



# CHELtenham

## BOROUGH COUNCIL

### Notice of a meeting of Cabinet

**Tuesday, 15 October 2013  
6.00 pm  
Pittville Room - Municipal Offices**

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

### Agenda

	<b>SECTION 1 : PROCEDURAL MATTERS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>MINUTES OF THE LAST MEETING</b> Minutes of the meeting held on 17 September 2013  The minutes of the meeting held on 1 October will be considered at the November meeting.	(Pages 1 - 6)
<b>4.</b>	<b>PUBLIC AND MEMBER QUESTIONS AND PETITIONS</b>	
	<b>SECTION 2 :THE COUNCIL</b> <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	<b>SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE</b> <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	<b>SECTION 4 : OTHER COMMITTEES</b> <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	<b>SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS</b>	
<b>5.</b>	<b>BUILT ENVIRONMENT:REVIEW OF COMMISSIONED</b>	(Pages

		<b>SERVICE</b> Report of the Cabinet Member Built Environment	7 - 52)
6.		<b>ANNUAL REVIEW OF HACKNEY CARRIAGE FARES</b> Report of the Cabinet Member Housing and Safety	(Pages 53 - 56)
7.		<b>ALLOCATION OF THE COMMUNITY PRIDE FUND</b> Report of the Leader	(Pages 57 - 74)
8.		<b>BUDGET STRATEGY AND PROCESS</b> Report of the Cabinet Member Finance	(Pages 75 - 90)
9.		<b>QUARTERLY BUDGET MONITORING REPORT TO END OF AUGUST</b> Report of the Cabinet Member Finance	(Pages 91 - 104)
10.		<b>CORPORATE RISK REGISTER</b> Report of the Cabinet Member Corporate Services	(Pages 105 - 116)
11.		<b>REGULATION OF INVESTIGATORY POWERS (RIPA)- OFFICE OF SURVEILLANCE COMMISSIONER'S INSPECTION REPORT</b> Report of the Cabinet Member Corporate Services	(Pages 117 - 168)
12.		<b>THIRD SECTOR ASSESSMENT FOR THE GARDENS GALLERY CIC</b> Report of the Cabinet Member Finance	(Pages 169 - 178)
		<b>SECTION 6 : BRIEFING SESSION</b> • Leader and Cabinet Members	
13.		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS AND OFFICERS</b> Member decisions taken since the last Cabinet meeting	
		<b>SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION</b>	
		<b>SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS</b>	
14.		<b>LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS</b> <b>The Cabinet is recommended to approve the following resolution:-</b>  "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 3 and 5, Part (1) Schedule (12A)	

		Local Government Act 1972, namely:  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	
<b>15.</b>		<b>EXEMPT MINUTES</b> Exempt minutes of the meeting held on 17 September 2013	(Pages 179 - 182)

**Contact Officer:** Rosalind Reeves, Democratic Services Manager, 01242 774937  
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### Cabinet

**Tuesday, 17th September, 2013  
6.00 - 7.00 pm**

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

### Minutes

- 1. APOLOGIES**  
Apologies were received from Councillor Whyborn
  
- 2. DECLARATIONS OF INTEREST**  
Councillor Hay declared a personal interest in Agenda item 6 as a Trustee of the Art Gallery & Museum Development Trust
  
- 3. MINUTES OF THE LAST MEETING**  
The minutes of the meeting held on 16 July 2013 were approved and signed as a correct record.
  
- 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**  
None
  
- 5. LOCAL COUNCIL TAX SUPPORT SCHEME (LCTS)**  
The Cabinet Member Finance introduced the report and explained that last year the Government cut funding for council tax benefit by 9 %. CBC had responded to this by working with the other councils in Gloucestershire to ensure that the poorest and most vulnerable people were protected. Changes were made to council tax empty property exemptions and second home discount to help offset the reduction in funding.

The Cabinet Member Finance reported that it was the intention of the councils in Gloucestershire to make a permanent council tax support scheme. For 2014/15 however it was proposed to continue the current temporary arrangement due to the major Government spending review expected over the next few months and due to delays in the implementation of welfare reform. A short public consultation would be carried out on this basis.

