shops, restaurants, hotels, bars and cultural establishments.</p> <p>Thus, if every one of our 288 visitors spent just £100 in the town, the total financial benefit to the town would be nearly £30,000. Many will have spent much more and this figure does not include the economic benefit to local educational establishments such as Gloucestershire College, the University, other language schools and local host families.</p> <p>In a supplementary question Councillor Regan queried whether, given the austerity being faced by the Council, it would consider outsourcing Twinning to a 'Friends of' group which had been so successful with the Art Gallery and Museum.</p> <p>The Cabinet Member reminded members that this approach had been attempted some years ago and it had become clear that it wasn't going to work.</p>
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9. ADOPTION OF AMENDMENTS TO CHELTENHAM CIVIC PRIDE URBAN DESIGN FRAMEWORK TECHNICAL APPENDIX ROYAL WELL DEVELOPMENT BRIEF

The Cabinet Member Built Environment introduced what was largely a technical matter following a set of revisions to a document with which any Planning Committee members would be reasonably familiar with. Cabinet had agreed the draft revisions for consultation on the 25 September 2012, eight comments had been received (as set out at Appendix 3) and the amendments were approved by Cabinet at their meeting on the 15 January 2013.

There had been nine specific wording changes which covered three main areas; (A) the type of uses deemed to be acceptable; (B) the role of the Municipal Offices Heritage Assessment September 2010 in the design and decision-making process; and (C) the nature of bus interchange provision and the work emerging from the Local Sustainable Transport Fund. B and C aimed at bringing the document up to date and A addressed an inconsistency between the Brief and the SPD in the description of acceptable uses, the wording was less prescriptive, suggesting what might be acceptable and offering more flexibility in line with the requirements of the National Planning Policy Framework which called for councils to encourage development.

There were no questions or comments.

Upon a vote it was

RESOLVED (with 1 abstention) that for planning purposes the schedule of revisions to the Royal Well Development Brief, part of the Cheltenham Civic Pride Urban design Framework Supplementary Planning Document as set out at Appendix 2, be approved.

10. FINAL GENERAL FUND BUDGET PROPOSALS 2013/14 (INCLUDING SECTION 25 REPORT)

The Mayor invited the Cabinet Member Finance to introduce the budget which would then be followed by a presentation by the Section 151 Officer and to facilitate the presentation of the Budget, the Mayor proposed suspension of certain rules of debate, namely:-

That the time limit on speeches is relaxed with regard to the following speeches

- Cabinet Member Finance when moving the motion to adopt the budget being proposed by the Cabinet.
- Group leaders or Group spokesperson when making budget statements on behalf of their group.

The Cabinet Member Finance and Group Leaders could also speak more than once in the debate (in addition to any rights of reply etc) for the purpose of putting and answering questions.

This was agreed by Council.

The Cabinet Member Finance introduced the 2013/14 budget proposals with a detailed speech (please see Appendix 1).

The Cabinet Member Finance moved acceptance of the 2013/14 budget as set out in the report. The motion was seconded by Councillor Jordan who reserved his right to speak.

The Section 151 Officer made his presentation (please see Appendix 2) and in response to a question from a member he explained the reason that there was no specific reference to the New Homes Bonus in the risk register. The projection of £699k agreed for 2013/14 was guaranteed until 2016/17 and there would be more in addition to this for any new homes built during this time. Admittedly, after this period, some would fall away but projections suggested that the figure of £699k was very conservative. He believed that the strategy being proposed followed the same principle in that only £450k had been built-in, with £250k supporting the base budget and £200k for maintenance which could be revisited at any time. He felt confident that this was a prudent approach.

In response to questions from members, the Cabinet Member Finance gave the following responses:

- The suggestion of a 'snow reserve' would be considered only after any recommendations were reached by the Cabinet Member Waste Group following their review of the issue.
- He felt it would be more sensible to review green waste costs at the start of a new calendar year rather than a new financial year.
- Leisure costs increased in Cheltenham each year, with costs generally increasing by 2.5% and he accepted that there were a number of organisations that were concerned about this.

- The plans of the Police and Crime Commissioner were still unfolding but there had already been considerable discussions and the council wanted very much to work with the P&CC, not only to save money.
- It was the Governments view that now was not the right time to consider the formation of unitary authorities and for the time being the council was achieving a lot through shared services. His view was that a unitary authority with GCC would be too big but that a unitary with Tewkesbury Borough Council or Cotswold District Council could be a way forward in the future.
- He had tried to make it clear that the £90k for the JCS would also be used to develop a Local Plan for Cheltenham. Officers would be working on both to make for a seamless process so the £90k was very much seen as providing resources for both.
- The council shared responsibility for the Clarence Street Library with GCC and as such were sharing the cost of the repairs. Properties on the Programme Maintenance list had undergone a scoring process and the list included urgent, necessary and a number of desirable works and as such did not always include properties for each ward within Cheltenham. If there was a property which did not feature on the list which a member had a particular concern about then they should highlight this to the Cabinet Member Finance.
- The £10k figure for the Municipal Offices had been arrived at by Officers within the Property team based on the current situation. The policy had been broadened to include non-urgent works as well as health and safety and public areas.
- The -£50k under trade waste was a result of Ubico having lost the contract with the University. Ubico was a council owned company along with Cotswold District Council and as part of the arrangement, the council shared in savings as they shared in penalties.

Councillor Garnham gave a response to the budget on behalf of the Conservative party. He congratulated the Cabinet Member Finance on his speech in which he had mentioned the possibility of a Leisure Trust, reviewing the size of the Council and moving to a new property, all of which Councillor Garnham felt further strengthened the argument to move to four yearly elections. He endorsed the thanks given to Officers and personally thanked the Section 151 Officer for his time in explaining some of the problems being faced to him and his party. He made the following points;

- He was happy that council tax had been frozen but felt that this presented a real challenge for future years.
- He had been pleased to see the Planning training budget.
- He was encouraged that budget scrutiny would be more robust and work better with Cabinet.

Whilst he was not proposing an alternative budget nor any amendments, he was concerned that this budget created increasing problems for future years and felt it was his duty to point out the future risks. He felt that these were summarised in Appendix 4 which revealed that as part of this budget the council had only approved 1/8 of the savings required to make the MTFs work. An outstanding sum of £2.5million savings still needed to be approved and his worries included being unable to identify these savings and the possibility that the New Homes Bonus monies might reduce. He considered that there was a

lot of uncertainty which posed a risk in itself and he didn't have the confidence that these difficult decisions would be made given the recent u-turns regarding the JCS, allotments and rickshaws and he required more reassurance. His request for the future was that Cabinet demonstrate stronger decision making, leadership and produce a budget for the future.

Councillor Godwin had no statement or amendments to raise on behalf of the People Against Bureaucracy.

Councillor Jordan added his comments as seconder of the motion and on behalf of the Liberal Democrats. He commended the Cabinet Member Finance for an excellent speech and Mark Sheldon and his Finance team for their hard work. He also thanked officers across the council for their dedicated service and continued innovative ideas for savings. He was pleased about the council tax freeze which he stressed was no easy feat and was only possible as a result of good work in previous years. Decisions taken three years ago were now generating savings and the same would be true in three to four years following decisions taken now. An example of this would be the decision to let Forest of Dean District Council host the councils ICT, which had only been possible as a result of the GO Shared Services work and could see all four councils sharing an ICT platform in the future.

He acknowledged that there were no easy savings to be had and there would be some difficult decisions ahead in an effort to protect relied upon services where possible. Equally however, there some positives, the AG&M would reopen later in 2013, the sale of North Place would soon be completed and the Gloucestershire Business Rates Retention Scheme Pool. He did not accept the claims that future problems were being created, it was not possible to do it all at once, there was a need to tackle one issue at a time and he considered the assertions of lack of leadership as being nonsense. He hoped that members would support the budget.

The following concerns were raised by members;

- A budget was more than simply making the numbers add up, a key element of any budget was delivering those numbers and there was little confidence that they could or would be deliverable and/or delivered.
- The comments regarding the loss of the parking contract could go some way to explaining why the contract had been lost, with the suggestion that the council undertook a plethora of other activities with the money and none of which GCC were paying the council to do. What confidence would this instil that the council won't use money for other commissioned services in the future, to do other activities.
- Monies had been set aside for the Leisure & Culture Trust but as demonstrated by the Ubico issues of recent weeks, it was imperative that the council retained teeth. One member felt that the suggestion that a Trust would save £700k was absurd based on past experiences with Cheltenham Festivals and the AG&M. There was a concern that this could result in yet another u-turn.
- The embedding of the NHB in the base budget was a particular concern. Members felt that this gave a confused message about the council's position on protecting the environment and could undermine the planning process. How would the council avoid criticism and accusations that planning decisions were based on financial gain.

In response to the concerns raised regarding the use of NHB monies in base budgets, the Cabinet Member Built Environment accepted the inherent contradiction of a council that wished to protect the environment and a government that offered monetary reward for development. He did not however agree that this would in any way influence planning decisions and felt that such an insinuation was to do the Planning Committee and its members an injustice. The council lacked options given the current climate and he felt it was disingenuous to call for members to vote against a budget and present no alternative solution. He urged members to support the recommendations.

The Cabinet Member Finance expressed surprise at the suggestion that the NHB would override any environmental considerations. The NHB was a Government initiative aimed at kick starting economic growth and the approach being proposed with regard to base budgets was one being replicated in every other Gloucestershire authority. He took the opportunity to respond to comments regarding the loss of the parking contract which he vehemently denied had anything to do with underperformance on the part of this council and he failed to see how a service administered from Uxbridge would benefit the people of Cheltenham. In closing, he felt that this budget demonstrated a heroic effort to protect services whilst delivering a balanced budget and whilst there were still issues facing the MTFS he assured members that these issues would be approached with the same tenacity as they had in the past.

Upon a vote it was

RESOLVED that

- 1. The revised budget for 2012/13 with a projected underspend of £260.5k be noted and that the proposals for its use be approved as detailed in Appendix 3.**

Having considered the budget assessment by the Section 151 Officer at Appendix 9:

- 2. The final budget proposals including a proposed council tax for the services provided by Cheltenham Borough Council of £187.12 for the year 2013/14 (a 0% increase based on a B and D property) be approved.**
- 3. The growth proposals, including one off initiatives at Appendix 3, be approved.**
- 4. The savings / additional income and the budget strategy at Appendix 4 be approved.**
- 5. The proposed capital programme at Appendix 6, as outlined in Section 8 be approved.**
- 6. The proposed Property Maintenance programme at Appendix 7, as outlined in section 9 be approved**

7. **The potential liability in respect of Municipal Mutual Insurance, as outlined in Section 10, be noted and that £80k has been built into the revised budget as a provision to cover the potential exposure to this liability be noted.**

8. **A level of supplementary estimate of £100,000 for 2013/14 as outlined in section 13 be approved.**

(Voting: 24 FOR and 12 AGAINST)

The meeting adjourned for tea at 4:45pm.

11. FINAL HOUSING REVENUE ACCOUNT REVISED BUDGET 2013/14

Members returned to the chamber at 5:00pm.

This did not include Councillors C. Hay, Smith, Driver and Williams who had declared a disclosable pecuniary interest in this item.

In the absence of the Mayor, the Deputy Mayor took the chair.

The Cabinet Member Finance was pleased to introduce the Housing Revenue Account revised budget for 2012/13 and the final budget proposals for 2013/14. He believed the report was a positive one, not only because it showed sound management in the current financial year, but because it set out a very positive agenda for the future.

The HRA budget for the year ahead included substantial investment in repairs and maintenance, energy saving measures and adaptations for disabled people. It also recognised that housing was not simply about bricks and mortar but more so the security and wellbeing of the tenants. This was why the budget provided for a number of new or enhanced services, including support for older people and disabled people, proposed enhanced services for young people and an expansion of employment services for tenants and their families.

Both cabinet members, and CBH recognised that many tenants and others would find themselves in difficulty because of the coming, complex changes in the welfare system, with some even finding themselves at risk of homelessness. It was considered right therefore that CBH should respond to this by providing more information, advice and support to people struggling to cope with changes in their benefits and as such the budget proposed a range of measures to help people understand the new system, manage their money and pay their rent. It also included more help for tenants in moving to more suitable accommodation if they chose to do so.

This budget would allow CBH to strengthen their community services. This would be particularly important in the Moors and the Tewkesbury Road area, where it would reinforce the work being done following the recent Big Local lottery grant.

The HRA budget had been through a consultation process with the Tenant Scrutiny Improvement Group, which was generally supportive. It was an ambitious and socially responsible programme, but also a prudent and

affordable one, leaving a very healthy £2.8 million revenue reserve at the end of the year and he was happy to commend it to council.

In response to a question from a member, the Cabinet Member Finance advised that he was not aware of the purported £30million from Government to support those impacted by the changes to the welfare and benefit system.

Upon a vote it was unanimously

RESOLVED that

- 1. The revised HRA budget and capital programme for 2012/13 be noted.**
- 2. The HRA budget for 2013/14 as shown at Appendix 2 including a proposed average rent increase of 3.43% (applied in accordance with national rent restructuring guidelines) and increases in other rents and charges as detailed at Appendix 5 be approved.**
- 3. The 2013/14 HRA capital programme as shown at Appendices 3 and 4 be approved.**
- 4. The 2013/14 management fees and charges for Cheltenham Borough Homes as detailed in Section 4 be approved.**

12. TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2013/14

The Cabinet Member Finance gave a brief introduction to this item. The prudential indicators at Appendix 2 continued to reflect the capital expenditure and plans and were designed to assist member's overview. The updated lending list at Appendix 3 set out the institutions with whom the council would invest with and these were only institutions with a high/long rating and for a maximum of 12 months. This was not a static document and would be reviewed alongside changing circumstances.

There were no questions or comments.

Upon a vote it was unanimously

RESOLVED that the Treasury Management Strategy Statement and Annual Investment Strategy for 2013/14 at Appendix 2 be approved including:

- 1. The general policy objective 'that Council should invest prudently the surplus funds held on behalf of the community giving priority to security and liquidity'.**
- 2. That the Prudential Indicators for 2013/14 including the authorised limit as the statutory affordable borrowing limit determined under Section 3 (1) Local Government Act 2003 be approved.**
- 3. Revisions to the Council's lending list and parameters as shown in Appendix 3 are proposed in order to provide some further capacity. These proposals have been put forward after taking advice from the**

Council's treasury management advisers Sector and are prudent enough to ensure the credit quality of the Council's investment portfolio remains high.

- 4. For 2013/14 in calculating the Minimum Revenue Provision (MRP), the Council will apply Option 1 in respect of supported capital expenditure and Option 3 in respect of unsupported capital expenditure as per section 21 in Appendix 3.**

13. NOTICES OF MOTION

Motion A

Proposed by: Councillor McKinlay

Seconded by: Councillor Sudbury

"Council notes with concern the recent proposal from the Highways Agency to alter the junction of the A417 at the Air Ballon roundabout to prevent traffic from Cirencester turning right towards Seven Springs.

Council resolves:-

To make formal representations to the Highways Agency raising amongst others the following concerns:-

- a) The potential for a significant increase in traffic on the A46 Shurdington Road caused by traffic being diverted away from Seven Springs.
- b) The increase in time and distance for many drivers in trying to access the A40 and Leckhampton Road.
- c) The increase in traffic congestion at Birdlip Hill.
- d) The increase in air pollution associated with the increased traffic congestion on Birdlip Hill and the Shurdington Road.
- e) The increase in "Rat Running" that will occur on the county lanes between the A417 and the Cirencester Road.

Council further believes that:-

- a) The current proposals will do little to improve the widely acknowledged congestion problems that exist on the A417 between Nettleton Bottom and the Air Balloon.
- b) That the Highways Agency should withdraw the current proposal, and develop a comprehensive plan to tackle traffic congestion at this location.
- c) That no scheme be introduced until full public consultation is undertaken."

In proposing the motion, Councillor McKinlay talked through his concerns set out in the motion and questioned whether the solution offered by the Highways Agency would actually work in practice. He considered it would only make a marginal difference to the traffic flow at the roundabout but once it had been put in place this junction would go to the bottom of the priority list because the Highways Agency would be able to say that they had taken some action.

All members who spoke supported the motion and endorsed Councillor McKinlay's concerns. Members indicated that parish councils were extremely

dismayed by the plans and did not believe that the Highways Agency had considered the views of local residents. There was a need to do a proper consultation and to look at all alternative designs for the roundabout. There were concerns that residents across Cheltenham would be affected by the resulting traffic flows.

A member wished to place on record, members thanks to the county council and their officers for the robust and speedy way they had reacted to the proposals and insisted on proper consultation.

An amendment was proposed by Councillor Chard and seconded by Councillor Harman that Council should amend the resolve and add a further resolve as below (in Italics):

To make formal representations to the *relevant Government Minister and Highways Agency* raising amongst others the following concerns:-

d) the Leader arranges a cross-party delegation to lobby the relevant Government Minister, Norman Baker, when he visits Cheltenham on the 20th of February 2013 and encourage him to intervene to halt the Highways Agency's proposals.

This was accepted by the proposer and upon a vote the motion as amended was agreed unanimously.

Motion B

Proposed by: Councillor Whyborn

Seconded by: Councillor Bickerton

"This Council notes and applauds the stance taken by Stroud District Council concerning Planning application 12/0008/STMAJW to site an Energy from Waste (EfW) facility for residual waste treatment at Javelin Park, Haresfield, Glos. The County Council's case for the waste incinerator is essentially that its perceived benefits outweigh the Planning objections which have been made, and this case is opposed by Stroud. This Council supports Stroud District Council in its assessment that the rationale for the proposed EfW facility for residual waste treatment is deeply flawed, mainly because of its process capacity, making it surplus to need. Council notes that the process is inflexible, and inferior to alternative technologies.

This council considers that numerous matters of controversy which are in the public domain will make it difficult for Gloucestershire County Council to be confidently perceived by the public as an independent arbiter of the said Planning application.

Cheltenham Borough Council therefore calls upon the Secretary of State for Communities and Local Government to call in Planning application 12/0008/STMAJW, Residual Waste Treatment Facility, for all of the reasons detailed by Stroud District Council in their letter dated 19th December 2012."

Proposing the motion, Councillor Whyborn suggested that the county council may have become backed into a corner on this issue and felt trapped by the previous decisions they had made going back as far as 2007 when it had first said publicly that the county should have an incinerator. The collapse of the PFI deal had provided one of many opportunities to open up the debate again. In addition new technology had emerged which could have prompted the county council to reconsider their proposals but this had not happened. The county council continued to claim that the benefits of the incinerator plant outweighed the planning harm that would be caused by placing this incinerator on the edge of an area of outstanding national beauty. He was concerned that the secrecy surrounding the development precluded any proper evaluation of the scheme and therefore he supported the position adopted by Stroud District Council which was to refer the matter to the Secretary of State.

In seconding the motion, Councillor Bickerton referred to a recent report by a government inspector who considered that there were deficiencies in the future plans for incinerators as a disposal method and other alternatives should be considered. Councillor Bickerton advised that he had recently asked a number of public questions at a meeting of Bristol City Council and as a result he now had detailed information about an identically sized plant at Avonmouth which was a mechanical biological solution with the potential to save £200 million on the proposed county council one. He also referred to the latest medical research which indicated that incinerators of this type presented a real danger to public health for people living close to the chimney. For this reason the Health Protection Agency had commissioned scientists at Imperial College to do their own research on this matter and were urging councils to allow time for the results of this research to be published. Councillor Bickerton suggested that the county council should have no shame in revisiting their decision in the light of this latest medical and scientific research.

Speaking against the motion, a member advised that the Health Protection Agency had recently made it crystal clear that the proposed incinerator scheme was safe. They had indeed commissioned research but this was to reassure anyone who still had concerns. The industry responsible for the incinerators had taken steps to put in place stringent standards for emissions and as a result an incinerator of this type would produce the equivalent energy waste of a garden bonfire. The advantage of the scheme was that it would considerably reduce the waste from landfill and would achieve a range of savings and benefits. With regard to the comparison with the facility at Avonmouth, he pointed out that the waste from this plant was shipped to Holland for incineration and then sent to landfill and so he challenged the environmental advantages claimed. Another member referred to recent reports which confirmed that the proposed incinerator would comply with European legislation on emissions. He said that a number of call-ins at the county council had thrown out the secrecy argument that Councillor Whyborn had referred to.

Other members speaking for the motion raised their concerns that communities living in the vicinity of such incinerators could be poisoned by dioxins. There was no safe scenario for disposing of dioxins so they would build up in the air and in human bodies. It was the high temperatures of the incinerator that would cause these dioxins to be produced and they disputed that the emissions from the incinerator were comparable with a garden bonfire as it would not reach the same high temperatures. Another member suggested that if the county council

were so confident of their position, they should be happy to have it tested by the Secretary of State.

Another member challenged the argument regarding dioxins. No one was denying the impact of dioxins but the current research was based on the level of dioxins arising from industry in the 1950's – 70's and there was no logical statistical rationale for applying these results to the output from this modern plant. The county council were very conscious of the need to protect the public health and therefore had carried out very thorough checks of all the facts. He acknowledged that some people had concerns that the incinerator would have surplus capacity as recycling targets in the county increased. He said there would not be a surplus as the county would have more than enough waste to fill it.

In his summing up, Councillor Whyborn, repeated his concerns that there needed to be a lot more work on the health issues before there could be any certainty. By the 2020/2030s he expected that the average recycling rate would be in excess of 80% and therefore the residual waste from Gloucestershire would not provide sufficient capacity to make the incinerator viable and therefore waste would need to be brought in from outside the county. The county should relook at the alternative technology available and he urged members to support the motion.

Upon seven members standing in their seats a recorded vote was requested:

Upon a vote the motion was CARRIED.

Voting For 22: Councillors Barnes, Bickerton, Britter, Coleman, Fisher, Flynn, R Hay, C Hay, Jeffries, Jordan, Massey, McCloskey, McKinlay, Rawson, Reid, Stewart, Sudbury, Thornton, Walklett, Wheeler, Whyborn and Williams

Against 11: Councillors Chard, Driver, Fletcher, Graham, Hall, Harman, McLain, Regan, Seacome, Smith, and Wall.

Motion C

Proposed by: Councillor Garnham

Seconded by: Councillor Driver

“This year, as in all recent years, there is tremendous pressure upon our budget and we must look at every penny of tax payers money that we spend. We should examine every single opportunity to save money, protect services and make the council as efficient as possible.

The Government is reducing the costs of democracy and the County Council is cutting back on the number of Councillors and it is now time for Cheltenham Borough Council to examine ways of cutting the cost of running the town.

Therefore we request Cabinet to recommend moving to a four yearly cycle of Borough Council elections as soon as possible. We also call on the Cabinet to explore how a reduction of councillors can be achieved. In the interests of the Cheltenham tax payers and for the good governance of the town we ask that a report be brought back to Council in March outlining the issues, challenges and timelines of achieving both changes.”

In proposing the motion, Councillor Garnham thought it was important to look at the cost of democracy. In a response to a previous member's question about the potential savings from moving to four yearly elections, the Cabinet Member had suggested that the resulting saving of £25,000 per year was relatively small. Councillor Garnham disputed this and highlighted that nationally and at county level 4-yearly elections were the norm.

Councillor Driver wished it to be noted that she had been misquoted earlier in the budget speech by the Cabinet Member Finance. The half a million pound of savings she had referred to in her recent press column combined savings from four yearly elections, cutting the number of councillors by 50% and having a smaller Cabinet.

Council Walklett as the Cabinet Member responsible for democracy referred members to appendix 8 of the budget papers which indicated Cabinet's intention to set up a cross party working group to look at the options for democracy including reducing the number of councillors and all related issues. He suggested that he could support the motion if the wording was changed to request Cabinet to 'consider' rather than 'recommend' which would not prejudice the findings of the cross party working group.

This was seconded by Councillor Jordan and accepted by the proposer.

A member spoke in support of moving to four yearly elections saying that it would strengthen democracy by giving the administration an opportunity of a clear four-year run to deliver their policy and demonstrate their capability to the electorate. It would also give officers a period of stability in between elections. He rejected the argument that the cost of by-elections would increase as there had been only three bi-elections in the last 10 years.

Another member suggested that there was likely to be more bi-elections if there was a move to 4 yearly elections. They suggested that the starting point for any review should be an open question on what kind of democracy was wanted in the town and then look at what needed to be put in place to support this. He highlighted that the boundary commission would be unlikely to consider reducing the number of councillors to less than 30. A boundary review would be an essential part of the process and it would take at least 12 months to be put on the list for review and then a further 18 months for the review to be carried out. Therefore changes to the election arrangements could not be implemented before 2016 at the earliest.

Upon a vote on the motion was carried unanimously.

14. TO RECEIVE PETITIONS

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

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

There were no urgent items to be discussed.

16. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION

Upon a vote it was

RESOLVED 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:

Paragraph 1; Information relating to any individual.

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

17. CHELTENHAM BOROUGH HOMES DEVELOPMENT OPTIONS REVIEW

Members still present in the chamber:

Councillors (to be confirmed)

In the absence of the Mayor, the Deputy Mayor took the chair.

Upon a vote the recommendations were agreed unanimously.

18. EXEMPT MINUTES

Members still present in the chamber:

Councillors Barnes, Britter, Chard, Fletcher, Flynn (Chair), Hall, Harman, Jeffries, Massey, McCloskey, Rawson, Regan, Reid, Stewart, Walklett, Wheeler.

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

Upon a vote it was unanimously

RESOLVED that the exempt minutes of the meeting held on the 17 December 2012 be agreed and signed as an accurate record.

Colin Hay
Chair

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**BUDGET 2013/14 – STATEMENT BY THE CABINET MEMBER FOR FINANCE,
CLLR JOHN RAWSON**

Mr Mayor,

I have great pleasure in presenting the revised budget for 2012/13 and the final budget proposals for 2013/14.

This budget has evolved over several months as a result of careful planning, hard work and creative thinking, not to mention a few trials and tribulations along the way.

This hasn't been an easy budget. It has been made in the context of a stagnant national economy which continues to struggle to achieve growth. At the start of the budget process last spring, we faced a funding gap of £735,000 between what the Council would need to spend to maintain services and what it could spend at a reasonable tax level. The gap grew to almost a million pounds over the following months, due to factors outside our control including the localization of council tax benefit and the impact of the recession on our income streams.

However the worst was still to come. We had been expecting a further cut of 5 per cent in government grant for 2013/14, adding to the 23 per cent we had already had since 2010. It soon became apparent that because of the poor state of Government revenues, that cut would be bigger. In fact, when it was announced last December the cut was 7.4 per cent – in cash terms £423,000 – with a further 12.7 per cent cut to come next year. This means that in just four years from 2010 to 2014 we will have lost around 40 per cent of our core Government funding.

At the same time, the Government decided that it wanted councils to freeze council tax, but declined to pick up the full cost of this freeze. In effect it offered to pay us £72,000 a year towards the freeze, leaving us to pick up £108,000, or in other words 60 per cent of the cost, ourselves. And even this somewhat deficient level of Government support is for only two years. This increased the pressure on us to make savings.