#### **RESOLVED THAT**

- a) the Local Council Tax Support scheme remain unchanged for 2014/15, other than the annual up rating of premiums, allowances and non dependant deductions.**

**b) a public consultation of eight weeks be approved on this basis.**

**c) authority be delegated to the Section 151 officer, in consultation with the Cabinet Member Finance, to agree the content of future public consultation on any Local Council Tax support scheme.**

**6. REBRANDING CHELTENHAM ART GALLERY AND MUSEUM**

The Cabinet Member Sport and Culture introduced the report which set out the basis on which the Cheltenham Art Gallery & Museum (AG&M) is re-branded following 18 months closure and the completion of the multi-million pound redevelopment project of the building. Having recognised the importance of engaging with the wider community and the public, feedback on the proposal of re-branding the AG&M as “The Wilson” was sought following a media briefing on 5 September.

Members were informed that 70 people had sent in their views. Whilst recognising that encompassing all that the new building had to offer in one name was never going to be an easy task the Cabinet member highlighted the following points in response to the comments received :

- Rebranding-the HLF had strongly recommended that rebranding was looked at supported by the Summerfield Trust and the University. A perceptions audit was commissioned which included consultation with key internal and external stakeholders, the purpose of which was to deliver a branding proposal which would form the basis for a creative design. Based on the outcomes of this audit a tender process was undertaken to appoint an agency to develop those ideas. This concerned maximising the impact of the reopening to reposition the AGM from a hugely important local attraction to one that could help boost our national and international profile and encourage tourism
- Cost-0.15 % of the total cost of the project (£6 million) had been spent on the rebranding and this had been built into the budget from the outset. This was not regarded as an overly excessive amount for a project of this size.
- Logo-this was a grid inspired by the new building itself, both the look from the outside and the modular basis of the internal building and different spaces; the outside sign would be black and white which complimented the steel and glass in its modern look of the building; the simplicity of the logo itself allowed it to stand out.
- The Wilson proposal-Edward Wilson was born in Cheltenham, educated at Cheltenham College and was a junior surgeon at the hospital and was famously on Scott’s Antarctic Expedition. Exploring heritage and culture, experiencing, discovering and learning is what a museum and art gallery is for and this encapsulated what Edward Wilson did. The name of the Cheltenham Art Gallery and Museum would appear on all the literature and publicity.

Finally the Cabinet Member emphasised that the majority of comments supported the new rebranding and that this was the most significant development project Cheltenham had had for many years. It would open on 5 October 2013.

Cabinet Members supported the proposal and emphasised that this was no ordinary town museum but one which they hoped would gain national and international status. The existing name would be the strap line for the new building but the rebranding to the Wilson represented a more accessible name for a modern, new and forward looking institution.

The Leader of the Council added that it was entirely appropriate that the museum had been rebranded taking account of the fact that it had been closed for such a long period of time. The rebranding exercise represented value for money and had been an impressive process.

**RESOLVED THAT**

**The re-branding of the Cheltenham Art Gallery & Museum to “The Wilson” be approved.**

**7. REQUEST FOR CONSENT FOR THE COUNCIL TO ENTER INTO A DEED DEDICATING WEAVERS FIELD AND THE BURROWS PLAYING FIELD AS QUEEN ELIZABETH II FIELDS WITH THE ORGANISATION FIELDS IN TRUST**

In the absence of the Cabinet Member Sustainability, the Cabinet Member Built Environment introduced the report and explained that the Queen Elizabeth II Fields Challenge, operated by Fields in Trust, was a legacy initiative to mark both the Queen’s Diamond Jubilee and the London Olympics. Requests had been made by councillors to consider dedicating Weavers Field and the Burrows Playing Field to protect their existing use. These were important, much loved, and valued local amenities which would benefit from Fields in Trust status.

**RESOLVED THAT**

**The signing of a Deed of Dedication with Fields in Trust pertaining to Weavers Field and The Burrows Playing Field to protect their existing use be supported.**

**8. TRIENNIAL REVIEW OF THE SEXUAL ENTERTAINMENT VENUE POLICY**

The Cabinet Member Housing and Safety introduced the report and explained that although there was no statutory requirement to undertake a triennial review of the policy statement, there was a commitment set out in the policy statement to do so at least once every three years to ensure the policy remained up to date and relevant. He highlighted Appendix 2 of the draft policy statement which was the code of conduct used for sexual entertainment venues which were on a temporary notice, such as those operating during the Cheltenham Festival. Members’ approval was sought to issue the draft policy for consultation.