Councils are always facing financial pressure, but as a council we have never faced the kind of pressures we have had to bear since the worldwide economic crash in 2008. Some people in the town will very readily believe that it's all our own fault, that we have created our own problems by our own profligate spending. Indeed there are even councillors who are ready to encourage them in this belief. But the facts tell a very different story.

If you compare this budget with the one the Council passed five years ago, in 2008, our net budget has shrunk by just over £2.5 million. That's a 16 per cent reduction in cash terms. If you factor in inflation, the real terms reduction in our budget since 2008 is something like 25 per cent.

This is a council whose funds are shrinking, due to the weak economy and Government cuts. And the whole purpose of our financial management now is to make our shrinking resources go further in order to protect our services and the quality of the life in the town.

I do not shy away from the challenge. The reason I have talked at some length about our difficulties is to put this budget in some kind of context, not to spin you a hard luck story. The public doesn't want excuses. It wants us to get on with the job and overcome the problems.

Freezing council tax has not been easy to achieve for the third year running. But I firmly believe it has been the right thing to do. I am acutely aware that most of the people who elected me to this Council have seen a fall in the value of their income over the past four or five years. I imagine all of us in this chamber would say the same about their constituents. Many people are struggling to make ends meet. That is why I believe it is morally right to help them out by keeping council tax down.

At a time when the local economy is still struggling it is also right to do the same with parking charges. It is the third year running that we have frozen charges in our car parks.

To accomplish this and balance the books, this budget proposes savings totalling one and a quarter million pounds – and these are savings that can be made without any major impact on front-line services.

At the same time we have reduced our income targets where necessary to recognise that the economy is still struggling and that this will almost inevitably hit our income in the coming year.

These budget reductions not been achieved by cheese-paring. All the cheese has already been pared away by year after year of cuts, and the mice have starved to death long ago. Instead, the situation has demanded a far more radical approach. So what we have embarked upon is nothing less than a radical transformation of the whole organisation.

Some time ago, the leader of Birmingham City Council, Sir Albert Bore, said that Government cuts were bringing “the end of local government as we know it”. I wouldn't be that pessimistic. Local government isn't going to end, but it is certainly going to have to change. For local government, and for this Council in particular, business as usual is not an option. If we don't change the way we deliver services, we won't be able to deliver many of them at all. And this is what this budget recognises.

This budget delivers £383,000 of savings from shared services, including the GO project and Ubico. Shared services have been one of the Council's great successes in recent years, generating enormous change and massive savings, with more to come.

The budget also delivers £478,500 from other organizational changes, including commissioning of leisure and culture. These are the early fruits of the transformation I have talked about.

We are proposing, or in some cases have already implemented, reorganizations that are sensible in their own right as well as saving money.

We are reshaping the benefits services to be battle-ready for the new benefits system to be introduced.

We are reorganizing development control and strategic planning under a single team leader, while also providing capacity for delivering the new Local Plan.

We have reshaped the park ranger team to focus more on supporting friends groups and this is already working well.

We are adopting a partnership approach to promoting economic development, by working more closely with organisations such as JobCentre Plus, Gloucestershire First and the Local Enterprise Partnership, and contributing to a new Business Support Service.

We are relocating the Tourist Information Centre to the refurbished Art Gallery and Museum, which will not just deliver substantial savings but make the AGM a key centre for visitors and tourists.

We are also looking at outsourcing the Town Hall box office, which may have benefits that go beyond simply saving money.

These are the hallmarks of creative, proactive management.

One area of the Council's work that has needed to be restructured most urgently is parking enforcement.

From April, all the county's district councils, Cheltenham included, will lose the contract to enforce on-street parking regulations, which will be handed over to a private company. I think this is undeserved. Over the years we have brought in a rising parking income for the County Council, though they have criticized us for not achieving the level of income from fines that they wanted. However, undeserved or not, this decision has forced us to break up our integrated parking enforcement team, and carry out a fundamental reorganization of our transport and parking function.

To give you the picture in broad outline, of the 19 staff in the Integrated Transport section, most are eligible for transfer to the new service under TUPE arrangements. But we will have a continuing requirement for a small team of five to run our off-street car parks. They will sit in the Community Protection section of the Council's administration. Meanwhile, I understand that the County Council's new privatized on-street parking service will be run from Uxbridge. This is sad news for some very loyal staff.

The overall impact on the budget of these changes will be a minimum saving of £150,000. £60,000 will be saved on staff costs and a further £90,000 will be saved from the supplies and services budget, made possible because the service is shrinking in size.

In many ways this is a regrettable reorganization, and not just for staff who find that their jobs have migrated to Uxbridge. Losing our on-street parking staff will mean we won't have as many people on the ground, walking the streets, as we did. But there are also benefits to be gained, and I do believe that, with the right handling, the impact of this change need not be detrimental to our town.

We will still engage with Gloucestershire Highways through the Development Taskforce and the urban design team. The Think Travel sustainable transport project will continue to involve us in work to improve public transport and facilities for pedestrians and cyclists. Our parking staff

will not be focused entirely on enforcement and fines, but will have a broader public safety role, along with our community protection officers. For example, they will continue to work with police and highways over anti-social activities, including cruising.

This is just another illustration of how this budget is not just about cutting costs, necessary though that is. It is also about thinking creatively and flexibly about how to meet the challenges of the future. And there are other examples I could mention of how we are doing this.

One issue that we have thoroughly re-thought is how we use our New Homes Bonus, which is now a very significant part of our income.

When the New Homes Bonus was first introduced, we tended to regard it as an extra, and a large part of it was earmarked for bidding fund such as Environmental Improvements Fund and Promoting Cheltenham Fund. Last year we accepted that we needed to treat it as a source of regular income and took part of it into the revenue budget. This year I think we have reached the stage where we have to regard it unequivocally as part of our income stream, as other councils already have. The Government certainly regards it as part of our regular income, and indeed part of their justification for cutting our grant is that we now have New Homes Bonus coming in.

At the same time, the level of New Homes Bonus is likely to fluctuate from year to year, and for that reason we cannot allow ourselves to be over-dependent on achieving high levels of bonus income.

In this budget I believe I have struck the right balance between using the New Homes Bonus for revenue purposes and not becoming over-dependent on it.

So what I am proposing is that we should continue to take £250,000 if it directly into the revenue budget as we did last year.

I also propose that we should take £200,000 of New Homes Bonus and put it in the Planned Maintenance Reserve. This is in addition to the amount we already contribute to the reserve from the revenue budget, which is not being cut. This change was discussed and supported by the Budget Scrutiny Working Group. Using New Homes Bonus to strengthen the Planned Maintenance Reserve is a prudent thing to do, because if there are fluctuations in this source of income in future years, we can simply adjust our contribution to the reserve without having any immediate impact on services.

Next, I am proposing to take £219,000 of New Homes Bonus money to help towards the set-up costs of the proposed Leisure and Culture Trust. Again, this is a prudent thing to do because it is one-off money that will automatically drop out of the budget in the following year.

Finally, I am proposing to use the New Homes Bonus to fund a project over three years to help bring empty homes back into use. This is not only desirable in itself, but should more than pay for itself because every empty property brought back into use attracts extra New Homes Bonus.

At the same time I am proposing that the current multitude of bidding funds currently funded from New Homes Bonus should be combined into one Community Pride Fund, for which we will budget £50,000 in the coming year.

Can I turn to another area in which we have been both proactive and creative, and that is the localization of business rates.

From this April the Government will allow us to keep, in principle, 40% of the business rates we collect. Actually, this being a scheme designed in Whitehall, it isn't quite as simple as that in practice. Councils that collect proportionately more because they are in prosperous areas will pay a tariff. Those that collect less in the more deprived parts of the country will get a top-up. Cheltenham will pay a significant tariff if it handles business rates retention on its own. Business rates retention also exposes local authorities to some degree of certainty about their income levels and leaves them partially liable for the cost of appeals.

That is why pooling our business rates collection with other Gloucestershire councils seems to us to be the best way of going forward. This unprecedented form of co-operation between Gloucestershire local authorities will spread the risk arising from fluctuations in business rates income. It will also help to reduce our tariff and allow us to maximise the amount of business rates income we keep in the county.

One key objective of the pooling scheme, if it does generate extra income, is to build up a fund to support economic development across the county. This is entirely sensible, because economic growth anywhere in the county under this pooling arrangement will benefit all of us.

Gloucestershire councils have shown real vision in making this business rates pool a reality. While we have pressed on, a number of other pooling schemes elsewhere in the country have fallen by the wayside. I believe we should recognize and celebrate this achievement, including the contribution made by our own officers.

Mr Mayor, I want now to touch on how this budget will help to meet some other challenges.

It remains a crucial goal of this Council to complete the Joint Core Strategy in partnership with our neighbouring districts and then to proceed as quickly as possible to create a new Cheltenham Plan. I am proposing that £90,000 should be earmarked from the projected 2012/13 underspend to make this possible. This will be used to support the preparation of both the JCS and the Cheltenham Plan.

Although a great deal of the evidence for the JCS has already been assembled, this will need regular updating. So far as the Cheltenham Plan is concerned, a good deal of the evidence needed to underpin it, including the retail study and housing capacity study, still has to be built. There will also be substantial costs in relation to the examination of both the JCS and the Cheltenham Plan and the sustainability appraisals. The extra £90,000 will help to fund this important and urgent work.

Another challenge that we are facing is the Government's proposed changes in the benefits system. The changes create big uncertainties for the Council as it strives to adjust to the new system. But more importantly they will create difficulties and hardship for many people on benefits when the changes come in.

Some months ago, the Government announced that it intends to cut its funding for council tax benefit by 10 per cent from this April. We and all the other Gloucestershire local authorities have taken the view that simply passing the cut on to benefits claimants will simply pile more hardship on some of the poorest and most vulnerable people in our community. We are therefore proposing not to cut benefits, but to recover the money from people who are in a better position to pay it. The adjustments we have made to some of the present council tax discounts could help to make this possible.

Mr Mayor, one area of continuing uncertainty for the Council is the cost of employee pensions. The next triennial valuation of the pension fund is due in later this year, and we want as far as possible to anticipate any additional costs that this might bring. Accordingly we have adjusted the MTFS, providing for an increase of £200,000 per annum from 2014/15 onward. This has been calculated by assuming that employer costs will increase by 2% per annum, which is a prudent assumption. However it is still uncertain how the performance of the pension fund and the impact of the Hutton review will affect our pension costs in the future. We will keep this under constant review.

Can I now turn to the planned maintenance programme. Part of the responsibility of the Cabinet Member for Finance is to maintain and care for our assets, particularly the council-owned buildings that are such an important part of the character of the town. In this respect, as in so many others, the Council will not find this budget wanting.

The planned maintenance programme I am putting before you today totals over a million pounds. It includes substantial investments in the Town Hall, the Pump Room, the civic amenity centre, leisure@Cheltenham, Pittville swimming pool, the crematorium and the art gallery and museum, as well as smaller-scale work on a number of other council-owned properties. We have also found small sums of money to honour our history and heritage, by completing the redecoration the Sevastopol war memorial and by repairing the St Peter's War Memorial in time for the centenary of the outbreak of the First World War.

I should also add that maintaining our property assets is just one side of the coin. The other is disposing of surplus assets, in order to reduce our maintenance commitments and recycle capital into new schemes. We continue to do this with considerable success, despite the fact that it is not always popular.

I would like now, if I may, to say a word about reserves.

Sometimes it is very hard to please everybody, even on a matter as seemingly dull as the Council's reserves. The Communities Secretary Eric Pickles recently lashed out at councils for keeping millions in reserves. "It is unacceptable that some councils are stashing away billions, turning town halls into Fort Knox, whilst at the same time threatening to cut frontline services," he declared. He even hinted that the Treasury might confiscate excess council reserves. On the other hand I am constantly reading in Conservative leaflets that the Liberal Democrats on Cheltenham Council are running down the reserves like there is no tomorrow. So rather than attempting to navigate between the Scylla of Mr Pickles and the Charybdis of Cllr Wall, let me explain the philosophy I am following.

We keep two kinds of reserves – earmarked and general. The earmarked funds are kept for particular purposes or to fund particular projects. As the work is done, the money is spent, which is how it was intended to be. For example, it is absolutely right that the Council should have taken money from the Art Gallery and Museum Reserve to fund the AGM redevelopment. It is absolutely right that we should have used the Civic Pride Reserve to help fund pavement improvements in the Promenade. It is right that we should use the Flood Alleviation Reserve to fund flood prevention works. It is also right that we should set up new reserves when they are needed, close down reserves when their purpose is served, and replenish existing reserves as and when the need arises. Managing earmarked reserves well is not about hoarding, it is about forward planning so that we can invest in Cheltenham's future.

The General Reserve, aka the General Fund Balance, is a different matter. This is there to help us cope with unforeseen expenditure. Our policy, on the advice of the Section 151 officer, is that the General Reserve should be kept between £1.5 and £2 million. At the end of the next financial year it is expected to stand at just over £1.6 million, which is within that range. I would like to see it a little higher, and if I get the chance to strengthen and increase the General Reserve at the budget outturn in June, I will ask for the Council's support in doing this. I don't particularly care whether this makes sense to the conflicting ideologies in the Conservative party. It makes sense to me.

Let's me now turn to the Council's investments and borrowing.

In the light of the continued weakness of the economy, it is right to proceed with great caution so far as our investments are concerned.

At a time when investment markets are flat, we have made it a priority to pay off debt as investments mature, rather than re-investing the money. As a result, the Council's short-term borrowing and also the cost of borrowing has fallen significantly over the past few months.

In terms of investments, our overriding concern has continued to be safety. And as the Investment Policy before us today makes clear, that will continue to be the case. Only a very limited range of investment vehicles here in the UK are permitted by the policy, and the period over which money can be invested is also strictly limited.

Making any assumptions about the state of the economy and the markets over the coming months and years is extremely hazardous. However, we will continue to manage our investments actively, constantly looking out for changes in the economy and the financial markets, and evaluating suitable opportunities when they arise.

Can I turn now to our medium-term financial strategy.

In the light of the financial pressures I talked about earlier, it would be entirely wrong to think of this budget as just a one-year fix. Instead we need to see it as part of a longer-term strategy. The cut in Government core funding that we are facing in 2014-15 is a terrifying, eye-watering, £788,000, amounting to 12.7 per cent, and it won't stop there. To balance future budgets over the next five years, we need to bridge a projected funding gap of £3.3 million.

That is why one of the most important changes we are making in the budget process is to develop a detailed, quantified five-year strategy for cutting our costs and maximising our income and bridging our medium term funding gap.

You can see the strategy set out at Appendix 4, but here in summary are some of the initiatives we are proposing to meet the budget challenges of the future.

We are proposing to share our IT service with the Forest of Dean, achieving substantial savings for both councils from 2014 onwards.

We are proposing to establish a trust to run our culture and leisure services. This is a hugely important proposal which I believe has the potential not only to cut our costs, but to bring a greater spirit of enterprise into the way we run our services, increasing business and growing our income. And this is not just pie in the sky, because it now has a detailed strategy supported by a robust business case to take us into the future.

We have also set ourselves the task of achieving further savings in waste management as part of a county-wide Joint Waste Committee.

Our accommodation strategy is also a vital part of our medium-term cost-cutting strategy, and we believe it has the potential to deliver very substantial savings in future years. As we pare down management costs, we can and should save money on accommodation. We cannot sustain a situation where a reduced staff is rattling around in a building here in the Promenade which is much too big for them. That is why we are actively looking at how to cut the costs of our council accommodation, possibly by relocating these offices to more modest premises. Efforts are being made to identify premises that are suitable and affordable.

These are just some of the initiatives we are working on to ensure that our most essential services survive through the next few years, and there many others.

And while I am on the subject of radical changes in the way the Council works, let me mention the subject of the democratic process itself. The way our services are delivered has changed and will change still further. And that means the way that councillors work is changing too. In these circumstances, I believe we have to be prepared to look at how we can adjust to the new reality. That may mean reconsidering the number of councillors we have, the size of the cabinet and committees, and whether we should move to all-up elections.

I don't believe we should be afraid to look at this again. Circumstances have changed dramatically since we last discussed the subject nearly three years ago. One change is the move to a commissioning council, with fewer services directly run by the Council. Another is the unprecedented financial pressure we are now under. Yet another is the growing pressure from the Government for councils reduce the number of members in order to reduce costs.

Now I want to make it clear that I don't regard this kind of change as a passport to huge savings. Cllr Driver seems to have got some local residents a little over-excited by suggesting in her Echo column that half a million pounds would be saved over four years by going over to all-up council elections. And it bothers me a little that she should be able to use her position as an Echo columnist to make people believe such a ludicrous exaggeration. The true figure, stated in a

report which came to Council in 2010, is £100,000 over four years. That's an average of just £25,000 a year.

Nor do I believe that the structure of the Council should be all about money. We need a Council that is large enough to be representative and to work effectively for local people. Nonetheless, I would be the first to say that any saving that can be achieved painlessly is a saving worth looking at. As councillors we can't rule out the possibility of change just because it's we who are affected and not other people.

Cllr Garnham is therefore knocking at an open door with his resolution at agenda item 13. The Cabinet is more than happy to look at the issues he is asking us to look at. There are other issues too that would repay examination, such as the size of the cabinet and committees. And we would want to go further by involving the other groups in cross-party talks on the future shape of the Council.

Can I now finally turn to the Council's capital strategy.

The capital programme I am putting forward to you in this budget is entirely sensible. It proposes a five-year programme of needed investment in IT infrastructure. It proposes investment in play equipment and play area enhancement. It funds investment in CCTV, particularly with a view to making our car parks safer. It continues our programme of carbon reduction and energy-saving by investing in more low energy lighting. It is, however, a shadow of the capital programme we all want to see – the programme that I hope I will be bringing to the Council later this year.

Mr Mayor, this is a time of opportunity for Cheltenham as the Civic Pride initiative comes to fruition.

Cheltenham as a town has existed for about 10 generations. Each generation has faced the task of improving and adding to the glories of Cheltenham, and most have done it with great success and distinction. We in our generation have been given this task in unusually difficult circumstances, in the midst of the worst economic crisis in many decades. But that does not mean we don't have a responsibility to rise to the task.

I totally and emphatically reject the idea that because the national economy is in difficulty, we in Cheltenham should shelve our aspirations for major improvements to our infrastructure. Cheltenham is a town that over the past 250 years has continually reinvented itself to meet new circumstances. Brought to fame by its spa waters, it transformed itself over the years into a retail centre, a commercial centre, a celebrated centre of culture, and a hub of high-skill and creative industries.

The genius of Cheltenham has been to change without losing its character. And the challenge facing us in our generation is to help it do the same.

The way we aim to do this is through partnership and joint endeavour. We want to link developments being undertaken by private developers, like North Place and Brewery phase II, to public realm improvements such as new public squares and green spaces. We want to reinvest a major part of the capital from North Place, Portland Street, Midwinter and other property

disposals to help fund these improvements, as well as protecting and enhancing our existing iconic parks and gardens. At the same time, we want to work with Gloucestershire County Council to modernise the road network and improve public transport using Government funding from Gloucestershire's successful Sustainable Transport Bid.

This masterplan for the town is still work in progress. It would be wrong of me to present a capital programme to you that is based on expectation and hope rather than money we actually have. We have completed the sale of the Midwinter land and banked a substantial capital receipt. However, the North Place and Portland Street sale is still to be completed, and I believe it is right to wait for this before I put an enlarged capital programme before you. But that doesn't mean we are lacking in the vision to transform Cheltenham or that we are not working hard to make Civic Pride a reality.

At the same time, it is an abiding aim of this administration, and I think the whole Council, to invest in our cultural facilities and make Cheltenham a festival town with a global as well as a national reputation. We have already transformed the Art Gallery and Museum, which reopens this summer, bigger and better and fuller of fantastic cultural possibilities. Now the creation of a Leisure and Cultural Trust opens up the possibility of achieving similar improvements for the Town Hall and other facilities. What we have learned from the AGM scheme is that we can use our own capital to attract investment by trusts, the Lottery and the business sector.

Mr Mayor, I have always made a point when presenting a budget of thanking the officers for their help and support. I do so this year with particular warmth. Being Finance Member is a ghastly job, made bearable, and in some ways even joyful, by the people you work with. First and foremost I would like to thank Mark Sheldon, Paul Jones and the finance team for intelligence they have brought to bear, the hard work they have done and the long hours they have put in. But my sincere gratitude extends much more widely than this.

I have had excellent support from the Chief Executive, both the Strategic Directors and all the Directors in meeting the challenges of this budget. I would also like to pay tribute to my cabinet colleagues for their cheerful support and understanding, and to thank the members of the Budget Scrutiny Group and the Treasury Management Panel from all sides of the chamber for the valuable contribution they have made.

In conclusion, Mr Mayor, let me say this.

Like all councils, we face huge financial challenges. The test will be how we deal with them.

I am proud that we have managed to balance the budget, protect services and freeze council tax this year. It's no mean feat, and one that many other councils have not managed to bring off. Their tax freeze has been at the expense of services.

Now I and the cabinet are looking to the future. With cuts in Government funding on the scale we are seeing, it is almost inevitable that there will be an impact on services next year or the year after. But I am determined we should protect our most cherished services as far as we can. I love this town and what it represents, and I don't want to see its environment deteriorate or its cultural life drain away. I don't want the next few years to become an unrelieved, sorry saga of reductions in services, a slow death by a thousand cuts.

That's why I believe the best way forward is for councillors, officers and people in the town to work together find innovative and positive solutions to our problems. We need to harness our own knowledge and ingenuity to find new ways of delivering local services. This is what this budget is about, not just for this year but for the longer term.

To succeed will take not just a change in organisation but a change in attitude. There will be plenty of people in the town who don't understand why everything can't be the same as it was twenty years ago. But we should have the courage to take the flak, to explain why change is needed, and to persuade people it is right. Above all, we have to be resolute in doing what we know must be done to secure the future of Cheltenham. Mr Mayor and fellow councillors, I commend this budget to you.

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2013/14 Budget Section 25 Review

Mark Sheldon
Section 151 Officer
Council 8th February 2013

Purpose of Section 25 review

Risk based – appendix 9 covering:

- Robustness of estimates
- Adequacy of reserves
- MTFS
- Council tax level

Council to consider in setting the budget /council tax

Robustness of estimates

2013/14 budget assumptions:

- Gov't cut of £406k (7.4%) plus 10% cut in benefits budget (£90k)
- Inflation only where contractual
- 1% pay award
- Reduced income targets: car parking by a further £50k, development control £20k & trade waste £50k
- Budgets based on professional advice

Conclusion: prudent approach to budget estimates

Treasury Management

- Investment income based on low interest rates @0.5%
- Medium Term Financial Strategy (MTFS) – no assumption in respect of increasing interest rates
- Icelandic banks – priority status estimated to recover £10.2m of £11m deposited plus £600k interest (depending on interest rates)
- Annual Investment Strategy – lending list remains restricted, now includes Everyman theatre.

Conclusion: prudent approach to estimates for treasury management activity

New Homes Bonus (NHB)

- NHB allocation £699k for 2013/14
- £250k supporting the base budget
- £200k supporting the increase in property maintenance budget
- Budgeting assumption based on NHB sustainable over period of MTFS
- Similar approach to other Glos. Councils

Conclusion: prudent approach to use of NHB

Medium Term Financial Plan

- Feb 2012 – £2.1m based on council tax @ 2.5% / yr
- Feb 2013 – £3.3m based on council tax @ 2%
- Gov't support £788k (12.7%) cut in 2014/15, uncertain beyond?
- Pay capped at 1% for 2014/15 & 2015/16, 2% thereafter?
- Gov't support for council tax freeze gone after 2015/16
- Excludes - add'n £200k/yr for property maintenance
- Budget strategy development indicates how gap is reduced to £303k – significant development

MTFS - Areas of uncertainty

- Pension Fund – next revaluation increase contributions budgeted at 2% per annum but fund performance/ impact of Hutton report still uncertain
- Impact of localisation of council tax may increase benefits bill
- Impact of business rates retention – potential impact if do not maintain / grow businesses (now local risk)
- Future BtG initiatives / savings from commissioning?
- Updated MTFS to be developed / agreed

Conclusion: Given variables, reasonable set of assumptions



Council tax level

- Tax setting - political decision
- Freeze funded by £72k grant for 2 yrs, cost to CBC £180k over MTFS
- Referendum for council tax increases above 2% - avoid at all cost (c£50k)!
- Significant criticism for councils setting council tax just below 2%

Conclusion: Given gov't support and the financial impact on residents in current climate, a council tax freeze is a pragmatic approach



Reserves

- General Reserve
 - estimated balance 31/3/13 - £1.6m
 - maintain in range £1.5 – £2m
- Civic Pride – will need replenishing for 2014/15
 - Delivery vehicle funding
 - Site preparation funding
 - Some support funding for infrastructure improvements – promenade repaving
- Maintenance reserve – increasing NHB contributions, mitigates usage
- Capital programme c£700k – funded by annual revenue contribution
- ICT upgrade strategy (£1.066m) to support ICT investment / shared service
- Potential sale of North Place / Portland street - prioritise options to inform a Capital strategy to be agreed by Council in summer 2013.
- Reserves (excluding capital receipts) – projected to reduce from £6.6m (31/3/13) to £4.8m (31/3/14) as programmes are delivered.



Assessment of Reserves

- Take opportunities to increase to fund one off costs associated with BtG initiatives / commissioning and future budget initiatives.
- Take opportunity to increase the General Reserve and civic pride reserve
- Not holding unnecessary level of reserves – they all have a purpose.
- Budget not balanced by drawing on General Reserve

Conclusion: Overall levels reasonable



Summary

- Budget estimates are prudent.
- Future final projections – models based on sound assumptions but still many uncertainties.
- 'BtG' programme successful (£5m annually) but future commissioning needs to support delivering the residual gap.
- Budget strategy approach major step forward
- Capital strategy for assets / buildings soon!
- Reserves at an appropriate level
- Council tax freeze pragmatic
- Challenge moving forward – as more BtG workstreams / commissioning delivered fewer options available for potential future funding cuts



Questions?



Cheltenham Borough Council

Council

22 February 2013

Scrutiny Task Group – Allotments

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>A review of allotments was initiated by the Overview and Scrutiny Committee in July 2012 and a task group was set up with defined terms of reference.</p> <p>Following a number of meetings and site visits, the scrutiny task group has come up with 11 recommendations which, if adopted by Cabinet, would enhance allotment provision in the town.</p> <p>The report of the scrutiny task group was considered by the Overview and Scrutiny Committee (O & S) on 10 January 2013. Whilst welcoming the report, the committee was of the view that the authority should encourage more people to “grow their own” both for the health benefits and in the context of global food shortages over the medium to long term. In addition O & S felt that the use of smaller parcels of land for the provision of both statutory and non-statutory allotments should be examined by officers. A full excerpt of the minutes of the O&S meeting is attached as an appendix. Following the council meeting the report will be considered by Cabinet on 12 March 2013.</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 Cabinet to take into account when deciding whether to endorse/adopt the recommendations of the Scrutiny Task Group Report, and 3. Approve the set aside of up to £600,000 of capital receipts from the sale of land at Midwinter to fund provision of potential new allotments in Cheltenham.

Financial implications	<p>There is a legal requirement for proceeds of the sale of statutory allotment land to be used to discharge debts and liabilities associated with the acquisition of allotment land or in acquiring, adapting or improving new land for allotment purposes. The proceeds of the sale of the surplus land in the midwinter area could therefore be used, in part, to fund additional provision of allotments across the unparished areas of Cheltenham.</p> <p>Section 5 of the report details the estimated cost of providing a potential 290 new allotments (the current estimated shortfall in statutory provision) at £507,000, a more up to date estimate of which is nearer to £600,000.</p> <p>As such, a provisional sum of £600,000 is recommended to be formally set aside from the sale of the land at Midwinter to fund the potential cost of providing all 290 plots.</p> <p>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</p>
Legal implications	<p>The Overview and Scrutiny study received advice on the legal position of Allotments and the legislation upon which it is based. This is summarised in the Report itself at paragraph 4.1. In particular the relationship between Parished and non Parished areas of the Council are important as to which Council can use the Allotment Acts powers.</p> <p>Recommendation 9 would require the Council's planning policies to be enhanced to assist with a shortfall within the Borough area. This can be in both Parished and non Parished areas although the ownership and management of them will depend on whether a Parish Council exists or not. Consideration should be given about containing such requirements in appropriate development briefs of proposals but they would need to be connected to the development and comply with planning law.</p> <p>Contact officer: Gary Spencer, One Legal gary.spencer@tewkesbury.gov.uk, 01684 272699</p>
HR implications (including learning and organisational development)	<p>There are no Health & Safety implications at this stage</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	<ul style="list-style-type: none"> • Cheltenham's natural and built environment is enhanced and protected • People are able to lead healthy lifestyles
Report author	Contact officer: Beverly Thomas –beverly.thomas@cheltenham.gov.uk
Appendices	<p>A Allotments review scrutiny task group report</p> <p>B Excerpt of Overview & Scrutiny 10 January 2013</p>



SCRUTINY TASK GROUP REPORT

ALLOTMENTS REVIEW

JANUARY 2013



1. INTRODUCTION

- 1.1 A review of allotments was initiated by the Overview and Scrutiny Committee in July 2012, the background to which was a petition submitted to Council on 26 March 2012 and discussed in June 2012 against a preliminary proposal for the development of an allotment site on part of Weavers Field in the borough. This petition had raised various issues, not least the process for identifying the need for allotment sites in Cheltenham. In addition the council also received a number of queries from the public on unattended allotments and it was agreed that the council's policy on this needed to be reviewed.
- 1.2 The demand for allotments has seen a huge increase nationally. It is recognised that they play an important role in the community and contribute to a healthy diet and exercise; a means of producing food cheaply and the development of social activity. The popularity of "grow your own" has meant that waiting lists for allotment plots have soared. Figures quoted in The Department for Communities and Local Government (DCLG) publication "Space for food growing: a guide" published on 22 August 2012 provide the following statistics – In 1996 there was an average of 4 people waiting for every 100 plots but today around 87,000 people are on waiting lists for just over 152,000 statutory plots managed by principal local authorities, the equivalent of 57 people waiting for every 100 plots nationally. In acknowledging its statutory duty to provide a sufficient number of allotments, Cheltenham Borough Council has undertaken analysis to identify the number of allotments that would satisfy current and perceived future demand in a sustainable way.
- 1.3 Growth in demand for allotments in Cheltenham has mirrored the national picture. In 2005, there were 85 applications for allotments in Cheltenham. Since 2008, there have been in excess of 200 applications each year. In order to meet some of this demand, the Council has brought significant areas of uncultivated land back into cultivation and has undertaken plot splits to cater for the demand for smaller allotments. As a consequence, the number of allotment tenancies has risen from 555 in 2007 to 814 as of December 2012.
- 1.4 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 Anne Regan (Chair)
 - Councillor Nigel Britter
 - Councillor Colin Hay
 - Councillor Helena McCloskey
 - Councillor Duncan Smith
 - Councillor Charlie Stewart

2.2 Terms of reference agreed by the O&S Committee

- (i) To review the legal position in relation to the provision of allotments and clarify the position in relation to areas covered by Parish Councils.
- (ii) To review the process for identifying the need for allotment sites in Cheltenham and establish how this is allocated to parished and non parished areas.
- (iii) To review the Allotments strategy and ensure it is fit for purpose.
- (iv) To review the need for developments of allotments against the available capital receipts
- (v) To review the proposals for allotments at Weavers Field in light of the evidence in (i) - (iv)

3. HOW DID THE TASK GROUP GO ABOUT THIS REVIEW?

3.1 The task group met on 5 (to date) occasions and spoke to a range of people, namely :

- Adam Reynolds, Green Space Development Manager, Cheltenham Borough Council
- Emma Burton, Acting Allotments Officer, Cheltenham Borough Council
- David Roberts, Head of Property, Cheltenham Borough Council
- Gary Spencer, Solicitor, OneLegal
- Lorraine DuFeu, Transition Town Cheltenham
- Dennis Sutton, Committee member, Cheltenham and District Allotments Association
- Councillor Roger Whyborn, Cabinet Member Sustainability

The task group also undertook three site visits during its review, to two Cheltenham Borough Council Allotment sites and to a potential new site for development into allotments.

3.2 Members would like to thank everyone who attended the task group meetings and contributed to the review and also thank those officers who provided support to the work of the group.

4. OUR FINDINGS

This report is structured in accordance with our terms of reference.

It was felt important to firstly clarify the roles and responsibilities of those mentioned in the report:

- Allotments and Green Space Officer - responsible for day to day management of allotment service
- Green Space Development Manager- responsible for management of public green space for Cheltenham Borough Council
- Transition Town Cheltenham - an initiative which aims to build local resilience and community cooperation as a practical and creative community response to reduce dependence on oil
- Cheltenham and District Allotment Holders' Association - represents 240 members in the borough of Cheltenham

4.1 LEGAL POSITION IN RELATION TO ALLOTMENTS AND POSITION IN RELATION TO AREAS COVERED BY PARISH COUNCILS

- 4.1.1 Members learnt that the Allotments Acts of 1908, 1922 and 1950 laid down the functions of Parish and District Councils in terms of the provision of allotments and defined the Allotments Authority. Any allotments provided under the Allotments Acts are referred to as Statutory Allotments.
- 4.1.2 In general, the Allotments Acts give the role of Allotments Authority to both the District Council and the Parish Council. However, under Schedule 29 of the Local Government Act 1972, if there is a Parish Council in a District Council area, then the powers, duties and responsibilities of the Allotment Authority for allotments within the boundaries of that parish lie with them. The District Council, in these cases, is not permitted to use the Allotments Acts to exercise allotment functions in that Parish Area.
- 4.1.3 Written representations may be made to the Allotments Authority on the need for allotments by any 6 electors in the borough or parish, as the case may be. The Council must take those representations into account by undertaking a review of allotment provision and if there is proven demand for allotments the Allotments Acts state that the Allotments Authority shall provide a sufficient number of allotments to meet that demand. The quality of provision depends on the authority itself.
- 4.1.4 The situation regarding the South of Cheltenham would be the same as any other part of the Borough. The first question is whether there are Parish Councils in that particular part of the Borough. As there are, then the Allotment Act duties, responsibilities and powers have to be exercised by the Parish Council.

Outside the Parish Areas of Cheltenham those duties, responsibilities and powers lie with the Borough Council.

Thus, the responsibility of providing allotments, if a Parish Council exists, lies with that Parish Council and the 6 electors mentioned previously would petition the Parish Council. Schedule 29 of the Local Government Act 1972 stops the Borough Council exercising those Allotments Acts functions in those cases.

- 4.1.5 In terms of providing non statutory allotments, Members learned that under the Local Government Act 1972 there was a power for local authorities to purchase land for functions in advance of needing them for those functions and that such land could be used for other purposes in the meantime on a temporary basis. Even in parished areas, temporary non statutory allotments could be provided but the Allotments Acts could not be used in respect of that as this would be governed by a lease or a licence. Allotment holders would not have the protection of the Allotments Act unless this was put in the lease or the licence.
- 4.1.6 There is no legally prescribed minimum size for an allotment. Land has to be suitable for growing purposes but authorities have discretion in which additional elements they provide.
- 4.1.7 Having been advised of the above, Members understood that in the context of the Weavers Field proposals, the Borough council was proposing to provide non statutory temporary allotments in the parish of Leckhampton with Warden Hill to address the high demand in that part of the Borough.
- 4.1.8 In addition Members agreed that the Parishes needed to take responsibility for providing allotments as the Allotment authority in their areas if land is available. In the past the need for allotment sites was always calculated on a borough wide basis but the Borough Council should now define this in non parished areas and take this forward with the Parish Councils.

4.2 REVIEW OF PROPOSALS FOR WEAVERS FIELD

- 4.2.1 The STG reviewed the Weavers field issue only briefly and agreed that it would not need to be investigated further. It was recognised that the strength of local opposition to the proposal had not been taken into account and this should be a key consideration should such a situation arise again. It was also recognised that there was confusion with regard to the position of the Parish Council with the Chair initially wishing to move forward with the proposal. Also there was an apparent lack of clarity with regard to the statutory power of parish councils in terms of provision of allotments, including temporary allotments.

Recommendation 1 : the strength of local opposition to a proposal for a new allotment site should be a key consideration should such a situation arise again.

4.3 IDENTIFYING ALLOTMENT SITES IN CHELTENHAM

New sites

- 4.3.1 Availability of land for allotments in the South of Cheltenham remained the significant issue. In investigations so far by officers and ward councillors in this area (including by the Chair of the STG) very few opportunities were

considered to exist. Members were informed that there were therefore very few sites available in the borough to address current demand although Members stressed that should future developments take place, allotment space should be considered as part of the development agreement. However, to address the current issue, an alternative was a small part of the farmland owned by the borough council at Priors Farm located to the north of the borough. Accompanied by David Roberts, Head of Property and Adam Reynolds, Green Space Development Manager, members of the STG undertook a site visit to Priors Farm on 10 September. This land had been identified by officers as the best current solution to addressing the allotments waiting list.

- 4.3.2 Members acknowledged that whilst this site was not ideally situated it did represent a starting point. The site had been previously farmed but is not currently tenanted. It was in a pleasant location and a small, popular pathway across the field would benefit from being wide and open to preserve the feeling of open space as a walking route up to Cleeve Hill. Members suggested that a natural fencing line with Blackthorn or Blackberry grown against it would be a suitable partially secure boundary for the allotment site. Members of the group recognised that vehicular access would be necessary although car parking provision for allotment holders would be kept to a minimum.
- 4.3.3 Members were reassured to learn that although there would be housing development adjacent to the site and thus new occupiers may express an interest in having an allotment, the potential new site would be opened up to everyone on the waiting list. Members were keen for Cabinet to pursue this option further. The Cabinet Member Sustainability had confirmed to the STG that this option would be pursued whilst still looking for opportunities to fulfil demand in the south of the town.



Site visit to farmland at Priors Farm

Recommendation 2 : Request Cabinet to pursue the development into allotments of a small part of the farmland owned by the Borough Council at Priors Farm to the north of the borough, not affecting any rights of way

Provision of allotments in parished areas

4.3.4 It was recognised that Cabinet was in any case keen to speak to the parishes with regard to the provision of allotments in parished areas and the existing council waiting lists for allotments. Members recommended that rather than getting the C5 group of Parishes together, a better approach may be to talk directly with those Parish councils in the south of Cheltenham, i.e. Up Hatherley and Leckhampton with Warden Hill Parish councils. The remaining Parish Councils should be informed of the process.

4.3.5 Members wished Cabinet to encourage Parish councils to open up their waiting lists to residents outside of the parish where they had vacancies. This was already happening in Charlton Kings.

Recommendation 3 : That the Cabinet Member Sustainability maintain dialogue with Parish Councils in terms of their responsibilities for addressing allotment waiting lists

4.4 ALLOTMENTS STRATEGY

4.4.1 Members were provided with detailed statistics relating to CBC Allotments. These included the number of plots on each site, the number or lettable and

unlettable plots, number of vacancies, number of split plots, tenanted plots and the waiting list for each site. The current waiting list stood at 750 although it was recognised that there was an element of double counting with some parish council waiting lists and that some people no longer required an allotment when contacted. Up to date statistics at the time of publication of this report can be found in Appendix 2. A waiting list review is underway to ensure an accurate report on the exact number of people on the waiting list and should be completed by the end of January 2013.

- 4.4.2 STG Members undertook a site visit to two allotments in the south of the town on 29 October - Alma Road and Warden Hill Allotments. Members noticed that there were at least several plots on both sites which required attention as they were not conforming to the terms of their tenancy agreement. Whilst acknowledging that this year had been a bad year for cultivating it was apparent that some plots had barely been touched this year. Parts of some plots were completely overgrown contained a large amount of rubbish, including old tyres, carpets and general household waste, which appeared to have been there for a significant period. In some instances it was apparent that cars have been brought on to the plot for parking purposes (which is permitted) but this part of the plot then slowly becomes overgrown and unusable, meaning that only part of a plot is actively cultivated. Members were also of the view that it was important that allotment holders were encouraged to clearly number their plots.



Site visit to Alma Road allotments

- 4.4.3 Members were informed of the process for approaching plot holders who were visibly not cultivating their site. Voluntary wardens undertook a monthly inspection tour and if there was evidence that someone had not been cultivating, they would approach them informally to see if all is well and prompt them to start working on the plot. If the tenant still does not start working on the plot then the warden reports to the Council's Allotments Officer and a Notice to Remedy (NTR) is issued giving the plot holder one

month from the date of the letter to start working the plot. The wardens inspect again after one month and if there still has been no action then a Notice to Quit (NTQ) is issued by the Allotments Officer. In principal this system should take less than 3 months from start to finish. In practice ploholders start working their plots after receiving the NTR which means no further action is taken. Wardens do however closely monitor repeat offenders and only so many chances are given before a NTQ is finally issued.



Site visit to Alma Road allotments

- 4.4.4 Members felt strongly that the polite approach to enforcement did not appear to be getting results and if tougher action was taken such plots could be brought back into use which would alleviate the pressure on the waiting list, particularly in the south west of Cheltenham where there is significant demand for plots. Members commented on the content of the letter accompanying the Notice to Quit (attached as an appendix to this report) and were of the view that the wording should be strengthened. They recognised that the gentle approach was adopted at a time when demand for allotments in the town was significantly lower. Members acknowledged that consideration of particular personal circumstances should still be taken into account.



Site visit to Alma Road allotments

- 4.4.5 Concern at the length of time it can take to remove an inactive tenant and let a plot to someone on the waiting list was also expressed to the STG by the Allotments Association representative. In his view the rules for evicting tenants should be reviewed given the long waiting lists although there should obviously be some flexibility to accommodate illness or other such reasons for inactivity over a reasonable period of time. He also made the point that if plots have been neglected for a long time it is much more difficult for the successor to bring the plot back into production. This discourages the new tenant and can result in them giving up their plot.
- 4.4.6 Members were of the view that site wardens should encourage allotment holder to ask for help from other ploholders, friends or family during times of difficulty to avert the plot becoming unmanageable.
- 4.4.7 The Allotments Association representative also alerted the STG to the fact that demand for allotments could increase further should schemes such as the RHS School Gardening scheme be successful.
- 4.4.8 The examples of two Parish Councils with tougher approaches regarding allotment management was given by members of the STG. A red, amber, green traffic light warning system was in effect in one area and a “three strikes then out” policy in another. Thought should also be given to whether the plot should be cleared prior to vacating the site.
- 4.4.9 Members agreed that the policy whereby two half-size plots are created when a full sized plot is relinquished should be continued, along with the policy of taking back half plots where tenants are not using the whole extent. This should encourage allotment usage and reduce waiting times further. Members also suggested that occupying multiple plots at a time when there is such demand should no longer be allowed, although it was acknowledged that it was not possible to evict someone from an allotment unless they were

in breach of the terms of their agreement. Current, and successful, practice of approaching multiple plot-holders to relinquish plots would continue. At several sites, the allotment officer had approached multiple plot-holders and succeeded in getting plots back voluntarily. It is estimated that there are only approximately 10 plot-holders with multiple plots left.

- 4.4.10 Members considered that the council could play a facilitating role in making smaller plots of land available to contribute (albeit on a small scale) to reducing the allotments waiting list. These potential plots could, for example, be sites on highways land, at the back of public buildings, such as hospitals, etc. Officers could signpost members of the public, who have initiated a request, to the relevant contact of the public body under whose ownership the land is.

Recommendation 4 : A review of enforcement of uncultivated allotment plots should be undertaken to alleviate the pressure on the waiting list, and that the current tenancy agreement should be revised to enable this and the points raised above to be enforced.

Communication

- 4.4.11 Members of the STG heard from the Allotment Association that the Association's relationship with the Borough Council had previously been quite close via the Allotment Forum but in recent years there had been a lot less contact. The Association acknowledged that there had been some disruption over the last 18 months due to maternity cover for the Allotments Officer Post and recognised that managing 9 allotment sites and 700 tenants was a difficult task, even with the support of the wardens. The Association believed the council was doing its best although communication was sometimes poor. However, Members of the Association had recently met with the Green Space Development Manager, and the temporary Allotments Officer and it was hoped this would be the start of a continuing dialogue. Members of the STG were informed by the Allotment Officer that the Allotment Association could perhaps be invited to quarterly meetings held between officers and the allotment wardens meetings so everyone was involved, subject to the agreement of the allotment wardens.
- 4.4.12 In talking informally to allotment holders in their ward, some members of the STG had received feedback which suggested that the Allotments Officer had not been seen on site and therefore contact with the Council appears to be limited. Members were of the view that the role should be more public facing with more interaction with plot holders. Whilst recognising limited resources Members felt that the Allotment Officer role should be a full time post and therefore recommended that additional support for allotments should be considered in the Green Space Development team.
- 4.4.13 More advice to allotment holders should be available on the Council's website. It was suggested that there could be a link from the Council's allotment web pages with the Allotments Association website and introducing online notice and discussion boards could also be investigated. Transition

Town Cheltenham has also offered to provide material for the website on advising the public on growing food and in a sustainable way.

Recommendation 5 : The Allotments Officer should endeavour to visit allotment sites more regularly in order to become known to allotment holders and ensure a good rapport is developed to encourage the best working relationship for the improvement of allotment sites

Recommendation 6 : That additional support for allotments should be considered in the Green Space Development team

Recommendation 7 : To review current lines of communication with allotment stakeholders and the Council's Allotments Service

Recommendation 8 : To review the information about what commitment is required by taking on an allotment on the Council's website and include links to the Allotments Association website and investigate opportunities to introduce online notice and discussion boards



Site visit to Warden Hill Allotments

Help and Advice to new allotment holders and sharing knowledge

4.4.14 Members learned that new allotment holders received an information pack from the Council but no real practical help there on in. Whilst it was recognised that this was not the role of the Council, there was a fear from members that new allotment holders were often unaware of the commitment and knowledge required when working an allotment. The Allotments Association representative informed members that because of unrealistic expectations, new allotment holders often became disheartened and would subsequently abandon the plot. It was suggested that more advice could be provided to those on the waiting list, which should explain the commitment and costs involved, particularly in the first year. The Cheltenham and District

Allotment Holders Association has identified the need for a leaflet giving prior advice on commitment before signing up. This view was also expressed by Lorraine Du Feu, of Transition Town, recognised that there needed to be more education of prospective allotment holders in terms of gardening, and in a sustainable way.

- 4.4.15 The Allotments Association representative estimated that for the first year the costs involved, i.e. rent, tools, shed etc was on average between £120-£190. He believed that if people were made more aware of what was involved there would be fewer people giving up. It was also suggested that there could be an initial rent reduction should in the first year the plot be in a poor state and it was pointed out that this was already in place. It was emphasised that a derelict site would require significant perseverance from the tenant to get it under control, and it was asked whether prior to someone taking on a plot it should be brought up to a minimum standard so it did not put off a new tenant. It was suggested that there should be more support for prospective allotment holders on the waiting list. The STG had heard that the Transition Town Annecy Garden project, supported by CBC, had been successful in converting part of the Annecy Garden in Sandford Park into a vegetable garden. As it was very accessible, it was suggested that as people came to the top of the waiting list, a series of open evenings could be held there to raise awareness of the implications of taking on a plot. A prize winning allotment holder could also be asked to host a similar event which would of course be low cost. These proposals were supported by the representatives of the organisations involved.
- 4.4.16 Members recognised the health and wellbeing and social benefits of working an allotment. Whilst recognising that subletting was disallowed under the tenancy agreement, Members suggested that where it was becoming apparent that an elderly person was having difficulty in managing his plot, he should be encouraged to work with someone on the waiting list. Such a mentoring or buddying system for new plot holders could also facilitate “knowledge sharing”. Whilst there should be caution with regards to “jumping the queue”, such an initiative could also prevent new plot holders from abandoning their plots. Reference was made to The “Share a Garden Scheme” which Councillor Barbara Driver was involved in. This scheme pairs up gardeners who have nowhere to grow their own food with garden owners or allotment holders who have the space to grow but for whatever reason are not able to.
- 4.4.17 Members agreed that projects such as the Annecy Garden project and the “Share a Garden Scheme” should be promoted on the CBC website.

Allotment Provision in future developments

- 4.4.18 Members of the STG pledged to ensure that in the development of the Cheltenham Local Plan were made to create new and enhance existing allotments. The Allotments Association had told members that this was particularly important given that the gardens attached to modern houses are often small and offered no scope for growing vegetables. Opportunities to create community gardens alongside allotments was also suggested in order

to encourage more interaction among residents. This would however have to be thought through carefully in terms of how it would be managed, but nevertheless could be discussed with developers.

- 4.4.19 Members were of the view that the Cabinet Member Built Environment should be made aware of the need for allotments in new developments.

RECOMMENDATION 9 : That consideration be given to an allotment provision and enhancement policy in the emerging Cheltenham Local Plan and in the meantime planning officers should include the provision of allotments as a subject for discussion with developers at the pre-application stage.

Community Based Scheme to distribute Surplus Produce

- 4.4.20 Members were keen to explore further launching an initiative to distribute surplus produce to those in most need in the town. Reference was made to the recent call for help by Cheltenham Community Project (CCP) and it was suggested that wardens from each allotment site could coordinate with CCP to address the issue. The Allotments Association would consider supporting such a community based scheme but recognised that this would be difficult to organise. The Allotments Officer had informed members that previously collection points were relatively easy to organise, it was the distribution of the produce which was problematic particularly as the produce is perishable. It was also suggested that other projects in the town, such as the Open Door project could benefit from receiving produce.
- 4.4.21 Members recognised that an independent facilitator was needed. They acknowledged that the council did not have the resources to facilitate this but working in partnership with other organisations could be explored such as with the Inspiring Families project and GAVCA.
- 4.4.22 Two members of the STG who were also the Council's representatives on the Board of Cheltenham Borough Homes, suggested that one option may be to work closer with Cheltenham Borough Homes tenants. Such a scheme may be a legitimate area whereby CBH could use Housing Revenue Account funding for the benefit of tenants. The CBH Board appeared to now have more of an appetite to work in partnership and the HRA could potentially pump prime projects such as these.
- 4.4.23 The Green Space Development Manager mentioned that land behind some council housing estates was once used for gardening but was now just maintained as open space at a cost to the council. This could be potentially revisited as communal garden plots.
- 4.4.24 Members had investigated whether NHS or third party funding was available for allotment promotion as a way of promoting healthier lifestyles but grants were unavailable at this time.

Recommendation 10 : To request Cabinet to investigate opportunities to work in partnership with organisations such as Cheltenham Borough Homes, GAVCA and CCP to facilitate a scheme to distribute surplus produce to those in most need in the town.

Self-Management

4.4.25 Members discussed self-managed allotments which in their view would encourage plot holders to take greater ownership of their plots, improve the condition of some allotments and possibly reduce management costs for the Council. Reference was made to some Parish Council sites which were often managed by allotment holders. In this instance plot holders were only provided with the plot. Maintenance would be undertaken by plotholders themselves. However, there was currently no appetite for it according to the Allotments Association representative who informed members that there was a general lack of enthusiasm of allotment holders to take on work above and beyond what they were already doing. Self management would, in his view, only be manageable on small sites.

Rents

4.4.26 A chief concern of the Allotments Association had been the significant increase in rents and the proposals for further inflation plus increases. It hoped and expected that allotments would be treated no less favourably than other activities run by the Borough Council. Members supported this. An on going concern was that low income pensioners and young families may be priced out of allotments.

4.4.27 The STG agreed that the Allotment Strategy Action Plan (included as an appendix to this report) remained a relevant and comprehensive document and members were encouraged to see what progress had been made particularly in the light of the lack of resources. Staff were working to capacity in terms of the administration of sites, particularly now with the exploration of potential new sites. However further work, particularly with regard to enforcement, as outlined above, could improve the service further and assist in reducing the numbers on the waiting list.

5. TO REVIEW THE NEED FOR DEVELOPMENTS OF ALLOTMENTS AGAINST THE AVAILABLE CAPITAL RECEIPTS

Financial considerations for funding allotment provision is laid down in section 3 of the Ground Works documents (August 2010). A broad estimate of the cost for providing 290 half sized statutory allotment plots (calculated to be the shortfall) for Cheltenham Borough Council was estimated at £507 000. Accordingly the sum of £600,000 (the most up to date estimate) has been put aside from the sale of land at Midwinter to provide these, and would be available to use in developing allotments on sites such as Priors Farm.

6. CONCLUSIONS

- 6.1 The STG recognises the difficult position faced by the council, both in terms of finance and availability of appropriate land but acknowledges the efforts that are being put into investigating opportunities for new sites. We hope that in the future more can be done to meet the demand for allotments particularly in the south west of the borough (including effective enforcement), and in the meantime progress the Priors Farm option and do everything possible to ensure appropriate support is given to new & existing community growing initiatives.

7. RECOMMENDATIONS

- 7.1 The Allotments review scrutiny task group therefore recommends to Cabinet that :

Recommendation 1 : the strength of local opposition to a proposal for a new allotment site should be a key consideration should such a situation arise again.

Recommendation 2 : Request Cabinet to pursue the development into allotments of a small part of the farmland owned by the Borough Council at Priors Farm to the north of the borough, not affecting any rights of way

Recommendation 3: That the Cabinet Member Sustainability maintain dialogue with Parish Councils in terms of their responsibilities for addressing allotment waiting lists

Recommendation 4 : A review of enforcement of uncultivated allotment plots should be undertaken to alleviate the pressure on the waiting list, and that the current tenancy agreement should be revised to enable this and the points raised above to be enforced.