**RESOLVED THAT**

- 1. The outlined changes to the draft policy statement be noted.**

2. The draft policy statement at Appendix 2 be approved for the purpose of consultation.

**9. RESPONSE TO RECOMMENDATIONS OF THE SCRUTINY TASK GROUP ON THE SEX TRADE IN CHELTENHAM**

The Cabinet Member Housing and Safety introduced the report which outlined the Partnership work which was taking place in response to the recommendations set out in the report of the Scrutiny Task Group on the sex trade in Cheltenham. He reported that both the Positive Lives Partnership and Cheltenham Safeguarding Forum have taken responsibility for moving forward those recommendations which required a partnership approach.

The Cabinet Member highlighted work which had been undertaken on emergency housing in terms of raising awareness among partners of the new service to support vulnerable people which should include those who have experienced sexual violence specifically as a result of the sex trade. He then referred to the positive socialising, living and relationships “safeguarding weeks” which aimed to raise awareness of safeguarding issues.

Members welcomed the partnership approach which represented the right way forward. The Leader added that this was a good demonstration of how scrutiny worked in practice in terms of raising issues which could be worked on together.

**RESOLVED THAT**

**The Partnership’s actions as outlined in response to the recommendations set out in the report of the Scrutiny Task Group on the sex trade in Cheltenham be endorsed.**

**10. BRIEFING FROM CABINET MEMBERS**

Councillor Hay reported the following :

- the £211 k investment to replace and refit the health & fitness provision had gone well and the new gym would be opening to members of the public on 23 September.
- the Buffet at the Town Hall had been refurbished and rebranded as the Regency Café. It would be open 2 hours before any performance and would reopen in early October.
- The sport and play summer holiday programme had been highly successful involving 8082 young people and which offered good value for money

**11. MEMBER DECISIONS TAKEN SINCE THE LAST CABINET MEETING**

The Cabinet Member Sport and Culture informed the meeting that she had taken a decision on 30 July to allocate 90 % of the positive activities funding. The remaining funds would be used to deliver youth activities in Benhall and Oakley.

The Cabinet Member Finance reported that on 21 August he had accepted the tender from Frances Crick,CBH, for the provision of Design and Installation of Photovoltaic Systems by Glevum Heating.



The Leader had taken a decision by way of written resolution approving Ubico's 2013/14 Business Plan.

**12. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS  
RESOLVED THAT**

"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 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

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

**13. EXEMPT MINUTES**

The exempt minutes of the meeting held on 16 July were approved and signed as a correct record.

**14. ST PAUL'S PHASE TWO**

The Cabinet Member Housing and Safety introduced the report which established the approvals required from Cabinet in order that a contract could be entered into for the construction of 24 affordable homes alongside 32 homes for outright sale.

The Head of Legal Services was invited to address members in respect of the contract and the Chief Executive, CBH, also addressed the Cabinet in respect of deliverability of the scheme.

Members considered the issues and agreed that the recommendation was a sensible way forward.

**RESOLVED THAT**

- (1) the transfer of land to CBH for nil consideration be approved and that authority be delegated to the Head of Property and Asset Management in consultation with the Borough Solicitor to agree the terms of the disposal and to agree any necessary changes to the areas of land to be transferred.**
- (2) the Authority and CBH be authorised to enter into all necessary agreements and other legal documentation required to facilitate the development of 56 units. 24 of which will be affordable units, and 32 units will be for private sale and that authority be delegated to the Head of Property and Asset Management in consultation with the Borough Solicitor to agree the terms thereof.**

- (3) the Head of Property and Asset Management in consultation with the Borough Solicitor be authorised to apply to the Secretary of State for Communities and Local Government for any consents necessary to facilitate St Paul's Phase two development.**