Recommendation 5 : The Allotments Officer should endeavour to visit allotment sites more regularly in order to become known to allotment holders and ensure a good rapport is developed to encourage the best working relationship for the improvement of allotment sites.

Recommendation 6 : That additional support for allotments should be considered in the Green Space Development team

Recommendation 7 : To review current lines of communication with allotment stakeholders and the Council's Allotments Service.

Recommendation 8 : To review the information about what commitment is required by taking on an allotment on the Council's website and include links to the Allotments Association website and investigate opportunities to introduce online notice and discussion boards

Recommendation 9 : That consideration be given to an allotment provision and enhancement policy in the emerging Cheltenham Local Plan and in the meantime planning officers should include the provision of allotments as a subject for discussion with developers at the pre-application stage.

Recommendation 10 : To request Cabinet to investigate opportunities to work in partnership with organisations such as Cheltenham Borough Homes, GAVCA and CCP to facilitate a scheme to distribute surplus produce to those in most need in the town.

Recommendation 11 : The Allotments Scrutiny Task Group should be reconvened in 12 months time to review the implementation of the recommendations.

8. PROGRESSING THE SCRUTINY RECOMMENDATIONS

8.1 The Scrutiny Task Group intends to undertake a review in 12 months time to ascertain what action has been taken on its recommendations.

9. APPENDICES

Appendix 1 - One page strategy agreed for the review
Appendix 2 - Allotments statistics as at 4 January 2013

10. BACKGROUND PAPERS

- Food for thought- A strategy for Allotments in Cheltenham and for Allotment Sites managed by Cheltenham Borough Council
- Ground Works-Background information and analysis to inform the Action Plan 2010-2015 in 4 key areas
- A review of the allotments Action Plan 2005-2010



(DRAFT) SCRUTINY REVIEW – ONE PAGE STRATEGY

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Allotments
Specific topic area	<p>(i) To review the legal position in relation to the provision of allotments and clarify the position in relation to areas covered by Parish Councils.</p> <p>(ii) To review the process for identifying the need for allotment sites in Cheltenham and establish how this is allocated to parished and non parished areas.</p> <p>(iii) To review the Allotments strategy and ensure it is fit for purpose.</p> <p>(iv) To review the need for developments of allotments against the available capital receipts</p> <p>(v) To review the proposals for allotments at Weavers Field in light of the evidence in (i) - (iv)</p>
Ambitions for the review	<ul style="list-style-type: none"> • An allotment strategy fit for purpose • Identify learning points from Weaver's Field
Outcomes	To enhance allotment provision in the town
How long should the review take?	3 months
Recommendations to reported to:	Cabinet
Membership:	Cllrs Regan (chair), Stewart (vice-chair), Britter, C Hay, McCloskey, Smith
FOR COMPLETION BY OFFICERS	
Officers experts and witnesses	Adam Reynolds, Green Space Development Manager, Emma Burton, Allotments Officer, Gary Spencer and Donna Ruck, OneLegal
Sponsoring officer	Grahame Lewis
Facilitator	Bev Thomas
FOR COMPLETION BY THE SCRUTINY TASK GROUP	
Are there any current issues with performance?	None apparent
Co-optees	None
Other experts and witnesses	Allotments Association, Transition Town Cheltenham, Cabinet Member Sustainability
Background information	Allotments Strategy

Suggested method of approach	Series of meetings to include invitation of witnesses, site visit
How will we involve the public/media? Or at what stages	Towards the end
Preferred timing for meetings	End of working day

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Plot Summary as of 4 January 2013

Overall Total Plots: 816	Total Plots	Total Lettable	Unlettable: 30	Vacant: 42	Split Plots: 256	Tenants/Plots Let: 772
Site			Total Unlettable	Total Vacancies	Total Split Plots	Total Tenants/Plots Let
ALMA ROAD	77	77	0	2	31	75
ASQUITH ROAD	183	180	3	4	42	175
HATHERLEY	27	27	0	2	2	25
HAYDEN 1	96	95	1	6	60	89
HAYDEN SITE 2	94	91	3	5	61	85
MIDWINTER	245	222	23	20	36	202
REDDINGS	36	36	0	0	0	36
SEVERN ROAD	10	10	0	0	6	10
TERRY ASHDOWN	43	43	0	1	2	42
WARDEN HILL	35	35	0	2	16	33

Please note: the vacant plots are higher at this time of year as it is the end of the billing year and tenancies are often ended in early January

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Overview & Scrutiny Committee

Thursday, 10th January, 2013
6.00 - 7.40 pm

Attendees	
Councillors:	Duncan Smith (Chair), Klara Sudbury (Vice-Chair), Nigel Britter, Andrew Chard, Rob Garnham, Colin Hay, Helena McCloskey, Ian Bickerton and Jo Teakle
Also in attendance:	Councillor Penny Hall, Councillor Charles Stewart, Councillor Anne Regan, Councillor Steve Jordan, Councillor Peter Jeffries and Councillor Roger Whyborn

Extract of Minutes

1. **REPORT OF THE SCRUTINY TASK GROUP - ALLOTMENTS**

The chair of the scrutiny task group, Councillor Anne Regan, introduced their final report on allotments. In her introduction she thanked members of the working group and the officers who had contributed to this review, in particular Beverly Thomas from Democratic Services and Adam Reynolds and Emma from the allotments team who had helped the working group understand the complexities of allotments. The working group had produced a comprehensive set of recommendations which they hoped recognized the needs of the public, allotment holders and those on the waiting list. The chair also added that allotment holders should be encouraged to join the Allotments Association, not least because it offered good value insurance.

As this was such an important issue, the working group wished to add a further recommendation 11 -that the scrutiny task group should be reconvened after a period of 12 months to review the implementation of the recommendations.

In the discussion that followed, members commended the task group for an excellent report and particularly liked the inclusion of photographs. They welcomed the clarity on the legal requirements for provision of allotments which had confirmed that the responsibility for the provision of allotments in parished areas rested clearly with the parish councils. They were satisfied that the original terms of reference had been met.

Councillor Garnham suggested some additional wording in recommendation 9 given that the emerging Cheltenham Local Plan was some way off. The amended recommendation would read as follows:

Rec 9 : that consideration be given to an allotment provision and enhancement policy in the emerging Cheltenham Local Plan and in the meantime planning officers should include the provision of allotments as a subject for discussion with developers at the pre-application stage.

Adam Reynolds advised that there had already been discussions with some developers about including allotment space in their proposed developments and there was a willingness to consider this and a positive response had been received for the new development in the south of the town.

Councillor Hay, as a member of the working group, had reflected further on the recommendations since their report had been finalised. He thought it was important that the authority should encourage people to grow their own food on allotments both for the health benefits but particularly in the context of global food shortages in the medium to long term. He suggested that this could be brought out more strongly in the report. The working group had also considered the use of smaller parcels of land for the provision of both statutory and non-statutory allotments and he felt that the Cabinet Member should be recommended to look into this further.

Another member suggested that there could be more information on the council's website to encourage and guide allotment holders which could help avoid some of the problems of allotments falling into disuse.

Resolved that

- 1. The recommendations be endorsed with the amended recommendation 9 and noting the additional points regarding the health benefits of growing food and the use of parcels of land for statutory and non statutory allotments.**
- 2. The report be forwarded to Council for debate and then on to Cabinet to consider the recommendations.**

Duncan Smith
Chairman

Cheltenham Borough Council

Council

22 February 2013

Scrutiny task group – Sex trade in Cheltenham Report of the Overview and Scrutiny Committee

Accountable member	Councillor Duncan Smith, Chair of Overview and Scrutiny Committee
Accountable officer	Andrew North, Chief Executive
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The issue of the sex trade in Cheltenham, particularly the illegal trade of sexually exploited young or otherwise vulnerable people, was first raised in a motion at Council on 25th June 2012 by Councillor Barbara Driver. Referring to recent exposés in both the national and international press that seem to highlight Cheltenham as a ‘hotspot’ of activity, the motion called on the Council to take action to address these issues. After a debate it was decided to request Overview and Scrutiny to investigate the matter further and report back to Council on their findings. A scrutiny task group was set up to investigate the matter and this report is the result of that review.</p> <p>The matter will be considered by the Overview and Scrutiny Committee on the 18 February 2013 and an update will be circulated prior to the Council meeting. The recommendations will then be considered at Cabinet.</p>
Recommendations	<p>The Council is recommended to:</p> <ol style="list-style-type: none"> 1. Endorse the following recommendations of the Scrutiny Task Group set out at 7.1 of the Scrutiny Task Group report and forward them to Cabinet for approval: <ol style="list-style-type: none"> a) That the council should work with the Police, Public Protection Bureau and voluntary organisations to identify emergency facilities where vulnerable people can be housed safely for a short period. This will allow for victims to receive appropriate emotional support from trained professionals whilst also allowing the Police a sufficient period of time to interview them and build a case for prosecution. b) That all Councillors should attend awareness sessions on safeguarding issues, particularly to learn about the warning signs that children, young people and vulnerable adults often exhibit if they are being abused or exploited. As community representatives with local knowledge and local intelligence, Councillors are in a good position to contribute towards this agenda. c) That the council assist the Police and Public Protection

Bureau in producing, promoting and distributing information to those who may be at risk of sexual exploitation or already be victims of it, to let them know where they can go for help and assistance. The task group recognises the challenges involved in making this information accessible to those who are fearful of authority or many not speak English as a first language.

- d) That the council support the work of the Public Protection Bureau in raising awareness of prostitution and potential sexual exploitation. One issue focuses around making hoteliers more aware of the potential for their premises to be used for prostitution and exploitation purposes, and in response the task group recommends that the council use its links to the Cheltenham Hoteliers Associate to raise awareness of this issue, particularly in relevant periods such as the run up to 'race week' .
 - e) That a greater focus should be placed on producing high quality quantitative data on the scale and nuance of sexual exploitation in Cheltenham, and Gloucestershire as a whole. The task group recognises that the Police are already taking steps to address this issue, however as an intelligence-led area of policing, the importance of understanding the true scale of the issues we face so that we can work together with as partners to coordinate appropriate levels of response, cannot be underestimated.
2. Request the Chief Executive to forward the Scrutiny Task Group report to the Police and Crime Commissioner and Police and Crime Panel to make them aware that issues of human trafficking and sexual exploitation remain an area of concern and focus to Cheltenham Borough Council. This should be done once the report has been considered by Cabinet so that their proposed response can also be included.



SCRUTINY TASK GROUP REPORT

SEX TRADE IN CHELTENHAM

JANUARY 2013

1. INTRODUCTION

- 1.1 The issue of the sex trade in Cheltenham, particularly the illegal trade of sexually exploited young or otherwise vulnerable people, was first raised in a motion at Council on 25th June 2012 by Councillor Barbara Driver. Referring to recent exposés in both the national and international press that seem to highlight Cheltenham as a 'hotspot' of activity, the motion called on the Council to take action to address these issues. After a good debate it was decided to request Overview and Scrutiny to investigate the matter further and report back to Council on their findings. Members were invited to join a scrutiny task group to look at this issue, the terms of reference for which are laid out in full at 2.2. The group was tasked with working with partners to determine if trafficking and sexual exploitation of the vulnerable is a problem on the scale suggested by these news reports, and if so recommend actions that the Council could take to assist in the prevention of these crimes, the protection of their victims and the prosecution of their perpetrators.
- 1.2 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 Barbara Driver (Chair)
- Councillor Andrew Chard
- Councillor Paul Massey
- Councillor Anne Regan
- Councillor Diggory Seacome

2.2 Terms of Reference agreed by the Overview and Scrutiny Committee

- Gain an understanding of the work currently being done by partnerships and the police to address this issue and to establish the extent of the issue in Cheltenham
- Examine how CBC contributes to this work and review whether this is the most effective way that CBC can assist in tackling the issue.
- Examine whether there is anything that needs to be done within Licensing regime to combat this issue
- Examine whether there is anything that needs to be done in respect of the night time economy to combat the sex trade
- Establish a council strategy to identify current working and responsibilities and to guide the council in it's future role in working with partners to address this issue

3. METHOD OF APPROACH

3.1 The task group met on 4 occasions to gather evidence on current practices and the potential need for further action on trafficking for sexual exploitation from the following:

- Detective Chief Inspector Richard Cooper – Deputy Head of Public Protection Bureau
- Detective Inspector Sue Bradshaw : Public Protection Bureau
- Ian Godfrey – Children in Care Service Manager (U16) : Gloucestershire County Council
- Lynne Speak – Operations Manager for Youth Support Services (16+) : Gloucestershire County Council
- Amanda Wilsdon : Gloucestershire Domestic Violence Support and Advocacy Project (GDVSAP)
- Chris Brierley - reporter : BBC Radio Gloucestershire

3.2 We were supported in the review by the following officers:

- Andrew North – Chief Executive : Sponsor for the task group
- Rosalind Reeves – Democratic Services Manager : Facilitator for the task group
- Sidgorée Nelson – Gloucester County Council : Additional support to the task group

3.3 The task group reviewed a variety of evidence including:

- Gloucestershire Constabulary's approach to policing trafficking and sexual exploitation in Gloucestershire and their professional opinion on the scale of these problems in Cheltenham and Gloucestershire as a whole.
- The Public Protection Bureau's multi-agency approach to dealing with prostitution, child protection and trafficking and any special measures they put in place during the Cheltenham Festival race week regarding the licensed and unlicensed sex trade.
- Information on the County Council's Children in Care Service for those under 16 including professional opinion on the scale of trafficking and child sexual exploitation issues in Cheltenham and Gloucestershire.
- Information on the County Council's targeted Youth Support Service for those over 16 and the professional view on the scale of the trafficking and child sexual exploitation problems in Cheltenham and Gloucestershire as a whole.
- A presentation on People Trafficking and Child Sexual Exploitation and supporting question and answer session delivered by GDVSAP that provided information on the national context of trafficking and child sexual exploitation as well as local activities around this issue.
- Excerpts from reports on the sex trade and trafficking for sexual exploitation broadcast on BBC Radio Gloucestershire in 2009. They included interviews with a working girl in Gloucestershire, a punter, and importantly, a victim of trafficking.
- The Dispatches programme '*The Hunt for Britain's Sex Traffickers*' originally broadcast in 2010 that first raised the issue of trafficking for sexual exploitation within Cheltenham.

4.4 Members would like to thank all those, including partner agencies that contributed towards the success of the task group by providing evidence on their activities and suggesting constructive ways to continue addressing issues of trafficking and sexual exploitation in Cheltenham. Members would also like to thank the officers who attended meetings and contributed to the review.

4. OUR FINDINGS

4.1 **What do we mean by trafficking and sexual exploitation?**

4.1.1 This is defined “as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” – Protocol to Prevent, Suppress and Punish Trafficking in Persons, United Nations

4.1.2 Sexual exploitation is just one type of trafficking, however the Home Affairs Select Committee believes that 98% of those trafficked into the United Kingdom are trafficked for sexual purposes.

4.2 What did Gloucestershire Police and Public Protection Bureau tell us?

4.2.1 Cheltenham does not have a dedicated team in the form of a vice squad. Strategically, the multi-agency Public Protection Bureau takes the lead on prostitution, child protection and trafficking, but that day-to-day policing of prostitution is conducted by local officers with local knowledge operating locally.

4.2.2 There is no red light district in Cheltenham and most prostitution in the town was said to happen in residential buildings within 1 mile of the town centre. The police response depends on the level of harm each incident is judged to cause, with evidence of drugs, anti-social behaviour, coercion and violence classed as high in harm. Responses are commonly tactics of disruption that vary in strength and pro-activeness depending on the level of harm. Within the last 2 years there had been 11 search warrants executed in relation to suspected brothels.

4.2.3 The starting point for the police is to treat prostitutes as potential victims of exploitation. Only rarely are trafficked or exploited women discovered in Cheltenham, and national and regional comparisons with similar towns appear to show that there is no significant problem to be concerned by. This does not correspond to the media perception of the town, but the police suggested this to be a consequence of the intelligence of prostitution in Cheltenham being good and leading to some highly visible operations.

4.2.4 The police informed the task group that while there is undoubtedly participation by vulnerable young people in the unlicensed sex trade, that this is not a highly visible issue and that evidence suggests it is not a high level of participation.

4.2.5 The police estimated that less than a low percentage of women participating in the trade in Cheltenham are doing so unwillingly due to violent coercion, but that a higher percentage would at one time have been coerced into the trade before reaching Cheltenham.

4.2.6 The police told us that they had seen no evidence of a link between the licensed and unlicensed sex trade.

4.2.7 The Gloucestershire Public Protection Bureau reinforced the message of good intelligence leading to proactive, highly visible policing. They felt that good support for women wanting to move away from the sex trade was also important as typically this could take up to 7 years.

4.2.8 The task group were keen to find out if seasonal events such as ‘race week’ leads to vulnerable young people being targeted for sex. They were informed that the evidence suggests that generally only willing prostitutes move into the area to meet increased demand and that this is not an organised activity. The police would rely on intelligence from other forces to alert them to any organised gangs moving into the town for the event.

4.2.9 The response to ‘race week’ was described as being a mixture of raising awareness, coupled with increased officer presence on the racecourse and checks on licensed premises. .

4.3 Overall what we have learned through the evidence gathering process

4.3.1 The main thrust of evidence heard suggests that to the best of our knowledge, Cheltenham faces no more prevalent a problem of trafficking and sexual exploitation of the vulnerable than any other similar town. This evidence was welcomed by the task group, however it should be noted that all partners working to combat these crimes recognise that our collective knowledge of the scale and extent of these issues in Cheltenham, and indeed the County, is imperfect. An intelligence-led area of policing and of social care intervention, this is due to a variety of factors including victims being reluctant or unable to come forward, and as such there is very much a shared feeling that

the stone remains unturned when it comes to identifying the true extent of these issues.

- 4.3.2** We understand that there is still more to learn as we turn the stone over. But what is already clearly understood by the task group and partners is the sheer horror of these crimes, the devastating effects they can have on victims, and the absolute need to continue to recognise them as organisational priorities and act accordingly. Child sexual exploitation is a particularly heinous example, and one that the task group recognises is receiving the attention it deserves.

4.4 Who does what?

For a full run-down of all the agencies involved in the fight against trafficking and sexual exploitation, and what they are responsible for, please see appendix 2. What we would like to highlight here, is how impressed we have been by the level of work and commitment between partners across the County to address these problems. This is typified by the 2009 creation of the multi-agency Public Protection Bureau in 2009 to lead strategically on issues of prostitution, child protection and trafficking, and demonstrated by new protocols and procedures being put in place to make sure that the early signs of child sexual exploitation are detected.

4.5 Issues with current practices

Helping victims and prosecuting criminals

- 4.5.1** Crimes of trafficking and sexual exploitation are difficult to prosecute. The message from the Police and the Public Protection Bureau is that victims are often understandably too traumatised, distrustful of authority, or scared of their abusers to help build a solid case to present to the Crown Prosecution Service before their limited time in protective custody ends.
- 4.5.2** This message was supported by evidence from GDVSAP, who expressed frustration at the small window of time in which they have to offer emotional support to victims of trafficking or sexual exploitation. The group learned about the National Referral Mechanism and that good practice dictates that adult victims of trafficking need to be moved out of Cheltenham almost immediately after they request help, to keep them safe from their traffickers. They felt it would be good if there was somewhere for the victims of trafficking to stay for a couple of days in Cheltenham.
- 4.5.3** That being the case, all three organisations brought up the idea of some kind of emergency accommodation resource, recognised safe, that would allow the police time to gather the evidence they need for prosecution in a non-threatening environment, and allow the voluntary sector to support victims more effectively. This was an idea the task group was happy to explore further.
- 4.5.4** Officers approached Cheltenham Borough Homes on our behalf. They were supportive of the proposal but felt that there needed to be a clearer assessment of the need before this could be considered in any detail. They suggested that the option of using existing refuges in Gloucestershire should be explored.

Raising awareness of the warning signs of exploitation

- 4.5.5** The importance of raising awareness of sexual exploitation was mentioned by each organisation and individual that gave evidence to the task group. Sexual exploitation along with other sexual offences have a history of being under-reported, and as we heard, this is often because victims cannot or will not report abuse themselves.
- 4.5.6** Whatever the reason: be it lack of English; fear of the Police; fear of their exploiter; fear of the consequences for their family; or even emotional attachment to their exploiter, this makes it all the more important that professionals that might come into contact with victims, and ordinary members of the public be aware of what sexual exploitation is and what the signs of it may be. It is important to note that children and young people often do not even realise that they are being abused.
- 4.5.7** The importance of this kind of awareness-raising is particularly striking when it comes to child sexual exploitation. The task group was pleased to hear about the overwhelmingly positive youth response to educational efforts such as the play 'Chelsea's Choice', designed to raise awareness

of child sexual exploitation amongst young people in years 8 & 9 in Gloucestershire's schools. However, it also heard evidence from both the County Council's Children in Care Services and Youth Support Services about the vulnerability of the young to exploitation.

- 4.5.8** It was stressed that children in care and those otherwise in contact with social services are not safe from exploitation, and that sometimes social workers become concerned by the adults in the lives of young people once they have established relationships with them. Similarly, in talking about the Youth Support Service on offer to children and young people in the County, it was recognised that as a service targeted at the most vulnerable, it often comes into contact with vulnerable children at potential risk of abuse.
- 4.5.9** The social workers and youth workers of these services are then in a good position to spot the signs of exploitation and take action; but only if they are equipped with the tools to do so. Responding to this need, the task group was pleased to hear that all social workers and youth workers are being trained to spot exploitation through use of a new multi-agency screening tool as part of the GSCB's new responsibility to provide training on safeguarding and welfare.
- 4.5.10** It agrees with these professionals that more needs to be done to raise awareness of sexual exploitation and its warning signs amongst those who work with children and young people in non-social care and youth work settings, and ordinary members of the public. The task group is happy to assist with this as it can.

4.6 The extent of the problem

- 4.6.1** This review was kick-started by reports in the press that painted a picture of Cheltenham as a 'hotspot' for trafficking and sexual exploitation. The task group is pleased to note that what evidence we have available seems not to support this suggestion.
- 4.6.2** In their session before the group, both the Police and Public Protection Bureau challenged this view, stating that rarely are trafficked or exploited people discovered in Cheltenham. They estimate that a low percentage of participants in the sex trade in Cheltenham are unwillingly, and in comparing Cheltenham with similar national and regional towns, it was suggested that the media perception of Cheltenham was perhaps a consequence of the Constabulary having launched several highly visible operations in the last few years.
- 4.6.3** We support the Police's decision to be open and public when taking actions such as Operation Pentameter, Pentameter 2 and ad hoc raids to address exploitation, as they demonstrate to the public and potential criminals that where exploitation is suspected it will be acted upon. However we recognise that such public action can increase the public perception of the town as a 'hotspot' of exploitation and it is important to balance raising awareness with unnecessarily damaging the reputation of the town.

4.7 Gaps in our knowledge and the drive to improve

- 4.7.1** Despite this evidence, over the course of this review, the difficulty in establishing a truly robust understanding of the extent of trafficking and sexual exploitation in Cheltenham has been made clear. However, given what we do know locally; international research which seems to suggest that trafficking is the second largest illegal trade in the world and the fastest growing international crime; and the apparent national increase in child exploitation, it is important those organisations (including CBC) with a statutory duty of care towards the vulnerable remain vigilant and continue to enhance our toolkits and be aware of good practice on these issues.
- 4.7.2** We know that as there will always be users of exploitative sexual services willing to overlook the damage their desires are doing to victims; there will always be perpetrators of trafficking and sexual exploitation willing to prey on the vulnerable in order to satisfy that demand. Considering the vast sums of money that can be earned from a single victim, estimated at between £26-52,000 per annum by the Home Affairs Select Committee, this is unsurprising.
- 4.7.3** As we know the market exists and is not going away, and as we know that there is crime going on that we do not know about, the task group believes that the only way to prevent, protect and prosecute is by increasing our efforts at actively searching out these crimes. Several pieces of work are now ongoing to increase our intelligence, for example the scoping analysis of child

sexual exploitation in Gloucestershire currently being undertaken by the Police on behalf of the Gloucestershire Safeguarding Children's Board (GSCB). More still needs to be done.

5. OUTCOMES REGARDING TERMS OF REFERENCE SET FOR THE REVIEW

- 5.1** When the O&S committee receives our report, we understand that part of their role is to review whether the task group has achieved the original objectives set by that committee. Therefore we feel it is important to set out what we have achieved regarding each of those objectives.
- 5.2** **Gain an understanding of the work currently being done by partnerships and the police to address this issue and to establish the extent of the issue in Cheltenham**
- 5.3** This was the initial focus of the review as the task group wished to establish at an early stage whether there was a real problem in Cheltenham with sexual exploitation or whether it was simply a matter of perception. Either way it was important for the task group to review the evidence and form an opinion. If there was a problem, then the task group could then go on to consider how it could be tackled and if it was purely a problem of perception then through documenting their findings the task group hoped to give reassurance to the public that Cheltenham was a safe place to live or visit. Broadly speaking the task group established that it was not a significant issue in the town but there was no room for complacency.
- 5.4** **Examine how CBC contributes to this work and review whether this is the most effective way that CBC can assist in tackling the issue.**
- 5.5** At the start of this review, officers from Public Protection were keen to stress to the task group, the limited powers that they had to act on this issue as it was very much police and county led.
- 5.6** The most effective way that CBC can contribute to tackling this issue is by working in partnership with other agencies. The task group noted the council worked in partnership on safeguarding issues and can play a key role in promotion and raising awareness. This will include working with voluntary agencies such as CCP who care for homeless young people.
- 5.7** **Examine whether there is anything that needs to be done within Licensing regime to combat this issue**
- 5.8** CBC as a licensing authority have the power to grant licences for sex establishments such as sex shops, sex cinemas and sexual entertainment venues (such as lap dancing, strip tease and pole dancing clubs). In 2010, the Council adopted special legislation to specifically regulate sexual entertainment venues that, in the past, have been able to rely on temporary licences to host sexual entertainment. As a result of the adoption of the new legislation, premises could no longer rely on temporary licences. Furthermore, whereas before sexual entertainment could be held for up to four days using a temporary licence, the new legislation narrowed that period down to one 24 hour period per month. Any premises wishing to offer sexual entertainment for a period exceeding the 24 which were not licensed. This would be a matter for the police.
- 5.9** The focus for CBC licensing officers is in visiting premises where sexual entertainment is held to ensure it is conducted in an appropriate manner or, where the premises is licensed, to ensuring conditions of the licences are being met. In this they work in partnership with the police and are particularly visible during race week and establishments have been closed down if they break the terms of their license. In this role, the council follows statutory and local procedures. The police also told the working group that they had seen no evidence of a link between the licensed and unlicensed sex trade. Sue Bradshaw from the Gloucestershire Public Protection Bureau commented that there was a good working relationship with the council in carrying out stringent checks on any licensing applications regarding the sex establishments.
- 5.10** CBC have no powers to visit brothels or unlicensed establishments where there might be concerns regarding sexual exploitation as the council had no right of entry to domestic premises which were not licensed. This would be a matter for the police.

- 5.11** On that basis the task group did not feel there was anything more that could be done within the Licensing regime. However they would request that licensing officers along with other relevant officers should be on the look out for signs of unlicensed activity and report any suspicions to the police.
- 5.12 Examine whether there is anything that needs to be done in respect of the night time economy to combat the sex trade**
- 5.13** The task group recognized that the sex trade is part of the night-time economy and it may be fuelled by drugs and alcohol. However the scope of this review was not to deal with prostitution per se but sexual exploitation. Whilst acknowledging that alcohol and drugs supplied as part of the night-time economy may be a contributory factor to people seeking prostitutes, we saw no evidence that the night-time economy has any close links with sexual exploitation in private establishments.
- 5.14** For this reason the task group did not identify any specific actions in respect of the night-time economy although it may provide potential outlets for promoting awareness and information.
- 5.15 Establish a council strategy to identify current working and responsibilities and to guide the council in it's future role in working with partners to address this issue**
- 5.16** As mentioned previously, combating sexual exploitation is not a primary role for the council and therefore the task group does not think it necessary to establish a council strategy. However working in partnership to address the issue is very important and we would expect the council to be clear of its role and responsibilities and contribute to the overall action plan of all the partnerships it is involved in.
- 5.17** In summary we feel that all the objectives set have been addressed during the course of the review.

6. CONSULTATION AND FEEDBACK

- 6.1** In undertaking its assessment of current practices and drawing up recommendations for future actions, the task group consulted widely with partners and other organisations working in the areas of trafficking and sexual exploitation. (Consultees are listed in full in **3.1**).
- 6.2** We involved the Cabinet Member Housing and Safety and he attended one of our meetings. We are pleased to see that he recognises the importance of this issue and has already worked with officers and the Gloucestershire Safeguarding Forum to set up a safeguarding seminar for members on 4 February 2013. This supports our second recommendation and we would encourage all members to attend.
- 6.3** Its findings and recommendations will be presented to the next convenient meeting of the Overview and Scrutiny Committee and then go on to Council for further consideration.
- 6.4** Members have already verbally fed back to all those who contributed towards the success of the task group, however all will be sent a copy of the report and invited to the meeting of the Overview and Scrutiny Committee at which this report will be considered.

7. RECOMMENDATIONS

- 7.1** Taking all these findings into consideration, the task group would like to make some recommendations to Council. We recommend:
- i. That the council should work with the Police, Public Protection Bureau and voluntary organisations to identify emergency facilities where vulnerable people can be housed safely for a short period. This will allow for victims to receive appropriate emotional support from trained professionals whilst also allowing the Police a sufficient period of time to interview them and build a case for prosecution.

- ii. That all Councillors should attend awareness sessions on safeguarding issues, particularly to learn about the warning signs that children, young people and vulnerable adults often exhibit if they are being abused or exploited. As community representatives with local knowledge and local intelligence, Councillors are in a good position to contribute towards this agenda.
- iii. That the council assist the Police and Public Protection Bureau in producing, promoting and distributing information to those who may be at risk of sexual exploitation or already be victims of it, to let them know where they can go for help and assistance. The task group recognises the challenges involved in making this information accessible to those who are fearful of authority or many not speak English as a first language.
- iv. That the council support the work of the Public Protection Bureau in raising awareness of prostitution and potential sexual exploitation. One issue focuses around making hoteliers more aware of the potential for their premises to be used for prostitution and exploitation purposes, and in response the task group recommends that the council use its links to the Cheltenham Hoteliers Associate to raise awareness of this issue, particularly in relevant periods such as the run up to 'race week' .
- v. That a greater focus should be placed on producing high quality quantitative data on the scale and nuance of sexual exploitation in Cheltenham, and Gloucestershire as a whole. The task group recognises that the Police are already taking steps to address this issue, however as an intelligence-led area of policing, the importance of understanding the true scale of the issues we face so that we can work together with as partners to coordinate appropriate levels of response, cannot be underestimated.
- vi. That Gloucestershire's new Police and Crime Commissioner and new Police and Crime Panel are sent a copy of this review and its recommendation to make them aware that issues of human trafficking and sexual exploitation remain an area of concern and focus to Cheltenham Borough Council.

8. TAKING FORWARD THE RECOMMENDATIONS FROM SCRUTINY

- 8.1** In taking forward these recommendations, it is important to recognise that issues relating to human trafficking and sexual exploitation cannot be addressed by Cheltenham Borough Council alone. These are multi-agency issues that require partners to work together to achieve the best outcomes for the people of Cheltenham. As such, the Borough Council will be looking to partners to take forward these recommendations where appropriate.
- 8.2** 7.1 i: the possibility of using vacant Cheltenham Borough Homes properties for this purpose has already been investigated. The initial response has been positive, and we learned that there are already properties for victims of domestic violence that could be made more widely available for this purpose. However more work needs to be done around establishing the true numerical need for such a resource, and also to investigate potential funding sources. The task group believes that in order for the council to progress this request further, the Police and Public Protection Bureau need to provide this information but we feel the council can take a lead on facilitating these discussions..
- 8.3** 7.1 ii: the new multi-agency 'working together protocol' developed for use in Gloucestershire to help all social and youth workers learn the signs of abuse and exploitation could be a possible source of training material for any awareness raising training for our councillors. However, the task group recognises that officers are in the best position to determine how such training is delivered.
- 8.4** 7.1 iii: the importance of preventative and protective actions to combat trafficking and sexual exploitation is seen in both the national and local contexts. As such, the task group would like to see swift action on this recommendation.

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- 8.5** 7.1 iv: the task group recognises that officers are in the best position to determine how a communication such as this on behalf of the Council be worded. The group does note however, that the Cheltenham Festival is coming up fast.
- 8.6** 7.1 vi: this is straightforward and should be actioned without delay following Council.
- 8.7** The task group expects to report its findings and recommendations to the next appropriate meeting of the Overview and Scrutiny Committee before taking the report to Council for debate. Assuming that our recommendations are accepted by Cabinet, the task group asks to be kept informed of any developments, and also believes that a review of the implementation of the recommendations should be conducted six months after being accepted by Cabinet.

Report author	Contact officer: Rosalind Reeves, Democratic Services Manager Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937 Sidgorée Nelson: Democratic Services, Gloucestershire County Council
Appendices	1. Terms of Reference agreed by O&S committee 2. Organisational roles of responsibilities regarding sex trafficking and safeguarding children and vulnerable adults
Background information	Minutes of the Council meeting on 25 June 2012

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SCRUTINY REVIEW – ONE PAGE STRATEGY

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Sex Trade in Cheltenham
Specific topic area	Sex trade and exploitation of young women and vulnerable people arising from people smuggling and the sex trade in Cheltenham.
Ambitions for the review	<ul style="list-style-type: none"> • Gain an understanding of the work currently being done by partnerships and the police to address this issue and to establish the extent of the issue in Cheltenham • Examine how CBC contributes to this work and review whether this is the most effective way that CBC can assist in tackling the issue. • Examine whether there is anything that needs to be done within Licensing regime to combat this issue • Examine whether there is anything that needs to be done in respect of the night time economy to combat the sex trade • Establish a council strategy to identify current working and responsibilities and to guide the council in it's future role in working with partners to address this issue (not extensive could be a 2 page summary)
Outcomes	A safer environment in Cheltenham
How long should the review take?	Report to Council in December
Recommendations to reported to:	Council via O&S committee
Membership:	Councillors Chard, Driver, Seacome, Regan and Massey
Sponsoring officer	Andrew North
Facilitator	Rosalind Reeves

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Roles and Responsibilities regarding sex trafficking and safeguarding children and vulnerable adults

Introduction

An early meeting of the task group suggested it would be good for them to have a better understanding of the roles and responsibilities of the various agencies involved in the sex trafficking and protection issues. This summary was produced from some initial research over the web and circulated to relevant officers for comment before being presented to members.

LA - children's social care

LA children's social care has a general duty to safeguard and promote the welfare of all children in need in their area, regardless of their immigration status. They have responsibilities for unaccompanied children, as well as those who arrive in the UK with their parents and for whom there are concerns regarding their safety and welfare.

Local authority children missing education teams

In England, local authorities have a statutory duty to identify children missing from education. The named contact or team responsible for identifying children missing from education should be competent and confident to respond to children who may have been trafficked.

Education services

Children trafficked into the country may be registered at a school for a term or longer, before being moved to another part of the UK or abroad. This pattern of registration and de-registration may be an indicator that a child has been trafficked.

Health services – Gloucestershire Primary Trust

Trafficked children may be seen at the full range of health settings. Professionals should be alert to potential signs of abuse and trafficking including inconsistencies in addresses, any deliberate vagueness with children or carers being unable to give details of next of kin, names, telephone numbers or other personal details.

Youth offending teams

Staff working in Youth Offending Teams may encounter trafficked children who have been charged with criminal offences. A child's reluctance to disclose the real circumstances in which he or she arrived in the country will have implications for a number of youth criminal justice processes. Parenting and carer assessments may be difficult as adults presenting as carers may be implicated in the trafficking process and would not be acting in the best interests of the child.

Police

Under section 46 of the Children Act 1989, when the police are concerned that unless they take action the child is likely to suffer significant harm, they may use their powers to either remove a child to a safe place or prevent the child's removal from a safe place, for example a hospital. There are a number of specialist teams, which are separate from the child abuse investigation teams, in police services across the UK that have expertise in

dealing with trafficking cases. There are also joint intelligence teams in key locations across the country comprising immigration, police and other agencies which help to identify child protection concerns. Police services should take all necessary steps to ensure that children at risk of being trafficked do not fall through the gap between operational teams.

Crown Prosecution Service

The CPS policy guidance *Safeguarding Children: Guidance on children as victims and witnesses* provides detailed practical and legal guidance to prosecutors dealing with cases that involve children and young people as victims and witnesses.

UK Borders Agency (UKBA)

UKBA is an executive agency of the Home Office which has assumed responsibility for managing immigration control in the UK. It may be the first official agency to have contact with child victims of trafficking. Its interventions may be triggered by the particular circumstances of the case or by international intelligence about trafficking. UKBA is likely to be a source of referrals to child welfare agencies.

The immigration officer's role, alongside considering the eligibility of the child for entry into the UK, is to be alert to the need to keep children safe from harm. They should ensure that immigration processes and decisions made in respect of children take into account their individual situation, views and welfare.

UK Human Trafficking Centre (UKHTC)

The UKHTC was established in October 2006, following a proposal from ACPO. It comprises staff from various disciplines bringing a multi-agency approach to the Centre's response to trafficking both into and within the UK.

It aims to improve and co-ordinate the law enforcement response to human trafficking, working closely with its partners in delivering a diverse set of programmes. A number of these will be targeted campaigns on preventing and reducing human trafficking and improving knowledge and understanding of the problem through best practice and training. A key element in the UKHTC's approach to preventing and reducing human trafficking is to ensure that victims are adequately safeguarded and protected from harm.

Specific to Gloucestershire

Gloucestershire Public Protection Bureau

The Gloucestershire Public Protection Bureau (GPPB) was formed on 20th April 2009 to make Gloucestershire a safer place by working in partnership to reduce harm to both individuals and communities. The launch of the Bureau was a significant step towards enhancing partnership working and the essential sharing of information. There are specific portfolio dealing with child protection and Prostitution and Human Trafficking

They work in partnership with the following agencies and their success depends on multi agency cop-operation.

- Gloucestershire Probation Service
- Gloucestershire Safeguarding Team
- Gloucestershire Primary Trust
- CPS
- HM Prison Service
- Strategic Coordinator for Domestic Abuse and Sexual Violence
- The Independent Domestic Violence Advisory Service (IDVA)
- Gloucestershire Domestic Abuse Support Service (GDASS)

Role of Cheltenham Borough Council

Cheltenham Borough Council recognises that it has a duty of care towards all children and vulnerable adults who are involved in the services it provides, and that it has a responsibility to safeguard the well-being of such children and adults.

The council has a [safeguarding children and vulnerable adults policy](#).

In terms of vulnerable adults, the council works within the [Gloucestershire Multi Agency Safeguarding Adult Policy and Procedures](#).

Links with the licensed sex industry and other venues

The Council has a statutory duty to control the “sex industry” in its district in the interest of public safety, maintaining law and order and to, in so far as it is possible, ensure that issues highlighted in this review do not occur.

As a district council, CBC has no statutory duties or powers in relation to trafficking however it can contribute to dealing with issues relating to the sex industry in partnership with other agencies.

CBC, as Licensing Authority, does have the powers to regulate and control sex shops, sex cinemas and sexual entertainment venues.

It does so by way of policies (for example, the Council considers it inappropriate to licence a sexual entertainment venue in the vicinity of residential areas, schools or near shops used by or directed to families or children) and through strict conditions (for example a normal sex establishment licence is subject to 36 standard conditions).

For other premises not specifically licensed as sex establishments, the Council already consults with, inter alia, the Gloucestershire Children Safeguarding Board on all new and variation applications thereby giving them opportunity to make representations where they consider it necessary in the interest of promoting the licensing objectives (i.e. the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm).

Gloucestershire Domestic Violence Support and Advocacy Project (GDVSAP)

Amanda Wilson heads up a countywide project to raise awareness of trafficking and grooming and attends a quarterly national forum. She works closely with the Police and the Public Protection Bureau. She recently ran a film event in October and gave a

presentation to the Cheltenham Safeguarding forum. She would be happy to come and talk to the scrutiny task group.

Gloucestershire Action for Refugees and Asylum Seekers (GARAS)

Gloucestershire Safeguarding Children Board (GSCB)

GSCB is a key statutory mechanism for agreeing how the partner agencies co-operate to safeguard and promote the welfare of children and young people in Gloucestershire, and for ensuring the effectiveness of what they do. Their website [Gloucestershire Safeguarding Children Board](#) (GSCB). provides a valuable resource of information, advice and guidance on all child protection and safeguarding matters.

Cheltenham Safeguarding Forum

CBC and CCP set up the forum in partnership in 2011 and as a result of its popularity it meets bi monthly. The purpose of the forum is for front line workers from different sectors to come together to discuss all aspects of safeguarding. The forum invites speakers to update the forum on current issues and help resolve issues identified by the forum. The forum also gives workers the opportunity to share best practice and communicate concerns to relevant groups.

October 2012

Cheltenham Borough Council

Council - 22 February 2013

Draft Policy on Measures to Control Street Scene Activities in Cheltenham

Accountable member	Cabinet Member Housing and Safety - Councillor Peter Jeffries
Accountable officer	Director of Wellbeing & Culture – Sonia Phillips
Ward(s) affected	All
Key Decision	No
Executive summary	<p>On the 17th of April 2012 Cabinet approved a draft policy on measures to control street scene activities in Cheltenham for the purpose of consultation.</p> <p>A consultation process was undertaken and on the 15th of January 2013, Cabinet considered a report outlining the consultation feedback and subsequent policy amendments and approved the adoption of the draft policy by Council.</p>
Recommendations	<p>Council is recommended to:</p> <ol style="list-style-type: none"> 1. Note the consultee comments submitted, 2. Adopt the amended draft policy to take effect on the 1st of April 2013.
Financial implications	<p>The additional income that will be generated from the policy will ensure that the Council will be able to recover its administrative and, where permitted, enforcement costs to ensure the service remains cost neutral.</p> <p>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 26 4125</p>
Legal implications	<p>The Council is responsible for the regulation of a number of activities within the borough of Cheltenham. Although there is no statutory requirement to have a policy in place to facilitate the discharge of these functions a policy will assist the Council in fairly and properly exercising its power in relation to determining applications. It will also assist applicants and holders of consents and/or permissions in understanding the procedures adopted by the Council.</p> <p>Contact officer: Sarah Farooqi, sarah.farooqi@tewkesbury.gov.uk, 01684 272693</p>

<p>HR implications (including learning and organisational development)</p>	<p>No direct HR implications arising from this report.</p> <p>Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 26 4355</p>
<p>Key risks</p>	<p>As outlined in Appendix 1</p>
<p>Corporate and community plan Implications</p>	<p>Cheltenham is able to recover quickly and strongly from the recession.</p> <p>Attract more visitors and investors to Cheltenham.</p> <p>Cheltenham's natural and built environment is enhanced and protected.</p>

1 Background

- 1.1 On the 17th of April 2012 Cabinet approved a draft policy on measures to control street scene activities in Cheltenham for the purpose of consultation. The draft policy contained new and updated proposals relating to the control of street trading, charitable collections and objects placed on the public highway within the borough.
- 1.2 A copy of the draft policy is attached at **Appendix 2**.

The Current Policy

- 1.3 The Council's current policy on the licensing of street activities and objects on the highway was approved by Council on the 27th January 1997 and was further reviewed in 1998/99 and amended by Council on the 1st March 1999.

The Need for Revision

- 1.4 The need to revise the Council's current adopted policy has been driven by a number of factors;
- The current policy is limited in scope to the town centre without clearly delimiting the town centre. There is therefore a need to extend the scope of the policy to cover the entire borough and secondly to clearly define the town centre.
 - Despite the fact that the current policy has been in place since 1999 it has been unable to effectively deal with the proliferation of unlicensed 'A' boards in the borough.
 - The Council's priorities, plans and strategies for the borough have changed since 1999.
 - There have been changes in law and guidance that need to be reflected in the Council's policies.
 - The need to have clear and transparent policies governing all street activities and objects on the highway. There has been criticism that the Council's current policies are not sufficiently clear in terms of objectives and principles to be applied when determining applications. This has in the past adversely affected the Council's reputation.
 - To enable the Council to provide effective control measures to manage all street activities and objects on the highway and to ensure that they meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Council's efforts to improve the image, perception and attractiveness of the Town.
 - To implement recommendations made by Cheltenham & Cotswold Audit Partnership. (para 4.4)

2 Consultation

- 2.1 A 12 week consultation on the draft policy was undertaken between the 18th of May 2012 and the 3rd of August 2012. In addition to writing to all of the stakeholders below, the consultation document was available on the Council's website, through notices displayed in the reception area of the Municipal Offices and the consultation was published via the licensing section's twitter account.
- 2.2 Consultation was undertaken with the following people, bodies and stakeholders:
- Gloucestershire Constabulary
 - Gloucestershire Highways
 - Gloucestershire Fire & Rescue Service
 - Cheltenham Business Partnership
 - Charity Commission
 - Cheltenham Crime and Disorder Partnership
 - Environmental Health Department

- Planning Department
- Members of the Council
- Community Protection Manager
- Integrated Transport & Sustainability
- Cheltenham Borough Council Directors
- Parish Councils & Neighbourhood Groups
- Cheltenham Chamber of Commerce
- Existing Consent Holders
- The public, via the Council's website

3 Consultation Feedback

3.1 Responses were received from the following persons and organisations;

- Chair of Charlton Kings Parish Council - Environment Committee
- Mark Nelson, Cheltenham Borough Council Planning Enforcement Manager
- Neals Yard Remedies, Cheltenham
- Mr Copner, director of Soho Coffee, Cheltenham
- Mr Goode, Vinyl Vault, Cheltenham
- Mr Will Capstick & Mr Bambos Shaona (Licensed street traders)
- Clerk of Prestbury Parish Council
- Cheltenham Borough Council's Licensing Committee
- Licensing Officers

Street Trading and Charitable Collections

3.2 In all there was general support for the draft policy proposals relating to street trading and charitable collections with only 2 of the 8 respondents making specific comments relating to the aforementioned parts.

3.3 Charlton Kings Parish Council expressed concern that the proposed £5 million public liability insurance is too high particularly for smaller charities. The £5 million limit is a standard Council requirement and the level the Council considers appropriate. As a result the requirement to have £5 million public liability insurance cover has been a requirement for several years and is therefore not a new requirement. For these reasons, it is not considered that the draft policy be changed at this stage.

3.4 The Parish Council further commented that the stipulated documents required by charities seemed excessive and much of the documents listed are publicly available on the internet. It finally mentioned that smaller charities are not required to have their accounts externally audited.

3.5 Officers consider the stipulated documents to be the minimum documents required to ensure that the charitable collection is conducted in a fair and open manner. For the benefit of Members, a breakdown of the documents and an explanation of why they are considered necessary are provided below;

(a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;	This is to ensure that the charity applying for a collection is a properly constituted charity that is entitled to a collection permit.
(b) details of street collection permits approved or refused (other than within the borough's area);	This involves merely answering a question on the application form. Normally, supporting documents will not be sought to verify this as officers will contact other authorities who may

	have refused permits.
(c) a copy of the organisation's most recently audited accounts;	This is to ensure that the charity complies with the statutory requirements to apportion a certain section of their income for the purposes relating to the application to collect money. The policy does not stipulate that these must be externally audited.
(d) if the application is made on behalf of a charity a letter of authorisation; any other relevant information requested by the Council;	This is to ensure that fraudulent applications are not made.
(e) for transitory collections, details of the proposed routes must be provided with the application; and	This is for the benefit of both the applicant and officers to ensure that all ancillary arrangements associated with the transitory collection has been undertaken, for example, road closures, conflict with existing consents etc.
(f) statement of due diligence.	The legislation does not currently prescribe what percentage of income from charitable collections must be apportioned to the cause stated on the application form. Official guidance from the Institute of Fundraising does not recommend that Councils set percentages. Instead a statement of due diligence, which sets out the charity's commitment to spend income on good causes, is recommended as a better way to ensure sufficient portions of funds are put towards good causes.

- 3.6** The Parish Council has requested a rewording of paragraph 3.7 in part 2 to include certain charities. The intention of the paragraph is to be broad enough to include collections "in conjunction with animal charities" so officers do not consider it necessary to reword the paragraph to include specific charities as it is sufficiently broad to include the recommendations made by the Parish Council.
- 3.7** Mr Capstick and Shaona suggested that the restrictions on mobile ice-cream sellers on trading in parks and near schools should be lifted.
- 3.8** There are issues with lifting trading restrictions in parks and nearer school entrances.
- 3.9** Currently, mobile ice-cream sellers are not permitted to trade within 75 meters of the gates of all schools on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms. This is necessary to ensure that safety of children during the times specified since these are also peak traffic times around schools. It is therefore not proposed that the above restriction be lifted.
- 3.10** In reference to lifting restrictions in relation to public parks;
- A number of sole trading rights exist with Fosters in relation to Imperial Gardens and Pittville Park.

- There are traders in existence with Council permission already trading in most parks from cafes and stalls,
- The Council has received some complaints from residents over noise emanating from chimes playing for extended periods,
- There is some concern over pedestrian safety where, for example, the mobile ice-cream seller is parked across the road from the park, and
- The vast majority of roads surrounding parks, particularly in the town centre, have some form of parking restrictions applicable which will mean that mobile ice-cream sellers will be unable to park legitimately anywhere near public parks.

3.11 Officers have included an additional requirement for traders who trade from vehicles to also provide the vehicle's insurance document and the latest valid MOT certificate.

3.12 For the reasons above, it is not recommended that the restrictions in relation to trading in public parks be lifted.

3.13 Part 2C has been updated to reflect the Council's agreement with the Public Fundraising Regulatory Association to regulate direct debit collections.

3.14 Since the conclusion of the consultation, the Department for Business, Innovation and Skills have issued new guidance on compliance with the EU Services Directive. Charitable collections fall within the scope of the directive and to ensure the policy complies with the directive, it was necessary to remove the following sections from the draft policy;

- Under paragraph 3.1 – "Priority will be given to applications falling within the following categories and in the order of priority:
 1. Charities who have not received permits in the previous year.
 2. Local Charities as opposed to National Charities."
- Under paragraph 3.3 – "Preference will be given to charities/organisations that have not received permits in the previous year."

Objects on the Highway

3.15 Although there were no substantial issues raised with regards to street trading and charitable collections, the proposals relating to objects on the highway and in particular 'A' boards prompted more response.

3.16 Charlton Kings Parish Council expressed concern that part 3, paragraph 3.3(d) of the policy, that reads "The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises" would disadvantage premises not situated on main thoroughfares.

3.17 Officers consider the retention of this condition to be necessary to ensure the Council is able to effectively manage and control 'A' boards in terms of their location and avoiding obstruction of the highway. Business are able to apply for directional 'A' boards if they feel their premises is located in such a location that it would not be of any use to place one directly outside their premises. Furthermore, the Council will encourage businesses to share the use of the 'A' board therefore it may be beneficial for a number of disadvantaged premises to submit a joint application for a directional 'A' board. These will be determined on a case to case basis.

- 3.18** Mr Chris Copner, director of Soho Coffee, made a number comments relating to the fees associated with the licensing of 'A' boards. Fees are subject to a separate consultation and not relevant to the scope of this report. Notwithstanding this, it may be helpful for Members to know that, should the new policy be adopted, fees are likely to be reduced because less administration and enforcement resources will be required.
- 3.19** Mr Phillip Goode from Vinyl Vaults also expressed concern over the fact that the new proposed plans would not benefit his business due to the fact that it is located in a basement.
- 3.20** In reference to Mr Goode's comments, the draft policy does make provision for his situation under part 3, paragraph 3.3(d) of the policy, that reads "The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or *in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.*" [Italics Added]
- 3.21** Finally, comments were received from Mark Nelson, Enforcement manager for Built Environment. There was some concern over planning implications relating to the proposed new rules for 'A' boards. Following discussions with colleagues in Planning over the concerns, it was agreed that an Outdoor Advertising Protocol be introduced in respect of 'A' boards in conservation areas. As a result, an additional sentence has been inserted under part 3, paragraph 3.3 stating "The Conditions of Consent are subject to the Revised Outdoor Advertising Protocol attached at Appendix I of this policy."
- 3.22** The protocol retains the needs test for 'A' boards in designated conservation areas whereas the new proposed policy will apply to all other areas.

Rationale

- 3.23** The Council's corporate strategy sets out a priority to ensure Cheltenham's natural and built environment is enhanced and protected. The Revised Outdoor Advertising Protocol seeks to strike a balance between promoting the Council's corporate priorities where it is deemed necessary, in this case conservation areas, whilst on the other hand lifting unnecessary regulation and burdens elsewhere.
- 3.24** Whilst the effect of introducing the advertising protocol is that there will be fewer 'A' boards that will be licensed than initially anticipated, the factors that drove the need for review will still be achieved (para. 1.4).
- 3.25** Clearer rules under which 'A' boards would be licensed means that most applications can be determined by officers instead of referring all new applications to the Licensing Committee which has cost and resource implications.
- 3.26** There are currently only 7 licensed 'A' boards in the borough which means a significant amount of enforcement resources are required to deal with those not licensed. Despite the fact that the advertising protocol would reduce the number of legitimate 'A' boards that could be licensed, there is still a fair proportion of premises inside the conservation area and outside that would qualify for consent under the proposed new policy. An increased number of licensed 'A' boards would result in less enforcement resources required but also the additional income generated can support the enforcement of the illegitimate 'A' boards under common law principles (Manchester City Council [R] v King [QBD] 1991).
- 3.27** It is very difficult to quantify the anticipated increased number of additional 'A' boards that would be licensed under the new proposed policy for a number of reasons associated with transitional arrangements from old to new policies. Nonetheless, officers anticipate that an additional 40-50 'A' boards would be licensed in the first year if the draft policy is adopted.
- 3.28** The culmination of all of the above factors will result in clearer, more streamlined and cost

effective service delivery in terms of the licensing of 'A' boards which has not been the case since at least 1999 when the current policy was adopted.