**Council be recommended that:**

- (4) in addition to the previously approved £450,000 budget for site assembly costs for the St Pauls Phase 2 development, Council approve a further capital subsidy payment of £100,000 to CBH to be used towards the cost of developing the affordable housing. The total capital support of £550,000 will be financed from usable capital receipts arising from HRA asset disposals that the Council has previously resolved to apply to the provision of affordable housing.**
- (5) the Authority enter into a loan agreement with CBH to a maximum of £2.3 million, repayable from the net rental stream from the affordable housing properties.**
- (6) it delegates authority to the Director of Resources in consultation with the Borough Solicitor to agree the terms of the loan agreement between the Authority and CBH.**

**Chairman**

## Cheltenham Borough Council

**Cabinet – Tuesday 15<sup>th</sup> October 2013**

### **Built Environment: Review of Commissioned Service**

<b>Accountable member</b>	<b>Councillor Andrew McKinlay, Cabinet Member Built Environment</b>
<b>Accountable officer</b>	<b>Grahame Lewis, Executive Director</b>
<b>Ward(s) affected</b>	<b>None</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>A commissioning review of the built environment service was undertaken in 2011 and concluded that the continuation of the in-house arrangement for this service was the most appropriate option.</p> <p>A service level agreement (SLA) was subsequently developed to provide a basis for monitoring the performance of the service and enable members to see that the recommendations from the review were progressed and delivered.</p> <p>The purpose of this report is to:</p> <ul style="list-style-type: none"> <li>(i) update Cabinet on the first year of operation SLA</li> <li>(ii) review progress on a series of Cabinet recommendations approved on 18 October 2011</li> <li>(iii) outline how the service will be managed under the Cheltenham Futures change programme</li> </ul>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li><b>1. Cabinet notes the progress made;</b></li> <li><b>2. A stakeholder session is held to get feedback on how the service is performing;</b></li> <li><b>3. Outstanding recommendations from the cabinet report in 2011 be progressed;</b></li> <li><b>4. Undertake further work with partner councils to explore how built environment services can be delivered more cost effectively through collaborative working;</b></li> <li><b>5. That O&amp;S review progress against the recommendations in six months' time.</b></li> </ol>

<b>Financial implications</b>	Any future proposals for collaborative working will need to be considerably costed to ensure cost efficiency.  <b>Contact officer: Nina Philippidis, nina.philippidis@cheltenham.gov.uk, 01242 264121</b>
<b>Legal implications</b>	None direct arising from the recommendations.  <b>Contact officer: Peter Lewis, peter.lewis@teWKesbury.gov.uk, 01242 272012</b>
<b>HR implications (including learning and organisational development)</b>	Any future proposals for collaborative working will require consultation with employees and for the normal HR processes to be implemented.  <b>Contact officer: Sarah Flury, sarah.flury@cheltenham.gov.uk, 01242 775215</b>
<b>Key risks</b>	<b>As set out in appendix 1</b>
<b>Corporate and community plan Implications</b>	The built environment service is the lead on a specific outcome in the corporate plan, i.e. 'Cheltenham is able to balance new development with enhancing and protecting the natural and built environment'. The SLA also identifies outcomes for the service.
<b>Environmental and climate change implications</b>	As indicated above, the built environment service has a lead role in enhancing and protecting the natural and built environment and is therefore required to take account of environmental and climate change implications in the work that it does.
<b>Property/Asset Implications</b>	<b>Contact officer: david.roberts@cheltenham.gov.uk</b>

## 1. Background

- 1.1 A commissioning review of the built environment service was undertaken in 2011. This review encompassed strategic land use, development management, building control, urban design, heritage and conservation. This review concluded that the continuation of the in-house arrangement for this service was the most appropriate option.
- 1.2 A service level agreement and specification was subsequently developed to provide a basis for monitoring the performance of the service and to enable members to see that the recommendations from the review were progressed and delivered. The service level agreement was implemented from April 2012.
- 1.3 Given that this is an in house service it was decided that there was to be a light touch towards client management. During the course of the year officers from the commissioning division met with the executive director and the director of built environment to talk through progress against the service level agreement. However it provided an opportunity to test out how, under a commissioning framework, the council can assure itself that services provided in house are delivering the outcomes which members have identified.

## 2. Review of first year of operation

- 2.1 A report by the Director Built Environment, 'Built Environment Annual Report 2012-13', is attached at appendix 2. This report sets out the performance and activities of the service over the twelve month period and highlights some potential issues for the future.
- 2.2 Members will note that it includes some services which whilst within Built Environment, were not subject to the original review. A service restructure following the implementation of the service level agreement increased the complexity of monitoring the performance of the original in-scope services and added to the challenges faced by the division, so it was agreed that all built environment services would be included to provide a more balanced picture of divisional performance.
- 2.3 As might be expected, the first year was challenging for all concerned.
- 2.4 Adopting the role of an internal 'service provider' and becoming a business unit with specific outcomes to achieve or contribute to, required a culture shift in the built environment service which has been difficult to achieve. Nevertheless, the service has realised some successes:
- planning income exceeding target;
  - increasing confidence in planning decision-making, particularly in relation to some notable major applications – this included bringing the North Place & Portland Street development plans to a successful conclusion;
  - the number of flood mitigation schemes progressed and the funding drawn in to support these;
  - activity with local communities; and
  - participating in the television programme 'The Planners', which promoted the work of planning services and Cheltenham on a national programme attracting up to 3 million viewers a week.
- 2.5 The annual report identified a number of key challenges for 2013/14, although the commissioners would draw a distinction between what is business-as-usual for the service and what could have a detrimental impact on service delivery. In terms of the latter, the current resource allocation for heritage and conservation is leading to delays in the planning decision-making process and the commissioners have discussed the possibility of up-skilling planning officers to deal with the less contentious issues as a potential solution.
- 2.6 This was an issue which arose during the original commissioning review and has been partially addressed through a prioritisation of heritage cases, allowing specialist staff to concentrate on the most significant applications. More recently, additional resource has been brought in to help handle the requirement for heritage input to applications, with funding identified from the increase in planning fees.
- 2.7 Members may remember that during consultation with stakeholders, there was a clear recognition about the importance of the conservation service to the economic and cultural wellbeing of the town. It was evident that resources were limited and should focus on the priority activities. The review recognised that planning officers could be up-skilled to take on a limited conservation role, or consideration could be given to exploring sharing resources with other council to develop a range of skills. Whilst it is disappointing that the former option has not yet been progressed, there has been a significant increase in complex major applications and this, together with an upturn in planning applications has placed additional workload pressures on planning officers.

- 2.8** Discussions with other districts within the county failed to identify any spare officer capacity to assist with heritage applications.
- 2.9** The service has its own divisional risk register, but service/commissioner discussions have highlighted a particular set of risks that will need to be monitored and addressed as appropriate. These include:
- The level of resource needed to deliver the JCS and ensure it remains compliant with legislation – this is an on-going resource requirement resulting from the transfer of strategic planning responsibilities from county to district level;
  - The group court claim that has been issued against a large number of local authorities including Cheltenham in respect of the charges for local land charges searches. The negotiations regarding the claim are on going. If the claimants succeed with their claim and the Authority maybe liable for the payment of its element of the claim if payment is not covered by other funding;
  - The introduction of new legislation requiring local authorities to refund fees (subject to exceptions in relation to the prior issue of appeals or High Court challenges or agreed determination extensions) on planning applications and reserved matters applications not determined within 26 weeks of receipt. This has implications for Section 106 negotiations, which will also need to be completed within this timescale. There is some concern that other services, may also need to respond more quickly in relation to consultations and processing Section 106 agreements (One Legal) to help mitigate this risk.
- 2.10** Not all of these risks are within the remit of the commissioner to resolve with the service, but the commissioner will provide support where possible. Cabinet may need to accept that some risks cannot be mitigated by the service.
- 2.11** The implementation of the SLA also introduced a different way of working for the commissioner, who assumed responsibility for monitoring the performance of an internal service provider and supporting the service to make changes.
- 2.12** The performance indicators at appendix 3 demonstrate that the service itself has, to a great extent, performed efficiently. The SLA set out minimum requirements in the annual report, i.e. that it should contain statements about how the service has contributed to the specific economic, social and environmental outcomes identified for the service. However, measuring what has actually been achieved against the more qualitative (and often longer term) outcomes remains problematic and neither the provider nor the commissioner has been able to identify a robust and cost effective approach to monitoring some of these (e.g. quality of development). Although the commissioners believe positive work has been undertaken, picking out the evidence is difficult. This would be equally challenging were the Council to opt for an alternative service delivery model.
- 2.13** A gap also remains in terms of measuring progress in reducing the impact of development on climate change, ensuring it adds value to the built environment and ensuring developments are adaptable over the long term. It is hoped that the development of the Joint Core Strategy (JCS) and Cheltenham Plan will provide an opportunity to address this gap.
- 2.14** In addition to monitoring performance, the commissioning team has also been supporting the service on other aspects of business improvement, working with the building control service in particular to implement 'systems thinking'. Work is also ongoing to support the planning team to embed systems thinking more effectively.