4 Outcomes

Street Trading

- 4.1 The current policy on permitted street trading has been changed to reflect the Council's priorities. The new draft policy will permit street trading where it enhances the town's reputation as a tourist and leisure destination. It is envisaged that through applying the new proposed policy, that street trading will make a positive contribution towards the vibrancy and attractiveness of the town as an already well established tourist and leisure destination.

Objects on the Highway

- 4.2 Although there has been some discussion already in terms of the rationale behind the proposed new policy on 'A' boards, the remit of objects on the highway is wider to also include, amongst others, tables and chairs.
- 4.3 Whilst the draft 'A' board policy seeks to retain the town's architectural attractiveness and street amenity, the policy also continues to encourage the use of tables and chairs outside premises as it recognises that Cheltenham has a well established café culture which also contributes towards the vibrancy and attractiveness of the town as a place to visit and live.

5 Equalities Impact Assessment

- 5.1 An equalities impact assessment has been carried out in to ensure that the proposals set out in the draft policy does not adversely affect different groups in the community.
- 5.2 Although objects placed in the highway may have an impact on people using wheelchairs or people with a disability affecting their sight, officers believe that reasonable precautions have been put in place to ensure this group of people will not adversely be affected. For example, the proposed policy for 'A' boards sets out clear rules regarding access provisions, minimum pavement width, size and construction of objects to ensure that persons in wheelchairs, pushchairs or partially sighted will have ample room to use the highway without being obstructed.
- 5.3 No other aspects of this policy has been identified that would adversely affect equality practice.

6. Monitoring and Review

- 6.1 On the 15th of January 2013 Cabinet approved and recommended the adoption of the draft policy by Council.

Report author	Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk 01242 775004
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Draft Policy on Measures to Control Street Scene Activities 3. Consultation Feedback

Background information	<ol style="list-style-type: none">1. Documents and minutes of Cabinet Meeting 17th of April 20122. Current Town Centre Policy3. Internal Audit Report (Final) Licensing 2011-2012 (Final Issue Date: 27/09/2011)4. Officer report and minutes of Cabinet, 15th of January 2013
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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
	Failure to review the Council's current policy could adversely affect the Council's reputation for the reasons mentioned in the report.	Licensing & Business Support Team Leader	17.4.12	2	4	8	Accept	Adoption of revised policy.		Licensing & Business Support Team Leader	
	Failure to review the Council's current policy could result in the Council being unable to effectively control the activities that fall within the scope of this review.	Licensing & Business Support Team Leader	17.4.12	2	4	8	Accept	Adoption of revised policy.		Licensing & Business Support Team Leader	
	Failure to review the Council's current policy will result in the Council being unable to fully recover its cost of administering and enforcing some of the activities that fall within the scope of the policy.	Licensing & Business Support Team Leader	17.4.12	3	5	15	Accept	Adoption of revised policy.		Licensing & Business Support Team Leader	
	Failure to review the Council's current policy will result in the licensing section being unable to comply with its internal audit recommendations.	Licensing & Business Support Team Leader	15.1.13	2	5	10	Accept	Adoption of revised policy.		Licensing & Business Support Team Leader	
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											



CHELTENHAM
BOROUGH COUNCIL

**Policy on Measures to Control Street Scene Activities
in Cheltenham**

Street Trading, Objects on the Highway and Charitable Collections

All enquiries should be directed to:-
Director - Wellbeing and Culture
Municipal Offices
Promenade
CHELTENHAM
GL50 9SA
Tel: 01242 262626
E-mail: licensing@cheltenham.gov.uk
Website: www.cheltenham.gov.uk/licensing

This Policy was approved by Full Council on xx taking effect on xx

Policy on Measures to Control Street Scene Activities in Cheltenham

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Appendix 2

Introduction

General Information

The aim of this consultation is to detail new procedures and policies that will apply to street trading activities, charitable collections and consent to place objects on the highway across the whole of the borough of Cheltenham and is being circulated for comment.

The reasons for the policy are:

- To have a clear & transparent policy governing all these activities.
- To enable the Council to manage all objects on highway, street trading and charitable collections activities in order to provide effective control measures.
- To ensure that they meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Council's efforts to improve the image, perception and attractiveness of the Town.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

Scope

This policy includes measures to control street trading, charitable collections and permission to place objects on the highway.

Consultation

The consultation will close on xx xxxx xxxx. Council procedure is to allow 12 weeks for a full consultation to take place.

In determining this policy, the Council will consult the following people, bodies and stakeholders:

- Gloucestershire Constabulary
- Gloucestershire Highways
- Gloucestershire Fire & Rescue Service
- Cheltenham Business Partnership
- Charity Commission
- Strategic Leadership Group
- Environmental Health Department
- Planning Department
- Members of the Council
- Community Protection Manager
- Integrated Transport & Sustainability
- Cheltenham Borough Council Directors
- Parish Councils & Neighbourhood Groups
- Cheltenham Chamber of Commerce
- Existing Consent Holders

Appendix 2

Crime and Disorder Act 1998

In considering applications that forms part of this policy, the Council will give particular consideration to Section 17 of the Crime and Disorder Act 1998 and its responsibilities thereunder.

Complaints against the Service

The Council has a corporate complaints procedure, copies of which are available from the Council Offices or on the Council's website www.cheltenham.gov.uk

Social Inclusion/Equalities

This policy will be applied in a manner that is consistent with the Council's equalities policies.

Implementation and Review

Cheltenham Borough Council will keep this policy under review and will consult where appropriate on proposed revisions. It will in any event review this policy at least every three years.

From the date of effect the policy overrides and supersedes all existing policies or arrangement in relation to consent to place an object on the highway, street trading consent and charitable collection permits. Existing consent holders will, upon renewal or when submitting a subsequent application, come under the provisions of this policy.

Enforcement

The Council will enforce the provisions of this policy inline with its Corporate Enforcement Policy. This policy is accessible on the Council's website.

Appendix 2

Part 1 - Street Trading

1. Framework

1.1 Introduction

This part of the policy sets out how the council will deal with applications for street trading consent in the borough of Cheltenham.

The Council aims to provide a clear and consistent approach to the control of street trading activities whilst at the same time it aims to protect the safety of highway users and to prevent nuisance or annoyance.

1.2 Legislation

Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Cheltenham Borough Council has adopted measures to control street trading in the borough. Every street in the borough has been designated a consent street.

1.3 Definitions of terms used in this Part

Within the terms of Cheltenham Borough Council's Licensing of Street Trading the following definitions apply:

The Council:	The Borough Council of Cheltenham
Borough:	The Borough of Cheltenham
Street Trading:	The selling or exposing or offering for sale of any article (including a living thing) in a street; and the supplying of or the offering to supply any service in a street.
Street:	Includes: a) Any road, footway, beach or other area to which the public have access without payment; and b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street. The policy will therefore cover all roads, lay-bys, alleys and car parks whether public or privately owned.
Consent Street:	Means a street in which street trading is prohibited without the consent of the Council.
Consent:	A consent to trade on a street granted by the Council, pursuant to Paragraph 7, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder:	The person or company to whom the consent to trade has been granted by the Council.

Appendix 2

- Authorised Officer: An officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
- Town Centre: Core Commercial Area as outlined in the “Cheltenham Borough Local Plan” adopted July 2006.
- Exempt: The exemptions listed under Paragraph 1, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- Interested Parties: People who live or work in the vicinity to which the application relates and who may be affected by the grant of a consent.

1.4 Licensing Process & Delegation of Functions

Applications for street trading consents are delegated to either the Licensing Committee or to Officers.

The delegation will be as follows:

Matter to be dealt with	Delegation
Setting or amending policy	Full Council
Initial Grant/Refuse/Revocation	Licensing Committee
Grant of Unopposed Subsequent Applications	Officers

2. Application Procedure

2.1 Submitting an Application

All applicants must be 17 years of age or above. An application for consent must be made to the Council in writing.

Application forms:

- may be downloaded from the Council’s website,
- are obtainable from the Council’s Licensing Section during normal office hours, or
- electronic applications can be made through the Council’s website.

The following will be required to be submitted with the application:

- (a) A completed and signed street trading consent application form.
- (b) A scaled plan (Scale 1:1250) that shows where the proposed trading location relation to the extent of any or all boundaries of the nearby buildings, the width of footpath available, any permanent structures and, if applicable, the location of the pitch in relation to the edge of the road. The plan must include all measurements.
- (c) Colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity. (Where the proposed structure has not been constructed, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted.)
- (d) The consent application must be accompanied by a non-refundable administration fee (see current fee sheet). If the consent is granted, the consent

Appendix 2

- fee must be paid in full within 5 working days from the date the consent is granted. Failure to pay the remainder of the licence fee within the require timeframe, without prior agreement from the licensing section, will result in an invalid application.
- (e) Insurer's certificate with Public Liability Cover of no less than £5,000,000.
 - (f) Documents to establish your identity such as a originals of a Photo Driving Licence, passport and at least one original proof of address which is recent (no more than three months old) for example a Utility bill (Gas, Electric or similar), Credit card statement, Bank statement, Mortgage statement or Insurance statement.
 - (g) If the trader is trading from a vehicle, the vehicle insurance document and the latest valid MOT certificate.

All applications should be marked for the attention of the Licensing Section, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA.

An application for initial consents should give a minimum of at least 35 working days notice of the application.

2.2 Determination of an application

2.2.1 Consultation

Before a street trading consent is granted the Council will carry out a consultation process for 14 working days (starting on the working day after the application was submitted to the licensing section) with various persons and groups.

- Gloucestershire Highways
- Environmental Health Department
- Gloucestershire Constabulary
- Cheltenham Business Partnership
- Built Environment
- Civil Enforcement
- Gloucestershire Association for Voluntary and Community Action
- Gloucestershire Fire and Rescue Service (where applicable)
- Any other person(s) or bodies the Council deems relevant

A pale pink notice (see **Appendix H**) must be put on display by the applicant as near as possible to the location of the trading pitch in a prominent position for the duration of the consultation period to give interested parties an opportunity to make comments on the application.

The notice has to be at least A4 size, on pale pink paper, printed legibly in black at font size 16 or larger. It must be capable of being conveniently read by passers by.

Written observations from the above organisations and/or interested parties will be made available for public inspection and taken into consideration when determining an application.

The Committee can grant the application as requested, grant the application subject to a number of conditions or refuse to grant the application.

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For information on the committee process, please refer to the Council's adopted probity guide.

2.2.1 Subsequent Applications

Street Trading Consents are issued for a period of up to one year.

As a matter of courtesy, the Council will send reminder letters to existing licence holders reminding them to submit subsequent applications. However, the responsibility to submit subsequent applications on time remains the responsibility of the licence holder.

Applicants should re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent.

2.2.2 Variation of Consent

There is no provision for a variation of a consent once issued. If an applicant wishes to vary any part of their consent, a new application will be required in accordance with the requirements set out above.

2.2.3 Grant

It will be a condition of every consent that a street trading licence plate must be attached to every trading pitch, vehicle or other trading object. The licence plate will outline information relating to the individual consent such as consent number, expiry date, hours of trading and items to be sold.

The purpose of these licence plates is to easily identify licensed traders so to ensure effective enforcement and to ensure reassurance to members of the public.

3. Policy Principles, Aims & Objectives

This section outlines the policies the council will apply when making decisions on applications for consents.

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

In particular the policy aims to promote the following aims and objectives in reference to street trading activities:

- To have a clear & transparent policy governing street trading activities in the Borough.
- To enable the Council to manage all street trading activities in order to provide effective control measures.
- To ensure that all street trading activities meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Council's efforts to improve the image, perception and attractiveness of the Town as a tourist and leisure destination, and is in keeping with the streetscape.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

3.1 Site Assessment

Consent from static locations will not normally be granted where:

Appendix 2

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site,
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes,
- There is a conflict with Traffic Orders such as waiting restrictions,
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes,
- The site does not allow the consent holder, staff and customers to park in a safe manner,
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

3.2 Inspection of the Street Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity may be subject to an inspection by an authorised officer of the Council, prior to the issue of any street trading consent, where this is reasonably practicable. The unit to be used for the street trading activity shall be of a sufficient standard and shall comply in all respects with any legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with all current legislation covering Food Safety (including hygiene), Health and Safety and Environmental Protection.

3.3 Public Safety

In the interests of highway safety, no activity will be permitted within a minimum of 2 metres of a kerb.

3.4 Conservation Areas

The scope of this part of the policy covers the entire borough. However, the town centre, amongst a number of other areas in the borough, has conservation area status and as a result the Council will adopt a more restrictive approach to applications for these areas in particular. A map outlining the areas in the borough that has conservation area status can be found on the council's website at <http://www.cheltenham.gov.uk/maps>.

3.4.1 Town Centre & Conservation Area

Despite this, the Council would not wish to prevent a modest amount of street trading in these areas of the town of a type which could positively enhance the enjoyment of the town as a tourist and leisure destination. To this end, street trading will generally be permitted in these areas where it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape.

The appearance of a trader's business must enhance, or at least not be detrimental, to the street scene.

Appendix 2

Part 2 – Charitable Collections

Introduction

This part of the policy document forms the Council's charitable collections policy that will apply to Street, House to House & Direct Debit Collection activities in the borough of Cheltenham to ensure consistency in decision making.

Part 2A - Street Collections

1. Framework

1.1 Definitions of terms used in this Part

Within this part the following definitions apply:

The Council:	Cheltenham Borough Council
Borough:	The Borough of Cheltenham
Permit:	Street Collection Permit
Charity:	Is any organisation or body that a) is established for charitable purposes only, and b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.
Charitable purpose:	Means any charitable, benevolent or philanthropic purpose that includes the following a) the prevention or relief of poverty; b) the advancement of education; c) the advancement of religion d) the advancement of health or the saving of lives; e) the advancement of citizenship or community development; f) the advancement of the arts, culture, heritage or science; g) the advancement of amateur sport; h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity; i) the advancement of environmental protection or improvement; j) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; k) the advancement of animal welfare; l) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services.

Appendix 2

Promoter(s):	a person or organisation who causes others to act as collectors.
Collection:	a collection of money or a sale of articles for the benefit of Charitable or other purposes.
National Charity:	Charities that are registered to operate throughout England and Wales as defined in its governing document regardless of whether the charity has a local office.
Town Centre:	Core Commercial Area as outlined in the “Cheltenham Borough Local Plan” adopted July 2006.

1.2 Legislation

The licensing of street collections is regulated by the Charities Act 2006 which regulates collections of money or sales of articles for charitable or other purposes in streets and public places. The Police, Factories, & c. (Miscellaneous Provisions) Act 1916 gives District Councils powers to write regulations and policies to control street collections.

The legislation and regulations stipulate that any collection to be undertaken in a street or public place requires a permit. It is a criminal offence to conduct a collection in any street or public place within the borough without first obtaining such a permit from the Council.

1.3 Delegations

The Council has delegated to its officers the authority to consider and determine applications for permits, subject to the criteria set out in the regulations and in this policy document, including any representation received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.

The delegation will be as follows:

Matter to be dealt with	Delegation
Setting or amending policy	Full Council
Grant/refuse/revocation of a consent	Officers

Please note that an officer from the officers can refer an application to the relevant committee at any time for determination.

2. Application Procedure

2.1 Submitting an Application

An application for a permit must be made to the Council in writing on the prescribed application form provided no later than 2 weeks before the proposed collection date.

Permit application forms:

- may be downloaded from the Council's website,
- are obtainable from the Council's Licensing Section, or

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- electronic applications can be made through the council's website.

The following will be required to be submitted with the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than within the borough's area);
- (c) a copy of the organisation's most recently audited accounts;
- (d) if the application is made on behalf of a charity a letter of authorisation; any other relevant information requested by the Council;
- (e) for transitory collections, details of the proposed routes must be provided with the application; and
- (f) statement of due diligence.

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

2.2 Determination of application

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

The legislation does not include statutory criteria for the approval or rejection of a permit request. This is a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations.

The Council reserves the right to make more detailed enquiries about an applicant and the proposed collection in certain circumstances.

Enquiries may be made to Gloucestershire Constabulary and/or the Charity Commission for comment/investigation prior to consideration.

The Council may also consult with other council departments. Where the application for a permit includes a street procession or placing a structure or vehicle on the street/highway; or where the proposed collection relates to the sale of articles in a street/public place, permission should be sought in advance from the relevant authority.

There are no statutory grounds for refusing an application for permits. However, the Council will refuse the application if it considers that the collections:

1. Are not for "charitable or other purposes", and/or
2. Contravene the provisions of the Street Collection legislation and regulations.

In addition, the Council can refuse any application for any of the following reasons:

1. To limit the number of collections,
2. If too high a proportion of the proceeds are likely to be spent on expenses,
3. If inaccurate information was provided on the licence application,
4. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.

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5. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised.

2.2.1 Issued Permit

Where an application is made for a collection on behalf of a charity, the Council will send a copy of the issued permit to the benefiting charity for their information and to make them aware of the application and collection.

2.2.2 Form of Statement>Returns Form

Attention is drawn to **section 16** of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this regulation must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to apply may prejudice any future applications.

3. Policy Principles, Aims and Objectives

This section outlines the policies the Council will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied and where and how often an organisation may make a street collection in the borough.

In particular the policy aims to promote the following aims and objectives in reference to charitable collections:

- To have a clear & transparent policy governing charitable collections in the Borough.
- To enable the Council to effectively regulate all charitable collections.
- To ensure that collections are genuinely charitable/not for profit in nature.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

3.1 Allocation of street collection days

The above is subject to the special arrangement that apply to Christmas collections (3.4), Cheltenham Hunt Festival collections (3.5), collections on behalf of national charities (3.6) and organisations will be allowed a permit every year (see below).

The Council operates a diary booking system on a "first come first served" basis for the allocation of street collection date(s) in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation's preferred date(s) will be allocated to that organisation. Where an organisation's preferred date(s) cannot be granted, alternative dates may be suggested where practicable.

The Council will normally only permit a maximum of one collection in the town centre per day although collection applications for other areas in the borough away from the town centre will be considered at the Council's discretion.

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3.2 Transitory Collections

Transitory collections, i.e. those whose collections pass through the borough, will be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.

3.3 Emergency & Special Collections

In exceptional circumstances, such as an emergency appeal or a national special event, consideration may be given to the grant of additional permits or reduced notice time, at the discretion of the Council.

3.4 Christmas Town Centre Street Collections

In addition to the requirements set out above, the Council will specify additional requirements for collection applications for the months of November (from the 15th onwards) and December ("Christmas collections") in the town centre.

The Council will not accept applications for Christmas collections until the first week of September every year.

In order to permit as many Christmas collections as possible, the Council will allocate applicants either a morning slot (8am to 1pm) or an afternoon slot (1pm to 5pm).

Officers will submit a report to the Council's Licensing Committee with proposed allocation for Christmas collections in November every year. The Committee may approve the proposed allocation of dates or make any amendments it considers necessary.

Applicants will be notified of the Committee's decision within 5 working days and issued with a collection permit if they were successful.

Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.

Collection applications for other areas in the borough over December, away from the town centre, will be considered on merits and at the Council's discretion.

3.5 Cheltenham Hunt Festival Collections

In addition to the requirements set out above, the Council will also specify additional requirements for collection applications for March every year during the Cheltenham Hunt Festival ("Race week collections").

The Council will not accept applications for race week collections until the first week of October every year.

Where there is a conflict of dates, times or locations, officers may submit a report to the Council's Licensing Committee with proposed allocation for race week collections in December every year.

Applicants will be notified of the Committee's decision within 5 working days and issued with a collection permit if they were successful.

Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.

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Collection applications for other areas in the Borough over Race week, away from the town centre, will be considered at the Council's discretion.

3.6 Collections on behalf of National Charities

The Council recognises that in certain cases a number of different individuals may want to have a collection for the same charity throughout any calendar year year. These are normally national charities such as Help for Heroes, Children in Need, Comic Relief etc.

In cases like these the Council will not limit collections based on the charity benefiting from the collection (in accordance with 3.1 above). Instead individual promoters or collectors will only be permitted one collection per calendar year for each benefiting charity.

3.7 Animals

The use of animals in conjunction with street collections is discouraged and will only be permitted in conjunction with animal charities.

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Part 2B - House to House Collections

1. Framework

1.1 Definitions of terms used in this Part

Within the terms of Cheltenham Borough Council's Licensing of House to House Collections, the following definitions apply:

Permit:	House to House Collection Permit
Collection:	An appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property and the word "collector" shall be construed accordingly.
The Council:	Cheltenham Borough Council
Borough:	The Borough of Cheltenham
Charity:	Means any organisation or body that a) is established for charitable purposes only, and b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.
Charitable purpose:	Means any charitable, benevolent or philanthropic purpose that includes the following a) the prevention or relief of poverty; b) the advancement of education; c) the advancement of religion d) the advancement of health or the saving of lives; e) the advancement of citizenship or community development; f) the advancement of the arts, culture, heritage or science; g) the advancement of amateur sport; h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity; i) the advancement of environmental protection or improvement; l) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; k) the advancement of animal welfare; n) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services.
Promoter(s):	a person or organisation who causes others to act as collectors.

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Town Centre: Core Commercial Area as outlined in the “Cheltenham Borough Local Plan” adopted July 2006.

1.2 Legislation

House to House Collections are regulated by the House Collections Act 1939 and the House to House Collections Regulations 1947.

1.3 Delegations

The Council has delegated to its officers the authority to consider and determine applications for permits, subject to the criteria set out in the regulations and in this policy document, including any representation received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.

The delegation will be as follows:

Matter to be dealt with	Delegation
Setting or amending policy	Full Council
Grant/refusal/revocation of a consent	Officers

Please note that an officer from the Council can refer an application to the relevant committee at any time for determination.

2. Application Procedure

2.1 Submitting an Application

An application for a permit must be made to the Council in writing on the prescribed application form provided not later than two weeks before the proposed collection date.

Permit application forms:

1. may be downloaded from the Council’s website,
2. are obtainable from the Council’s Licensing Section, or
3. electronic applications can be made through the Council’s website.

The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a permit, it needs to have as much information as possible about the charity, its promoters and collectors.

The following will be required to be submitted with the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than within the borough’s area);
- (c) a copy of the organisation’s most recently audited accounts;
- (d) if the application is made on behalf of a charity a letter of authorisation; any other relevant information requested by the Council;
- (e) statement of due diligence.

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2.2 Determination of application

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

2.2.1 Issued Permit

Where an application is made for a collection on behalf of a charity, the Council will send a copy of the issued permit to the benefiting charity for their information and to make them aware of the application and collection.

2.2.2 Exemptions

Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales, and is committed to promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain permits from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.

If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a permit from the Licensing Authority is not required and the provisions of the Regulations shall not apply to a collection made in conformity with such Certificate.

Charities that benefit from a national exemption order made by the Secretary of State, although not needing a permit from the Council, still have to notify the Council when they are going to fundraise in the borough.

3. Policy Principles

This section outlines the policies the Council will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied and where and how often an organisation may make a street collection in the borough.

In particular the policy aims to promote the following aims and objectives in reference to charitable collections:

- To have a clear & transparent policy governing charitable collections in the Borough.
- To enable the Council to effectively regulate all charitable collections.
- To ensure that collections are genuinely charitable/not for profit in nature.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

3.1 Permitted Duration and Frequency of Collections

The Council will restrict the frequency and period collections can take place in the borough.

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A collection can only run for a maximum period of one month. Only two collections are permitted annually in the borough for each charity.

If an application is made for a period in excess of the maximum period permitted above, the application will be returned to the applicant as invalid.

An amended application can be submitted for reconsideration.

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Part 2C - Direct Debits

Collections made by means of visits from house to house are governed by the House to House collections Act 1939 and the House to House collections Regulations 1947 (as amended). The legal definition of 'collection' is an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property. This means that any person or organisation who wish to do house to house direct debit fundraising will need to obtain a permit. The term 'house' also includes a place of business.

All other forms of direct debit collections are not regulated in law but the Council has entered into an agreement with the Public Fundraising Regulatory Association (PFRA) to control all other direct debit collections in the borough.

Under the agreement, the PFRA is responsible for booking all collections in the borough and dealing with all complaints received in respect of direct debit collections in the borough.

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Part 3 – Objects on the Highway

1. Framework

1.1 Introduction

This part of the policy sets out the framework for decisions making and associated processes when administering applications relating to permission to place objects on the highway.

It is to ensure the safety of all users of the public highway by the management of temporary obstructions, which can be placed on the pavement or carriageway. This policy will allow the pavement to be used for such purposes, support businesses and allow the safe and free movement of all users of the highway.

1.2 Legislation

Consent for objects to be placed on the highway is controlled in accordance with the provisions contained in the Highways Act 1980.

1.3 Scope

This policy covers non-fixed or temporary objects that obstruct the footway or carriageway. It does not include objects placed on private forecourts or within trading pitches that are regulated by the Street Trading legislation.

Cheltenham Borough Council has entered into agreement with Gloucestershire County Council to control objects placed on the highway in the Borough. Under this agreement, Cheltenham Borough Council is empowered to control, amongst others, the provision of amenities on the highways as specified under Part VIIA of the Highways Act 1980.

Consent for certain objects/structures to be placed on the highway remains the responsibility of Gloucestershire County Council such as skips and scaffolding and does therefore not fall within the scope of this policy.

1.4 Definitions of terms used in this Part

Within the terms of Cheltenham Borough Council's Licensing of Objects on the Highway the following definitions apply:

Highway:	A highway shall be understood to mean all roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance.
Object(s):	Includes any or all of the objects that is covered in the scope of this policy.
Consent:	Objects on the Highway Consent.
The Council:	The Borough Council of Cheltenham

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Town Centre: Core Commercial Area as outlined in the “Cheltenham Borough Local Plan” adopted July 2006.

Local Charity: Charities whose head office is based in the borough and the beneficiaries of this charity are mainly based within the borough.

Town: The Borough of Cheltenham.

1.5 Licensing Process & Delegation of Functions

Applications for consent are delegated to either the Licensing Committee or licensing officers.

The delegation will be as follows:

Matter to be dealt with	Delegation
Setting or amending policy	Full Council
Grant (where an application conforms to policy)	Officers
Grant (where an application does not conform to policy or opposed applications)/revocation	Licensing Committee

Please note that an officer from the Council can refer an application to the relevant committee at any time for determination.

2. Application Procedure

2.1 Submitting an Application

An applicant for an initial new consent should give a minimum of at least 35 working days notice of the application.

When an application is received it is initially checked to see if all of the relevant information required is complete and all support documentation has been submitted.

Application forms:

- may be downloaded from the Council’s website,
- are obtainable from the Council’s Licensing Section during normal office hours, or
- electronic applications can be made through the Council’s website.

Written applications should be marked for the attention of Licensing Section, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA.

The following will be required to be submitted with the application:

- (a) A completed and signed application form.
- (b) A scaled (1:1250) plan that shows where the proposed trading location relation to the extent of any or all boundaries of the nearby buildings, the width of footpath available, any permanent structures and, if applicable, the location of the pitch in relation to the edge of the road. The plan must include all measurements.

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- (c) Colour photographs of the proposed object (Where the proposed object has not been constructed or purchased, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted.)
- (d) A non-refundable administration fee (see current fee sheet). If the consent is granted, the consent fee must be paid in full within 5 working days from the date the consent is granted. Failure to pay the remainder of the licence fee within the require timeframe, without prior agreement from the licensing section, will result in an invalid application.
- (e) Insurer's certificate with Public Liability Cover of no less than £5,000,000.

Applicants who submit an incomplete application will be contacted and informed of this and the application may be returned to the applicant for resubmission.

2.2 Determination of application

2.2.1 Consultation

Before a consent is granted the Council will carry out a consultation process for 14 working days (starting on the working day after the application was submitted to the licensing section) with various persons and groups. The Council reserves the right to extend this period if there is reasonable cause to do so. In particular the Council may consult with any or all of the following organisations or persons:

- (a) Gloucestershire Highways
- (b) Environmental Health Department
- (c) Gloucestershire Constabulary
- (d) Cheltenham Business Partnership
- (e) Built Environment
- (f) Civil Enforcement
- (g) Gloucestershire Association for Voluntary and Community Action
- (h) Gloucestershire Fire and Rescue Service (where applicable)
- (i) Any other person(s) or bodies the Council deems relevant

A pale pink notice (see **Appendix H**) must be put on display by the applicant in the window of the premises the application relates or as near as possible to the location of the proposed structure in a prominent position for the duration of the consultation period to give interested parties who may be affected by the application opportunity to make comments on the application.

The notice has to be at least A4 size, printed legibly in black at font size 16 or larger. It must be capable of being conveniently read by passers by.

Written observations from the above organisations and interested parties will be made available for public inspection and taken into consideration when determining an application.

In relation to the above, consideration will be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

Where valid objections have been made, the application may be referred to the Council's Licensing Committee for determination in accordance with the table of delegation above.

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When applications are referred to the Committee it can grant the application as requested, grant the application subject to a number of conditions or refuse to grant the application.

For information on the committee process, please refer to the Council's adopted probity guide.

Consents will be issued with an attached plan outlining in red the exact position of the object.

2.2.2 Subsequent Applications

Consents are issued for a period of up to one year. Applicants should re-submit a subsequent application if they wish to continue to place the object on the highway at least one month before the expiry of their current consent.

As a matter of courtesy, the Council will send reminder letters to licence holders reminding them to submit subsequent applications. However, the responsibility to submit subsequent applications on time remains the responsibility of the licence holder.

At this time, further consultation may take place to determine if the object is a cause for concern.

3. Policy Principles, Aims and Objectives

This section outlines the policies the council will apply when making decisions on applications for consents.

In particular, this part of the policy will aim to promote the following aims and objectives:

- To have a clear & transparent policy governing all decisions relating to objects placed on the highway.
- To enable the Council to manage all objects placed on the highway in order to provide effective control measures.
- To ensure that all objects placed on the highway meet the required quality standards, pose no risk to public health, safety & protection and to ensure that these objects do not obstruct the highway.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

3.1 General

Each application is assessed against the outlined conditions included in the application pack and this policy.

No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.

Applications will be dealt with on a first come first served basis.

Any object given consent to be placed on the highway must be sufficiently weighed down or secured to ensure that the object will not cause any harm or damage.

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3.2 Public Highway and Private Land

The Council is responsible for controlling certain objects/structures that are placed on a public highway.

At common law, a highway is defined to mean all roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements *over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance.*

Where such uncertainty exist, the test whether an object/structure is placed on a highway (as opposed to private land) is whether there is a public right of passage where, at any time, members of the public can freely and at their will to pass and repass without let or hindrance, whether they do so or not is immaterial.

Therefore, if the proposed location is an area where any member of the public can pass over without hindrance, that area is likely to be considered highway and will for that reason fall within the Council's authority.

In light of the above and for the purpose of licensing objects/structures on the highway under the Highways Act, it is also immaterial whether the particular location is designated as private on, for example, a lease, whether the particular highway is privately maintained or situated under an overhang etc.

The only exception would be areas where that particular location has been designated as private under the Highways Act and the appropriate signage is on display.

A highway can be maintained either at the expense of the taxpayer or privately. Where the highway in question is privately maintained, the Council will not charge a consent fee although the non-refundable application fee will still apply.

Each situation will be determined on individual merits and this policy does not seek to provide an exhaustive list of areas and roads that are privately maintained public highway or private. However, it may be helpful to applicants to be aware of any such areas in the town centre for the purpose of clarity;

1. The Brewery Complex – Designated as private under the Highways Act
2. Montpellier Walk - Privately Maintained Public Highway
3. Rotunda Terrace - Privately Maintained Public Highway
4. The Courtyard - Privately Maintained Public Highway

The licensing section has access to the county's highway register and can advise on the status of any highway.

3.3 'A' Boards

In setting the policy principles relating to 'A' boards, the Council seeks to strike a balanced approach between promoting the Council's priorities, in particular strengthening the borough's economy by assisting and promoting local businesses but at the same time ensure the free passage along footpaths and maintaining the visual street environment by the controlled use of 'A' boards in the streets.

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To this end the Council will permit one 'A' board per premises subject to that premises meeting all of the conditions stipulated below. Please note that one 'A' board will be permitted *per premises* not business. Premises housing more than one business will therefore, subject to the below, be permitted only one 'A' board. In these circumstances the Council will encourage businesses to share the use of the 'A' board.

Conditions of Consent

The Conditions of Consent is subject to the Revised Outdoor Advertising Protocol attached at **Appendix I** of this policy.

- (a) A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
- (b) Where there are existing consents in place in the vicinity of the application, there must be a minimum distance of 4 meters (either way) between 'A' boards.
- (c) The size of the 'A' board does not exceed 1100mm (43") in height (inc feet) and 844mm (32") in width.
- (d) The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.
- (e) The 'A' board must not contain any visual or written material that could be construed as inappropriate or offensive. *(Any breach of this condition will result in the immediate removal of any such signs.)*
- (f) The 'A' board must not cause an obstruction to access by emergency or service vehicles.
- (g) The 'A' board must not interfere with sight lines for any road users. *(For example 'A' boards placed on street corners, central reservations, roundabouts, pedestrian safety refuges and junctions, or pedestrian crossing facilities.)*
- (h) The 'A' board must be sufficiently weighed down to avoid falling over. *(It will not be sufficient that 'A' board is attached to fixed structures. The applicant must be able to demonstrate that the 'A' board has been sufficiently weighed down and the Council reserves the right to inspect the 'A' board prior to issuing a consent.)*
- (i) The 'A' board must relate to the trade of the premises.
- (j) The 'A' board must be constructed in such a way that it does not have any moving parts *(i.e. rotating or swinging 'A' boards)*.
- (k) The object does not obstruct the safe passage of users of the footway or carriageway in any other way not mentioned above.

3.3.3 'A' board - Other

'A' boards with consent will be issued with a "consent badge" that must be attached to the 'A' board in order to identify that it has consent. The badge will show the consent number, location, size and expiry date of the 'A' board. It will be a condition of the consent that the badge will be securely affixed to the 'A' board and be displayed at all

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times to enable enforcement officers and members of the public to easily identify consent 'A' boards.

3.4 Tables & Chairs

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises.

Consent to place tables and chairs on the highway will only be granted for the consumption of food and drink, provided they are in association with a business operating from nearby premises.

Consent to place tables and chairs on the highway will be subject to the use of canvas barriers to cordon off the area where the tables and chairs are placed on the highway.

For health and safety reasons, the Council will not permit glass top tables.

Where consent has been issued for tables and chairs to be placed on the highway the Council may permit, within reason, other objects to be placed inside the area that has been cordoned off with barriers. This is subject to the provisions of this policy, that the additional objects have been listed on the application form and indicated on the supporting documents, where applicable.

3.5 Vehicles

Some campaigns involve the use of special exhibition vehicles. The following spaces have been identified as being suitable for occasional static vehicle based displays at the discretion of the Council and subject to the conditions contained in this policy:

- (a) One space outside 173 - 181 High Street for displays no larger than 2.5m x 5m (8ft x 16ft)
- (b) One space outside 111 - 113 High Street for displays no larger than 2.5m x 5m (8ft x 16ft)
- (c) One space on the corner of Crescent Terrace and the widened area on the pedestrianised area of the Promenade for vehicles no larger than 3m x 5m (10ft x 16ft).

Other than on allocated locations, campaigns involving exhibition vehicles will not normally be permitted on pedestrianised areas.

To ensure that the highway is adequately protected against damage, it will be a condition of any consent that involves the use of vehicles displays on the highway that drip trays must be provided for each and every vehicle.

3.6 Other Objects

Objects not specifically referenced in this policy will be dealt with on individual merits.

3.7 Goods displayed on the pavement

Certain traders, particularly grocers and florists, seek to put goods on display outside of their premises. This can enhance the vitality and vibrancy of the town, and is generally acceptable by virtue of Paragraph 1(2)(e)(ii), Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 provided that:

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- (a) The object/structure is placed directly outside, and only directly outside, the front of the premises in question,
- (b) The goods on display forms part of the business of the premises;
- (c) The object/structure does not obstruct the highway,
- (d) The pavement is left clean and tidy after each close of trading.

Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents

Pool of Standard Conditions that may be imposed.

Failure of any one or more of the imposed conditions is a breach of the consent and can lead to the consent being immediately revoked.

Conditions of Street Trading Consent

1. Definitions

- 1.1 Consent means this Street Trading Consent issued pursuant to Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.
- 1.2. Consent Holder means the person named in this Consent and for the purposes of enforcing these conditions includes any other person engaged by them to assist in trading (including any Nominated Assistant(s) named in this Consent).
- 1.3. Council means Cheltenham Borough Council.
- 1.4. Site means the site identified in this Consent.
- 1.5. Unit means the unit described in this Consent.

2. Obligations on the Consent holder

- 2.1 Not to use the Site for any purpose other than that of the operation of the Unit.
- 2.2 Not to sell any type of merchandise other than that specified in this Consent.
- 2.3 Not to trade or operate the Unit in such a way as to cause obstruction of the Street or danger or annoyance to persons using the Street.
- 2.4 Not to use any amplifiers or music or partake in or authorise any other activity so as to cause a nuisance to the general public or occupiers of premises in the neighbourhood of the Site.
- 2.5 To ensure that the Unit is securely erected and that such material and design and so constructed and maintained that it is not liable to cause injury to any person present on the Site or otherwise.
- 2.6 Not to trade outside the times and dates permitted by this Consent.
- 2.7 Not to trade in other streets or at other locations than those permitted by this Consent.
- 2.8 To pay to the Council the cost of making good any damage which may be caused to the Site in consequence of the Consent Holder's operations thereon.
- 2.9 To keep the Site in a clean and tidy condition and to pay to the Council the cost of carrying out any works including cleansing of the highway that is required due to the Consent Holder's use of the Site.
- 2.10 To observe all statutory and other provisions and regulations for the time being in force which relate to the Consent Holder's use of the Site.

Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents

- 2.11 So far as is reasonable to ensure that patrons or customers of the Consent Holder conduct themselves in an orderly manner.
- 2.12 Where the Consent relates to the sale of food for consumption on street to provide and maintain an adequate refuse receptacle and ensure that it does not become overfilled.
- 2.13 To ensure that the use and storage of liquid petroleum gas complies with any relevant Code of Practice.
- 2.14 To ensure that the dimensions and appearance of the Unit at all times accord with the details agreed by the Council upon the issue of this Consent.
- 2.15 To maintain the Unit in a clean and tidy condition.
- 2.16 To indemnify the Council from all claims, damages and costs in respect of all accidents damages and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act neglect or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability.
- 2.17 At all times while trading to display in a conspicuous position on the Unit the street trading permit issued by the Council.
- 2.18 To forthwith inform the Council in writing of the details of any change in the operation or staffing of the Unit (including changes in details of Nominated Assistants) or the sale or transfer of the Consent Holder's business to another party.
- 2.19 The Council's Street Trading Consent Notice shall be conspicuously displayed on the stall, barrow, cart etc, to which the Consent applies, so that it is clearly visible to the public.
- 2.20 The Consent Holder(s) shall notify the Council's Licensing Section within 72 hours of any convictions or proceedings arising out of the use or enjoyment of the Consent.
- 2.21 If trading is to take place on private land, the trader must have written permission from the Land Owner that trading can take place.
- 3. Further conditions**
- 3.1 The only vehicular access to and egress from the Site shall be as agreed by the Council's Integrated Transport Unit and the said access shall be kept free from obstruction at all times.
- 3.2 Nothing contained in this Consent shall be deemed to be a consent or approval of the Council in its capacity as authority for enforcing bylaws or as local planning authority, health or highway authority or in any other capacity.
- 3.3 The Council may revoke or suspend this Consent at any time in the event of:

Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents

- 3.3.1 The breach by the Consent Holder their servants or agents (included Nominated Assistants) of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or
 - 3.3.2 Work being carried out in, under or over the highway on which the Unit is located; or
 - 3.3.3 A change in Council Policy which necessitates termination of this Consent; or
 - 3.3.4 Circumstances outside the Council's control which necessitate termination of this Consent forthwith.
- 3.4 The Consent Holder may surrender this Consent by giving notice in writing to the Council.
- 3.5 In the event of the Consent Holder selling or transferring the trade or business of which the Unit is a part to another party this Consent will cease to have effect and cannot be relied upon by the transferee or acquiring party.
- 3.6 The Council may vary the Conditions of this Consent at any time.
- 3.7 The Council shall be under no obligation to renew this Consent at the end of the period stated herein.
- 3.8 Goods may not be of an inflammable, corrosive or otherwise dangerous nature.
- 3.9 The trader will be responsible for cleansing of the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and disposed of in an approved manner on a daily basis.
- 3.10 The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
- 3.11 Traders selling food products, shall comply with the provisions of the Food Safety Act 1990 (Amendment) Regulations 2004, General Food Regulations 2004, Regulations (EC) No. 178/2002, 852/2004, 853/2004 of the European Parliament and of the Council and the Food Hygiene (England) Regulations 2006
- 3.12 Liquefied Petroleum Gas shall not be used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
- 3.13 No mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that: - they do not present a danger to the public do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not cause any noise or fume nuisance.

Appendix A – Pool of Standard Conditions to be Imposed for Street Trading Consents

- 3.14 A competent person must install all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturer's instructions.
- 3.15 No combustible materials are to be stored in the vicinity of a generator and suitable first aid fire fighting appliance(s) must be immediately available.
- 3.16 The Consent Holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
- 3.17 All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
- 3.18 All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported.
- 3.19 All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them, they must be fitted with rubber cable protecting mats.
- 3.20 Each consent holder must ensure that their street trading licence plate is clearly attached to their pitch, vehicle or trading object at all times when they are trading.

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Appendix B – Special Conditions for Mobile Ice Cream Traders

SPECIAL CONDITIONS FOR MOBILE ICE CREAM TRADERS

Trading prohibited in the following streets or parts of streets:

- (a) High Street (from Sandford Park entrance to Townsend Street)
 - (b) Promenade (from High Street to Montpellier Walk)
 - (c) Clarence Street
 - (d) North Street
 - (e) Pittville Street
 - (f) Regent Street
 - (g) Rodney Road
 - (h) Winchcombe Street (from High Street to Warwick Place)
 - (i) Imperial Square
 - (j) Montpellier Walk
 - (k) Montpellier Street
 - (l) Warden Hill Road (within 100 metres of frontage to Bournside School), both sides of the road in any direction, except in the lay- by opposite to number 89, during the period half an hour before school opening to 1 hour after closing during school terms).
 - (m) Loweswater Road (from the junction with Alma Road to the junction with Langdale Road during the above period and times).
 - (n) Evesham Road and roads adjacent to Pittville Park.
2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition 1) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.
3. The consent holder shall not, without the prior permission of the Council, trade in any particular location for more than 30 minutes at any one time and shall not return to that particular location, or any position in the immediate vicinity thereof (which expression shall be as interpreted by the Council), within 2 hours of leaving it.
4. The consent holder shall comply with all traffic regulations rules orders and directions which apply to the public highways on which he trades.
5. The consent holder is required to comply with the Code of Practice on Noise from Ice Cream Van Chimes, etc. 1982 or any modification or re-enactment thereof. (summary attached).

Appendix C – Summary of the Code of Practice on Noise from Ice Cream Seller

CHELTENHAM BOROUGH COUNCIL
SUMMARY OF THE CODE OF PRACTICE ON NOISE
FROM ICE CREAM TRADERS
MECHANICALLY PROPELLED VEHICLE
CHIMES, ETC. 1982

It is an offence to sound your chimes before 12 noon or after 7.00 p.m. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. The main points of the Code of Practice approved by the Government on methods of minimising annoyance caused by your chimes are as follows:

DO NOT SOUND CHIMES

1. For longer than 4 seconds at a time;
2. More often than once every 3 minutes;
3. When the vehicle is stationary;
4. Except on approach to a selling point;
5. When in sight of another vehicle which is trading;
6. When within 50 metres of Schools (during School hours), Hospitals and places of Worship (on Sundays and other recognised days of Worship);
7. More often than once in every 2 hours in the same length of street;
8. Louder than 80 dB(A) at 7.5 metres;
9. As loudly in quiet areas or narrow streets as elsewhere.

Appendix D – Street Collection Regulations

STREET COLLECTION REGULATIONS

1. In these Regulations, unless the context otherwise requires –
 - “collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;
 - “promoter” means a person who causes others to act as collectors;
 - “the licensing authority” means Cheltenham Borough Council;
 - “permit” means a permit for a collection;
 - “contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
 - “collecting box” means a box or other receptacle for the reception of money from contributors.
2. No collection shall be made in any street or public place within Cheltenham, unless a promoter shall have obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than 2 weeks before the date on which it is proposed to make the collection. The licensing authority may reduce the period if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. No person may assist or take part in any collection without the written authority of a promoter.

Any person authorised under the above paragraph shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway:

Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting –
 - (a) a collector shall remain stationary; and

Appendix D – Street Collection Regulations

- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

The licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

- 11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
- 12.
 - (1) Every collector shall carry a collecting box.
 - (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them from being opened without the seal being broken.
 - (3) All money received by a collector from contributions shall immediately be placed in a collecting box.
 - (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
- 13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon, the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
- 14.
 - (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
- 15.
 - (1) No payment shall be made to any collector.
 - (2) No payment shall be made out of the proceeds of a collection, whether directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
- 16.
 - (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority –
 - (a) a statement in the form set out in the Schedule of these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
 - (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.
 - (2) The licensing authority may, if satisfied, there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

Appendix D – Street Collection Regulations

- (3) For the purposes of this Regulations “a qualified accountant” means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;
The Institute of Chartered Accountants of Scotland;
The Institute of Chartered Accountants in Ireland;
The Association of Certified Accountants.

17. These Regulations shall not apply –
- (a) in respect of a collection taken at a meeting in the open air; or
 - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
18. Any person who acts in contravention of any of these regulations, shall be liable on summary conviction to a fine not exceeding level 1, or in the case of a second or subsequent offence not exceeding level 2.

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Appendix E – House to House Regulations

HOUSE to HOUSE COLLECTIONS REGULATIONS

House to House Collections Act. 1939

House to House Collection Regulations, 1947

Responsibility of promoters as respects collectors

1. Every promoter of a collection shall exercise all due diligence to:
 - a) Secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - b) Secure compliance on the part of persons so authorised with the provisions of these regulations.

Certificates of authority, badges, collecting boxes and receipt books

2. No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person:
 - a) A prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - b) A prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection, and
 - c) If money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of their receipt.
3. Every promoter of a collection shall exercise all due diligence to secure:
 - a) That no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it was issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - b) That every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
4. In the case of a collection in respect of which a licence has been granted:
 - a) Every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Officer, and every prescribed badge shall be so obtained; and
 - b) Every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by the licensing authority for the area in respect of which the licence was granted.

Appendix E – House to House Regulations

Duties of collectors in relation to certificates and badges

5. Every collector shall:

- a) Sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of the collection:
- b) Sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- c) Keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

Age Limit

6. No person under the age of 16 years shall act or be authorised to act as a collector of money.

Importuning

7. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof

Collection of money

8. Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitted the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.

9. Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

Duty of collectors to return boxes and books

10. Every collector, to whom a collecting box or receipt book has been issued, shall:

- a) When the collecting box is full or the receipt book is exhausted, or
- b) Upon the demand of a promoter of the collection, or
- c) When he does not desire to act as a collector, or

d) Upon the completion of the collection return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

Examination of boxes and books

11. Subject to the following paragraph, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.

12. Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.

Appendix E – House to House Regulations

13. As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.

14. Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

Provision for envelope collections

15. Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of the opinion that the collection is for a charitable purposes of major importance and is suitable administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.

16. Where an envelope collection is made in accordance with this regulation:

- a) Every envelope used shall have a gummed flap by means of which it can be securely closed;
- b) No collector shall receive a contribution except in an envelope which has been so closed.

Promoters to furnish accounts

17. The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing authority by which the licence was granted within one month of the expiry of the licence.

18. The licensing authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.

Form and certification of accounts

19. The account required by the preceding regulation

- a) Where money has been collected, shall be furnished in the form prescribed by the authority
- b) Where property has been collected and sold, shall be furnished in the form prescribed by the authority

Disposal of disused certificates of authority, etc

20. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when not longer required in connection with that collection or in connection with a further collection which has been authorised to promote for the same purpose.

Appendix F – Conditions to Place Object(s) on the Highway

Conditions of Permission to place Object(s) on the highway

1. OBLIGATIONS ON THE PERMISSION HOLDER

The Permission Holder undertakes:

- 1.1 To ensure that the object(s) is not placed in any other area than that stated in this Permission.
- 1.2 Not to allow the object(s) to be placed on the highway outside the times and dates permitted by this Permission.
- 1.3 To ensure that the dimensions and appearance of the object(s) at all times accords with the details agreed by the Council upon the issue of this Permission.
- 1.4 To ensure that the object(s) does not at any time obstruct the passage of or cause danger to persons lawfully using the highway.
- 1.5 To ensure that the object(s) is at all times well maintained and kept in a clean and tidy condition.
- 1.6 To ensure that the object(s) is at all times sufficiently weighted so that they do not move or blow over in the wind.
- 1.7 To pay to the Council the cost of making good any damage caused to the highway in consequence of the Permission Holder's operations thereon.
- 1.8 To indemnify the Council from all claims, damages and costs in respect of all accidents damages and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act neglect or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability.
- 1.9 To observe all statutory and other provisions and regulations for the time being in force which relates to the placing of the object(s) on the highway.
- 1.10 To comply with any directions or requirements issued by a chief officer of the Council or any member of their staff so authorised.
- 1.11 To forthwith inform the Council in writing of the details of any transfer/disposal to another person of the business to which the object(s) relates.

2. FURTHER CONDITIONS

- 2.1 This Permission is not assignable.
- 2.2 The Council may at any time vary the conditions of this Permission.
- 2.3 Nothing contained in this Permission shall be deemed to be a consent or approval of the Council in its capacity as authority for enforcing byelaws or as a local planning authority, health or highway authority or in any other capacity.
- 2.4 The Council may revoke or suspend this Permission at any time in the event of:
 - 2.4.1 The breach by the Permission Holder their servants or agents of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or
 - 2.4.2 Work being carried out in under or over the highway on which the object(s) is located; or
 - 2.4.3 A change in Council Policy which necessitates termination of this Permission; or

Appendix F – Conditions to Place Object(s) on the Highway

- 2.4.4 Circumstances outside the Council's control which necessitate termination of this Permission forthwith.
- 2.5 The Permission Holder may surrender this Permission by giving notice in writing to the Council.
- 2.6 The Council shall be under no obligation to renew this Permission at the end of the period stated herein.
- 2.7 All licences must be displayed on the premises referred to in the consent or on the premises to which the consent relates.
- 2.8 The Council reserves the right to require objects and displays to be removed if at any time they are found to be inappropriate or necessary. This may happen if the Advertising board or display becomes;
- Unsightly or unsafe through poor maintenance
 - Inappropriate because of new developments in the vicinity
 - During events likely to result in significant increase in level of footfall
- 3. SPECIAL CONDITIONS RELATING TO MOBILE ADVERTISING**
- In addition to the above conditions, the following special conditions will apply to all mobile advertising structures:
- 3.1 A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary and a minimum distance of 4 meters (either way) between other boards.
- 3.2 The board must be sufficiently weighed down and not permanently fixed to the highway or any furniture on the highway;
- 3.3 The board does not contain any material or information that would prejudice the council or break any current legislation or contain any visual or written material that could be construed as inappropriate or offensive;
- 3.4 The type of board used is of an agreed type with the council;
- 3.5 The 'A' board must be constructed in such a way that it does not have any moving parts (i.e. rotating or swinging 'A' boards etc.);
- 3.6 The board must be of sufficient contrast to its surrounding area
- 3.7 The board must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts;
- 3.8 The board must, and must only, relate to the trade of the premises;
- 3.9 The board must not exceed the dimensions stipulated in the consent;
- 3.10 The board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises;
- 3.11 The board must not obstruct safe passage for all highway users, emergency or service vehicles or interfere with sight lines for any road users. (Breach of this condition will result in the board being removed immediately.)

Appendix G – Conditions of Permission to Place Tables & Chairs on the Highway

Conditions of Permission to place tables and chairs on the highway

1. General matters

- 1.1 The fee for the granting of the Permission shall be paid in advance.
- 1.2 The tables and chairs shall at all times be well maintained and kept in a clean and tidy condition.
- 1.3 The tables and chairs shall not be placed in any other area than that stated in the Permission. They shall be placed in an area delineated by a suitable temporary barrier which is positioned to the satisfaction of the Assistant Director of Operations.
- 1.4 Furniture and temporary barriers shall be in accordance with the *Pavement tables and chairs design guide*.
- 1.5 The person to whom the Permission is granted shall ensure that the tables and chairs so far as reasonably practicable, and the persons using the tables and chairs, do not at any time obstruct the passage of or cause danger to persons lawfully using the highway on which they are situated.
- 1.6 The Permission may be suspended by the council at any time in the event of work being carried out in, under or over the highway on which the tables and chairs are situated or any adjacent highway.
- 1.7 The person to whom the Permission is granted shall indemnify the council against any costs, claims, actions or damages arising out of the placing of the tables and chairs on the highway.
- 1.8 The person to whom the Permission is granted shall bear absolute responsibility for ensuring that adequate public liability and products liability insurance is held in respect of the permitted area and the cover obtained shall be not less than £5,000,000, any one claim, in respect of public liability and not less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability. Evidence of such public liability and products liability insurance shall be provided to the satisfaction of the council before the Permission can be exercised.
- 1.9 The Permission is not assignable.
- 1.10 The council may at any time vary the Permission or conditions thereof:
- 1.11 If the person to whom the Permission is granted breaches any one or more of the conditions thereof, the council may serve a 'default' notice requiring the breach of conditions to be remedied in a particular way within a stated time and should it be necessary in order to remedy the default, the council may require the tables and chairs, temporary barriers and other furniture to be removed from the highway either temporarily or permanently.