### **3. Review of cabinet recommendations**

- 3.1** Appendix 4 provides a commentary on progress against the cabinet recommendations approved in October 2011, to which both the service and the commissioner needed to respond. Progress has been made on the majority of recommendations and some of the work has reached a conclusion. Where progress has been slow, this has generally been the result of capacity issues. However, it is disappointing that some aspects such as wider stakeholder meetings have not been progressed, as the initial feedback during the review from stakeholders was that these had been beneficial.
- 3.2** On the plus side, the planning department has continued to engage with local agents, architects and surveyors through the local 'agents forum'. Staff have also attended events organised by a local solicitors practice, aimed at identifying how best Gloucestershire can benefit from sustainable development implemented under the new National Planning Policy Framework (NPPF)

### **4. Future management of the built environment service**

- 4.1** Council received a report on 22<sup>nd</sup> July 2013 which set out the future function, culture and structure of the paid service within Cheltenham Borough Council. The future management of the built environment service in particular was set out in 'Workstream 1 – Direct Council Provision Unified Management'. This proposed that services currently in the built environment service be placed under the direct management of a Director of Environmental and Regulatory Services (currently Director of Built Environment).
- 4.2** As a result, as noted in appendix 4, the cabinet recommendation to test the (planning) services against private sector alternatives will not be progressed. However, all other services currently within the built environment service will be subject to further reviews, to ascertain whether they can be delivered more efficiently using alternative delivery models. This work is already underway with the private sector housing service. Since the original review was undertaken in 2011, the council now has far stronger links with its GO partners i.e. Cotswold DC, Forest of Dean DC and West Oxfordshire DC, which provides opportunities to explore how services can be delivered in a way to exploit economies of scale, resilience and capacity without compromising service delivery.

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

- 5.1** 2013/14 will be another period of transition for the built environment service (and others within the Council). To facilitate the realignment of the internal delivery structure, this process of transition has been overseen by an Executive Director (Grahame Lewis).
- 5.2** Performance management in this interim period will continue through quarterly meetings involving the commissioners, executive director and director built environment. The commissioners will also continue to support the service to make business improvements. In order to ensure that the Cabinet's recommendations have been delivered the Cabinet Member Built Environment will be included in these performance meetings.
- 5.3** A robust performance management mechanism will be put in place by April 2014 to ensure that directly delivered services are subject to the same rigorous performance monitoring and review as those commissioned services delivered by organisations external to the council.

**6. Conclusions**

- 6.1** Overall, the built environment service has maintained a high level of efficiency during its first year of operation as a service provider, as evidenced by performance against the agreed suite of performance indicators. There are still some issues that need progressing around culture, continuing to put the customer at the heart of the service and focusing on and measuring qualitative outcomes.
- 6.2** It will be important to ensure that this is reinforced through the implementation of the Council’s change programme and in light of the financial challenges which the Council faces, the Cabinet will need to decide how best to monitor internal service performance within the new structure.
- 6.3** In light of the increasingly challenging delivery agenda, Cabinet may wish to consider whether the approach and resources deployed in servicing the current performance regime on both the commissioner and provider side remain fit for purpose.

<b>Report author</b>	<b>Contact officer: Grahame Lewis, Grahame.Lewis@cheltenham.gov.uk,  01242 264312</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. ‘Built Environment Annual Report 2012-13’</li> <li>3. 2012/13 performance indicators</li> <li>4. Review of progress on cabinet recommendations from 18/10/2011</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1.</li> </ol>



The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	The council has an ambitious change agenda and undertaking another restructure within the team could divert resources away from the delivery of key projects	Grahame Lewis	September 2013	3	3	9	R	Resource requirements are picked up through the operational programme board, and capacity issues are reviewed through this process and resources realigned where necessary.	31.3.15	Mike Redman	
	If there is too much focus on service efficiency and saving money there is a danger that social, economic and environmental outcomes may not be delivered	Grahame Lewis	September 2013	3	2	6	R	The service outcomes are set to deliver social, economic and environmental outcomes and are underpinned by a set of principles relating to efficiency. It will be for the director of built environment to ensure that the right	31.3.15	Mike Redman	

								balance is struck between these outcomes and underlying principles			

**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

**Guidance**

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

**Risk ref**

If the risk is already recorded, note either the corporate risk register or TEN reference

**Risk Description**

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver

effective responses to the predicted flu pandemic then council services will be significantly impacted.”

**Risk owner**

Please identify the lead officer who has identified the risk and will be responsible for it.

**Risk score**

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

**Control**

Either: Reduce / Accept / Transfer to 3rd party / Close

**Action**

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

**Responsible officer**

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

**Transferred to risk register**

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on

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# Towards an outcomes framework v 1.3

## Under-pinning principles

Use of the website to encourage self-service

Easy to access in different ways, including options for face-face advice

Positive, pro-active and approachable with customers being sign-posted to other sources of advice

Transparent and fair processes with customers knowing that their views have been listened to

Processes that take into account the **emotional aspect** of the service

Customers have a right to re-dress when things go wrong

Effective engagement, consultation and participation processes

Service has a CBC identity and complies with CBC policies and procedures

Working in partnership with others to deliver the outcomes

## Environmental outcomes

To ensure the conservation and enhancement of Cheltenham's architectural and landscape heritage

Cheltenham's architectural and landscape heritage is well maintained and their long-term future is secured

New developments meet high design and sustainability standards, respecting and responding to Cheltenham's special heritage identity

## Social outcomes

People have an improved quality of life and wellbeing by ensuring that people can access and enjoy formal and informal recreation spaces.

People have an improved quality of life and wellbeing by enhancing and sustaining a sense of local distinctiveness and good design of new buildings

People have an improved quality of life and wellbeing by maintaining a high quality environment

People have an improved understanding of Cheltenham's cultural heritage

People live in safe, warm & affordable homes that meet their personal needs

People have access to a wide range of social and community facilities

People have influence over and contribute to their local environment

People receive value for money from the services

## Economic outcomes

Cheltenham's heritage and sense of local distinctiveness makes the borough a desirable location for businesses.

Cheltenham's heritage and sense of local distinctiveness creates an attractive environment where people choose to relocate in search of employment

Cheltenham's heritage and sense of local distinctiveness creates an attractive environment which attracts visitors

Cheltenham's businesses are able to grow and invest in the borough through encouraging good quality new architecture designed for the future as well as reinforcing the special qualities of historic buildings

Ensuring that the economy develops in a sustainable way which reflects environmental limits and the need to reduce carbon emissions.

## Strategic objectives and outcomes - contribution to be assessed using the community objectives assessment toolkit

Cheltenham has a clean and well maintained environment

Natural and built environment is enhanced and protected

CO2 emissions are reduced & we adapt to impacts of climate change

Cheltenham recovers quickly from the recession

We attract more visitors and investors to Cheltenham

Communities feel safe and are safe

People have access to decent and affordable housing

People are able to lead healthy lifestyles

Residents enjoy a strong sense of community

Enhancing and protecting our environment

Enhancing the provision of arts and culture

Strengthening our economy

Strengthening our communities

Providing value for money services

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## Built Environment Annual Report 2012-13



Results of enforcement action, Old Fire Station, Jessop Avenue

### Context

Following the commissioning review in 2011, the focus of activity within the Built Environment division has primarily been on delivery and consolidating the management and operational structure, to deliver both savings and operational efficiencies.

### Challenges

During the last 12 months, there have been the additional challenges outside 'business as usual', including:-

- 1) support to the Joint Core Strategy during the absence of the Planning Policy manager on maternity leave;
- 2) restructuring of the development management team following the retirement of a key member of staff;
- 3) the transition of our on-street parking agency to Apcoa, the company chosen by GCC to run the new county-wide civil enforcement service. This has in turn necessitated the TUPE transfer of most parking staff and the delivery of significant savings within the off street parking service, primarily as a result of diseconomies of scale arising from the loss of the parking agency arrangement;
- 4) support for a range of major planning proposals and public realm improvements, linked to development task force activities;
- 5) business continuity issues arising from ICT system failures, including the virus infection last year and on-going business system problems arising from a long term lack of investment in ICT infrastructure.