Appendix G – Conditions of Permission to Place Tables & Chairs on the Highway

1.12 (a) The person to whom the Permission is granted shall ensure that the tables and chairs and use thereof by members of the public are at all times supervised so as to avoid nuisance being occasioned to:-

- (i) members of the public lawfully using the highway
- (ii) local residents
- (iii) other local businesses.

(b) The person to whom the Permission is granted shall ensure that glasses, crockery, napkins, cutlery and any other item placed upon the tables and chairs by the person to whom the Permission is granted or by any other persons, when the tables and chairs are in use, are removed from the tables and chairs when they are not in use.

1.13 The person to whom the Permission is granted shall not allow music to be broadcast on to the street.

1.14 The person to whom the Permission is granted shall ensure that customers consuming food or drink outside the premises do not move beyond the demarcated area.

1.15 It shall be the duty of the person to whom the Permission is granted to clean the section of the highway in respect of which Permission is granted to the specification of the Assistant Director Community Services.

1.16 The Permission does not authorise the holder to allow alcoholic drinks to be served or consumed at the tables and chairs. It is the responsibility of the person to whom the Permission is granted to check with the Licensing Justices that the liquor licence for the premises allows such activities to take place.

2. Design specification

2.1 Means of enclosure

2.1.1 When in use the pavement area will need to be enclosed, to demarcate the permitted area and contain the tables and chairs, thus making it distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians.

2.1.2 The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities.

2.1.3 The enclosure shall be removed outside the hours of operation or when it is not intended to operate on the pavement within that period. The materials should therefore be lightweight in construction and portable but stable enough to prevent collapse if accidentally walked/stumbled into.

2.1.4 The design of the barrier should complement the character of the surrounding area and in any event must have bars/elements at around 100mm and 1,000mm above ground level.

2.1.5 Planters can be particularly attractive and can be used as part of the means of enclosure but must be removed from the highway outside of the hours of operation.

Appendix G – Conditions of Permission to Place Tables & Chairs on the Highway

2.1.6 Notwithstanding the contents of paras. 2.1.1 - 2.1.5 above the enclosure shall comply, in all respects, with the provisions of the council's design guide.

2.2 Furniture

2.2.1 The furniture should be of a high quality and uniform style within the permitted area. White plastic and or picnic tables will not normally be approved.

2.2.2 Where umbrellas are used these must be fabric type (ie non reflective) and display only limited advertising or logos up to 150 x 450 mm in size. Umbrellas are to be positioned so as to avoid overhanging, outside the enclosure or impairing vehicle sight lines.

2.2.3 Non furniture items, eg menu boards, signs and portable gas heaters also need to be approved as part of the enclosed area, and any unacceptable clutter or intrusion into sight lines will need to be removed if it is seen to be causing a problem.

2.2.4 All items need to be portable enough to be brought in at the end of the permitted period of each working day or in the event of an emergency.

DRAFT

Appendix H – Public Notice

Public Notice

I (Full Name) applied on
..... (Date) for consent to place an object on
the highway/street trading consent (Delete as appropriate) at (Address or
describe location)

during (Times and dates)

Full details are included in the application held at
Cheltenham Borough Council.

The application has been made to:
Cheltenham Borough Council,
Licensing Team, PO Box 12, Municipal Offices, Promenade,
Cheltenham, GL50 1PP
E mail licensing@cheltenham.gov.uk .

The application can be inspected at the Council's offices
from Monday to Friday between 9am and 5pm.

Any person wishing to make representations about this
application may do so in writing to Cheltenham Borough
Council no later than (Two working weeks –
see policy)

Appendix I – Revised Outdoor Advertising Protocol

Revised Outdoor Advertising Protocol

Where a licensing application is made to display an 'A' board within a Conservation Area, the Licensing Section shall provide written notification to the Built Environment Enforcement team. The notification should include an explanation for the signage and the location of the premises to which it refers.

No 'A' board will be approved within Conservation Areas except in the following circumstances; having regard to the position and location of the premises;

- a) where those premises are located at basement or first floor level i.e. the premises has no shop-front at street level,
- b) the premises are situated along a side alleyway and / or on private land which is not a public thorough fare / right of way.

Nothing in this protocol overrides requirements set out in the Council's policy on the licensing of 'A' boards so where an 'A' board meets the exemptions in the protocol, it will still be subject to the normal policy on the licensing of 'A' boards set out in the policy.

Where the premises meet the exceptions in the protocol then the Planning Enforcement and Compliance team will confirm to the Licensing Section that the 'A' board may be licensed.

Where contraventions exist the most appropriate enforcement action will be considered which would normally involve the use of licensing powers or powers contained within the Town and Country Planning (Control of Advertisements) Regulations 2007.

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Clive Hodges (Chair of Charlton Kings Parish Council Environment Committee)

General

Charlton Kings Parish Council is broadly supportive of the proposed measures and the underlying philosophy that underpins the policy. It does however believe that the policy document itself is overly long and that the pagination scheme and its division into appendices and sections makes it difficult to navigate and open to confusion.

Specific Comments

The covering letter is numbered one but the following page is numbered Page 40 at the top and 2 at the bottom. The potential for confusion is increased by the fact that the document is Appendix 3 – presumably of some other document that is not subject to consultation – and that is also contains a series of appendices that are lettered.

Part 1 - 2.1(e) We are surprised at the requirement to have public liability cover of not less than £5m – this could put off many small charities and traders. Is it not possible to set a level that is commensurate with the assessed risk that the activity poses – it is hard to imagine that an accident caused by legally positioned A board could result in a claim for £5m.

Part 2 The amount of supporting paperwork that a charity is required to submit with its initial application seems excessive especially as the majority of the information is available on the Charities Commission web site and is easily located by use of the charity's registered number. Surely we should be reducing the amount of paper we produce! You should also note that charities with an annual income of less than £25,000 – very often the local charities whose fund raising you seek to encourage are not required to have their accounts externally audited.

Part 2 Para 3.7 We believe that this paragraph needs to be reworded to include those charities such as Guide Dogs etc

Part 3 Para 3.3(d) This measure would seem to seriously disadvantage businesses that are not situated on main thoroughfares. Some indication of the presence of a business in side road should surely be permissible.

Mark Nelson (Enforcement Manager)

1. The comments relate to Part 3 of the Consultation - Objects on the Highway, and in particular to Advertising boards and advertising on canvas barriers enclosing table and chairs of street cafes.
2. The draft policy fails to mention the statutory provisions of the Town & Country Planning Act 1990, as amended, and the specific advertisement control system in England consisting of rules made by the Secretary of State, which is part of the planning control system. These rules are contained in the Town and Country Planning (Control of Advertisements) Regulations 2007 which has been in force since 6 April 2007.
3. An "A" board is an advertisement for the purposes of the Town and Country Planning Act 1990, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and requires express consent of the Council. Therefore the legal position is that any person who wishes to place an "A" board on the highway must obtain advertisement consent from the Council acting in its capacity as the planning authority for the borough.
4. The local planning authority (LPA) is required to exercise its powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors. The definition of "amenity" in regulation 2(1) includes both visual and aural amenity.
"Public safety" is not confined to road safety. Crime prevention and detection are relevant; obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is also included.
5. All advertisements require consent from the LPA before they can be lawfully displayed. Any person who displays an advertisement in contravention of the Regulations is guilty of an offence under section 224(3) of the 1990 Act and liable to a fine on conviction.
6. The LPA may decline to determine an application if it does not include confirmation that:
the owners of the site and any other person with an interest in the site have agreed to the application; and where the site is on highway land, that the application is acceptable to the highway authority. And, in any event, in an Area of Special Control the LPA may decline to determine an application if it does not fall within any of the categories specified in regulation 21(1).
7. Whilst Conservation Areas are mentioned in the draft policy, there is no mention of Areas of Special Control for the display of advertisements. At paragraph 3.4 the policy states that "the Council will adopt a more restrictive approach to applications for these areas in particular." However, it does not expand upon what this more restrictive response entails and whether or not it includes consultation with Planning Enforcement & Compliance. (See also 11)
8. For a number of years areas of the borough have been formally designated as Areas of Special Control for the display of advertisements by the Secretary of State. An Area of Special Control of Advertisements is an area specifically defined by the planning authority because the LPA consider that its scenic, historical, architectural or cultural features are so significant that a stricter degree of advertisement control is justified in order to conserve visual amenity within that area.
9. In any Area of Special Control of Advertisements the only categories of advertising that are permitted are:
 - public notices
 - advertisements inside a building
 - advertisements for which there is deemed consent.-

Additionally, the LPA may give their specific consent in an Area of Special Control for:

- notices about local events or activities;
- advance signs or directional signs which are 'reasonably required' in order to direct people to the place identified by the sign;
- an advertisement required for public safety reasons.

The main consequence for advertisements which can be displayed with deemed consent in an Area of Special Control is that there are stricter limits on permitted height and size of the advertisement than elsewhere.

A Boards are not permitted in an Area of Special Control and the LPA are not empowered to grant consent for them in such Areas.

10. The draft policy should therefore include reference and powers of delegation also to the Planning Committee and / or Built Environment enforcement and compliance officers. Whilst it is recognised that one of the reasons for the policy is to avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies, this should not be at the expense of overlooking the long established advertisement control system under Planning legislation.
11. With regard to consultation, 2-2-1 of the policy states that the Council may consult with '*any or all of the following organisations or persons*' – the list referred to include Built Environment. Does this mean that Built Environment may not be consulted? There needs to be a formal approach to consultation which should include Built Environment on all occasions (in particular Built Environment Enforcement)
12. With the Localism Act coming into force LPAs now also have additional powers to remove and dispose of any structure which in their view is used for the unauthorised display of advertisements and recover the costs in doing so.
13. It should be noted that signs attached to private property (such as railings outside a firm that clearly belong to the firm) and on private frontages/forecourts are already dealt with under planning enforcement powers.
14. The new Enforcement Team of the Built Environment Division is well place to deal with such contraventions in terms of Planning Legislation, especially within Areas of Special Control.
15. Further member consultation is required with Built Environment Officers before this policy is formalised.

Neals Yard Remedies Cheltenham

We are writing in response to your letter dated the 11th of June this year. We are a business trading in Montpellier and in these difficult economic times very much appreciate all the help that the council can give us.

One of the major ways that business can be facilitated is when licenses and restrictions are lifted to enable companies to promote their businesses to the general public. We find that A Boards and black boards work very well on the pavements. They let passers by know what is happening in the various shops, they act as street furniture and they are big enough to not be a hidden risk on health and safety grounds. Customers enjoy the information and often entertainment that these types of signs offer because they are not fixed to walls and so can change with the different things that are happening in the area. For example we often have a black board outside telling people about available treatments in our therapy rooms or workshops that we are holding.

We as businesses have to be responsive and extra welcoming in the current climate, we are thinking of every way possible to make our area an exciting, friendly and accessible place to come and shop and we need the council to support us in our attempts to survive the recession. Since the parking charges were implemented in Montpellier our footfall has plummeted, we need a council which show imagination, flexibility and the ability to see the big picture and support initiatives that come from the ground and not stifle them with red tape and petty regulation.

We appreciate your desire to consult with us on this issue and hope you take our views into consideration.

Chris Copner (Soho Coffee)

1. I can see no mention of charges for the various licences under consultation. In previous years I have been driven to question the basis of charges for the licence we maintain for our store at 2 Cambray Place. Currently we pay £2,838 for 9 tables and 33 chairs which is disproportionate to charges levied by other local authorities providing similar licences where we operate. There needs to be a fair and transparent charging mechanism for these licences in Cheltenham and this needs to take account of the business rates contribution already being paid by the licensee for the host premises.
2. The Licence granted is for use of space for a maximum of 10.5 hours per day. At all other times the pavement reverts back to normal pedestrian use. It is reasonable for the Council to undertake standard cleaning responsibilities rather than default these to the licensee. At Cambray Place there is significant overnight activity which results in all manner of residue being left. Some of this such as chewing gum requires specialist street cleaning equipment to remove and it would not be possible for a licensee to be suitably equipped – nor in these circumstances a reasonable expectation for them to assume responsibility.
3. There is no mention of fees for provision of licences for A Boards. We would expect that an A Board incorporated in a licensed area should not be subject to a separate or additional fee.

Phillip Goode (Vinyl Vault)

Further to your letter dated 30/05/2012 we would like to make the following comment:

Having had an A-board licence for a few years we are concerned that the old criteria of having a shop in a basement off the high street seem to have been discarded. It is essential for our business that our A-board remains in it's present position – putting it on the pavement outside the shop, which appears to be the new plan, would serve no purpose.

As we are one of the few businesses which have complied with your licensing laws please consider this point in any future plans.

Prestbury Parish Council

Clerk: Amanda Wragg
Telephone: 01242 575129
E-Mail: prestburyparish@btconnect.com

Parish Council Office
The Pavilion
New Barn Close
Prestbury
Cheltenham GL52 3LP

June 13th 2012

Louis Krog
Licensing & Business Support Team Leader
Public Protection
Cheltenham Borough Council
Municipal offices
Promenade
Cheltenham
GL50 9SA

Dear Mr Krog

Re. Consultation on Draft Policy Measures to Control Street Scene Activities in Cheltenham

I am writing to thank you for the opportunity to review the Draft Policy Measures to Control Street Scene Activities in Cheltenham. Prestbury Parish Council has reviewed the draft document and has no queries or contributions to make to what is a clear and comprehensive document.

Best wishes

Amanda C. Wragg

Amanda Wragg
Clerk to the Council

Mr Will Capstick

2nd August 2012

Dear Sir / Madam,

I am writing this letter in reply to one I received dated 30th May 2012 regarding the 'Consultation on draft policy on measures to control street scene activities in Cheltenham – Street trading, objects on the highway and charitable collections'.

I currently hold street trading consent for 2 ice cream vans and as the only ice cream van firm based in Cheltenham I would like to put across my views on several of the current policies.

I'd like to start with the restrictions surrounding Pittville Park. I have been operating my ice cream vans for 16 years and used to have a regular position around the park. Several years ago the council enforced a policy banning ice cream vans from being near the park. As well as effecting my business this also enraged members of the public who enjoyed me being there at the park. I started a petition which received many signatures, and appeared in the press along with members of the community showing their support. I failed to overturn the policy and received little explanation.

On Wednesday August 1st 2012 I was invited to attend the National Play Day in Pittville park and I parked up by the Pump rooms looking out over the park. This was a very successful day and I had many comments saying how good it was to see me back in the park. I also had comments from others saying how convenient it was to have some refreshments available at that end of the park, as the kiosk is positioned too far away from the play area so on hot days it is a struggle to cool down without drinks or cold treats. Earlier in the year I visited the Pump rooms and enquired whether it would be possible to place my van within their car park and serve people in the park. They thought this was a great idea but unfortunately this wasn't their decision and suggested I contacted the Parks department of the council. I did this and my email got sent on to different departments however I didn't ever get a reply.

I realise there is a kiosk based in the park and they pay a fee to be there, but it is a large park and not everyone knows where the kiosk is. I would be happy to pay an extra fee on top of the fee I currently pay for my licenses to the council if I was to be granted a position within the park or around its perimeter.

My second point concerns the possibility of positioning an ice cream van within Cheltenham High Street. I have recently noticed many towns allow ice cream vans within their pedestrianised areas during the summer months and I think it would be great if Cheltenham can do the same. I recently visited Nuneaton and there are half a dozen vans doing business around their High Street grid. I spoke to the owner and he said they arrive before the shops open so there are very few pedestrians and they leave after the shops close, again avoiding members of the public.

On page 3 of the councils 'Policy for town centre activities' document it states that street trading can be permitted assuming we serve

'Ready-to-eat foods for consumption on-street, provided that it is festive'

After reading the documents I can positively say an ice cream van satisfies all criteria as it would not require tables and chairs or an A-board and it can be very easily removed. To quote the document again (page 2, paragraph 3)

'Additionally, the sale of ready-to-eat 'treat' foods which are synonymous with holiday periods would be acceptable. For example, ice-creams during the summer months.....'

I also do not see how it would take business away from any other traders, especially as the council allow to have a burger/hot dog van operate only a few metres away from Burger King over the Christmas months. Again we would be happy to meet any extra fees required.

My third point is in relation to 'Special conditions for mobile ice cream traders'. Point number 2 is a very clear and obvious term relating to ice cream vans parking 75 metres away from schools. Whilst as I believe this is a very sensible rule, it is very restricting as this is not practical at all schools. There are several schools I visit that are more than happy to have an ice cream van visit at home time. Schools including Airthrie and Greatfield school I visit regularly and I can honestly say I serve approximately 90% of their pupils and parents (as well as some teachers) and have never received any complaints. Airthrie school let me park on their drive but as there is only room for 2-3 vehicles this is not always possible. The headteacher is more than happy for me to park directly outside the school but due to this rule I have to park 75 metres away causing the children to walk further from the school and some times cross the road, therefore making the situation more dangerous. At Greatfield school I used to park near the school in the car park on the same side as the school. The parents and children left the school and come to the van without having to cross any roads or the car park. Now I park 75 metres away it means they do need to cross the road as well as cross the car park, which is obviously busier now as parents in their cars are still arriving and leaving the car park. The ice cream van itself adds no extra danger as I arrive early before the children depart from the school and I leave after all the parents and children have left so I am stationary the whole time.

All I ask is that you keep this policy in place but add an extra condition that ice cream vans can park closer with the permission of the school.

I would like to finish by thanking you for your time and for inviting Cheltenham traders to have their say on council policies that effect their livelihoods. I do not have to tell you how difficult it is to earn a living in the current economic climate so any help the council can offer to small, local business such as mine is greatly appreciated.

I eagerly await your reply.

Yours faithfully,



Will Capstick & Bambas Shaouna
Mr Whippy Cheltenham

Consent numbers 12/00733/STA & 12/00629/STA

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Cheltenham Borough Council

Council – 22 February 2013

Council Tax resolution 2013/14

Accountable member	Cabinet Member for Finance, Councillor John Rawson
Accountable officer	Director of Resources (Section 151 Officer), Mark Sheldon
Accountable scrutiny committee	Overview and Scrutiny committee
Ward(s) affected	All
Significant Decision	Yes
Executive summary	The purpose of this report is to enable the Council to set the Council Tax for 2013/14. The Council agreed its budget and level of Council Tax for 2013/14 at a meeting on 8 th February 2013. The Council is required to formally approve the total Council Tax for residents of Cheltenham, including the Council Tax requirements of the precepting organisations Gloucestershire County Council (GCC) and Gloucestershire Police.
Recommendations	Approve the formal Council Tax resolution at Appendix 2 (to follow) and note the commentary in respect of the increase in Council Tax at Paragraph 6 of Appendix 2.

Financial implications	<p>Failure to agree the Council Tax resolution at this meeting would delay the preparation of council tax bills and the collection of the payments from residents. This may result in lost interest on income collected, which given the prevailing low interest rates, would be approximately £1-2k per month.</p> <p>Contact officer: Mark Sheldon, Director of Resources mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>The Council must set its Council Tax in accordance with the requirements of the Local Government Finance Act 1992 (as amended).</p> <p>Contact officer: Peter Lewis, One legal 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 outlined in the financial implications

Corporate and community plan Implications	None arising from this report
Environmental and climate change implications	None arising from this report

1. Introduction

- 1.1 The Localism Act 2011 has made significant changes to the Local Government Finance Act 1992, and now requires the billing authority to calculate a Council Tax requirement for the year, not its budget requirement as previously.
- 1.2 The Council agreed the budget and level of Council Tax for 2013/14 at a meeting on 8th February 2013. The Council is required to formally approve the total Council Tax for residents of Cheltenham including the Council Tax requirements of the precepting organisations, Gloucestershire County Council (GCC) and Gloucestershire Police.
- 1.3 Gloucestershire County Council (GCC) and Gloucestershire Police will have met to set their council tax by 20th February 2013.
- 1.4 The total Council Tax to be paid by residents of Cheltenham in 2013/14 by council tax band, including the precepting authorities, is contained in Appendix 2 (to follow).

2. Reasons for recommendations

- 2.1 To enable the Council to set the Council Tax for 2013/14.

3. Alternative options considered

- 3.1 Not applicable

4. Consultation and feedback

- 4.1 Not applicable

5. Performance management – monitoring and review

- 5.1 Not applicable

Report author	Contact officer: Mark Sheldon mark.sheldon@cheltenham.gov.uk 01242 264123
Appendices	1. Risk Assessment 2. Council Tax resolution (to follow)
Background information	1. Council Budget Report 8 th February 2013

Risk Assessment

Appendix 1

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
c.tax 1	Failure to agree the 2013/14 Council Tax resolution may result in lost interest on income.	DoR	8/02/13	4	1	4	Accept	Councillors to agree precept at meeting	22/02/13	DoR	

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COUNCIL TAX RESOLUTION 2013/2014

1. It be noted that on 01 December 2012 the Council calculated the Council Tax Base for 2013/14 as follows:
 - (a) for the whole Council area as **38,425.70**
 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")] ; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached **Table B** below.

2. Calculate that the Council Tax requirement for the Council's own purposes for 2013/14 (excluding Parish precepts) is £7,190,217

3. That the following amounts be calculated for the year 2013/14 in accordance with Sections 31 to 36 of the Act:
 - (a) £65,206,238 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £57,852,228 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £7,354,010 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £191.38 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £163,792.97 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached **Table B** below).
 - (f) £187.12 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

4. To note that Gloucestershire County Council and the Police and Crime Commissioner for Gloucestershire have issued precepts to the Council in accordance with Section 40 of the

Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in **Table A** below.

5. To note that the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in **Table A** below as the amounts of Council Tax for 2013/14 for Cheltenham Borough Council, Gloucestershire County Council and the Police and Crime Commissioner for Gloucestershire, for each of the categories of dwellings.

Table A

Council Tax for 2013/14 for each of the categories of dwellings shown below :

Band	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Cheltenham Borough Council	124.75	145.54	166.33	187.12	228.70	270.28	311.87	374.24
Gloucestershire County Council	727.00	848.17	969.33	1,090.50	1,332.83	1,575.17	1,817.50	2,181.00
The Police and Crime Commissioner for Gloucestershire	135.79	158.42	181.05	203.68	248.94	294.20	339.47	407.36
Aggregate Council Tax (Excluding Parishes)	987.54	1,152.13	1,316.71	1,481.30	1,810.47	2,139.65	2,468.84	2,962.60

Table B

Parish amount of Council Tax for 2013/14 for each of the categories of dwellings shown below :

Part of the Council's area	Valuation Bands							
	A	B	C	D	E	F	G	H
Band	£	£	£	£	£	£	£	£
Charlton Kings	7.55	8.80	10.06	11.32	13.84	16.35	18.87	22.64
Leckhampton with Warden Hill	11.23	13.10	14.97	16.84	20.58	24.32	28.07	33.68
Prestbury	13.73	16.02	18.31	20.60	25.18	29.76	34.33	41.20
Swindon	9.46	11.04	12.61	14.19	17.34	20.50	23.65	28.38
Up Hatherley	6.61	7.72	8.82	9.92	12.12	14.33	16.53	19.84

Table C

Aggregate of amounts of Council Tax for the year 2013/14 for the Borough of Cheltenham and each Parish, for each of the categories of dwellings shown below :

Part of the Council's area	Valuation Bands							
	A	B	C	D	E	F	G	H
Band	£	£	£	£	£	£	£	£
Charlton Kings	132.30	154.34	176.39	198.44	242.54	286.63	330.74	396.88
Leckhampton with Warden Hill	135.98	158.64	181.30	203.96	249.28	294.60	339.94	407.92
Prestbury	138.48	161.56	184.64	207.72	253.88	300.04	346.20	415.44
Swindon	134.21	156.58	178.94	201.31	246.04	290.78	335.52	402.62
Up Hatherley	131.36	153.26	175.15	197.04	240.82	284.61	328.40	394.08

Table D

Aggregate of amounts of Council Tax the year 2013/14, for Gloucestershire County Council, The Police and Crime Commissioner for Gloucestershire, the Borough of Cheltenham and each Parish, for each of the categories of dwellings shown below :

Part of the Council's area	Valuation Bands							
	A	B	C	D	E	F	G	H
Band	£	£	£	£	£	£	£	£
Charlton Kings	995.09	1,160.93	1,326.77	1,492.62	1,824.31	2,156.00	2,487.71	2,985.24
Leckhampton with Warden Hill	998.77	1,165.23	1,331.68	1,498.14	1,831.05	2,163.97	2,496.91	2,996.28
Prestbury	1,001.27	1,168.15	1,335.02	1,501.90	1,835.65	2,169.41	2,503.17	3,003.80
Swindon	997.00	1,163.17	1,329.32	1,495.49	1,827.81	2,160.15	2,492.49	2,990.98
Up Hatherley	994.15	1,159.85	1,325.53	1,491.22	1,822.59	2,153.98	2,485.37	2,982.44
All other parts of the Council's area	987.54	1,152.13	1,316.71	1,481.30	1,810.47	2,139.65	2,468.84	2,962.60

Table E

Parish Council Precepts, Tax Base and Council Tax for 2012/13 and 2013/14

Parish	2013/14			2012/13			Council Tax Increase/ (decrease)
	Tax Base	Precept £	Council Tax Band D (£)	Tax Base	Precept £	Council Tax Band D (£)	
Charlton Kings	4,043.40	45,763.58	11.32	4,240.00	48,400	11.42	(0.88%)
Leckhampton with Warden Hill	1,746.90	29,412.23	16.84	1,870.90	31,500	16.84	0.00%
Prestbury	2,800.10	57,680.00	20.60	2,970.30	57,680	19.42	6.08%
Swindon	664.90	9,431.82	14.19	712.30	9,500	13.34	6.37%
Up Hatherley	2,168.10	21,505.34	9.92	2,316.90	23,000	9.93	(0.10%)
TOTAL		163,792.97			170,080		

6. To note that the relevant basic amount of council tax for the financial year 2013/14, which reflects a nil increase, is not excessive in accordance with the principles approved by the Secretary of State under Section 52ZB of the Local Government Finance Act 1992 as amended and the Referendums Relating to Council Tax Increases (Principles) Report (England) 2013/14 and, therefore, the requirement to hold a referendum is not engaged.

Document is Restricted

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