### Financial performance summary – key income streams

Income performance is critical to the efficient delivery of Built Environment services and helps to underpin the Council's overall financial position in terms of the medium term financial strategy. Driving down our operational costs would be fruitless if it resulted in a corresponding reduction in our income, so it is important to maintain an optimal balance between the two.

Given the efficiency challenge imposed by reducing revenue support from central government, there is a genuine risk that the pressure to reduce staffing costs could result in a damaging drop in income. So far, this has been avoided through investment in our business systems, allowing a reduction in support staffing levels and by generating new forms of discretionary income.

**Off Street Car Parking** – despite a challenging year involving restructuring which resulted in the loss of the Council’s integrated transport function, the Council’s off street parking function delivered a positive budget outcome, exceeding its net income target of £1.728 million by £24,728 (1.43%). In 2013-14, the off street team (currently within public protection) will increasingly be able to focus on the Council’s core parking business and this should be reflected in another positive outturn position.

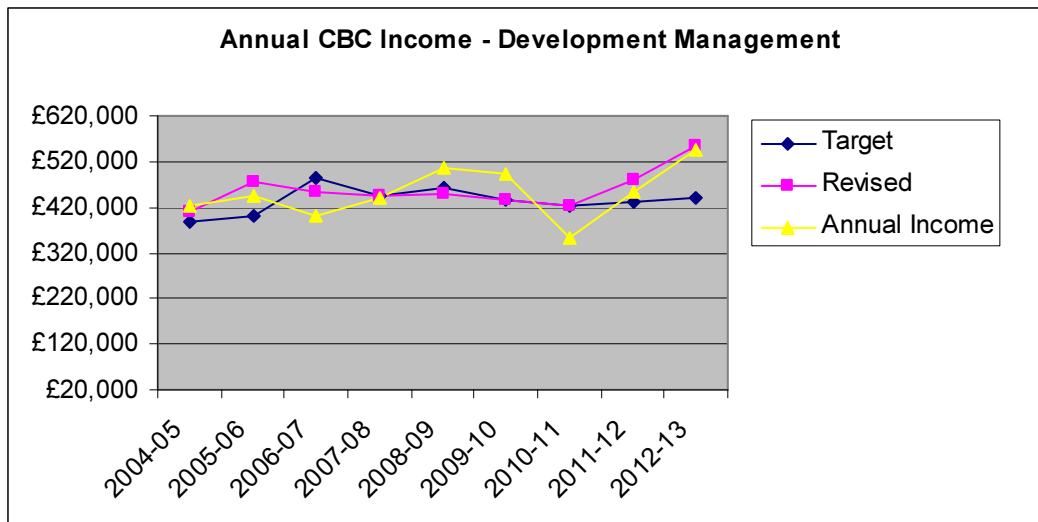


Chelt Walk Car Park

Whether the authority will be able to realise the full target savings and offset the diseconomies of scale associated with the county’s decision to outsource the on-street parking service has yet to be established. However, this will largely depend on whether the Cabinet remains willing to accept the full range of service reductions proposed.

**Development Management (applications)** - The economic environment continues to be challenging, particular in the development sector, but despite this, planning income exceeded target in 2012-13, reflecting an underlying investment confidence in Cheltenham.





Unfortunately, the government backed away from giving district authorities the anticipated freedom to set fees locally, instead deciding to increase nationally set planning fee rates by 15% with effect from November 2012. This is part of the reason for planning fee income achieving record performance last year.

**Planning Policy & JCS** – Cheltenham manages the JCS budget on behalf of the partnership and we have a separate cost centre for this, as against the council's own planning policy requirements in terms of the Cheltenham Plan.

In effect, the districts have collectively had to absorb the strategic planning function for the JCS area, a role previously undertaken by the county council; there has been no comprehensive financial analysis of the long term impact of this.

Key JCS workstreams commissioned during the year include:-

- Employment and housing assessment work to help establish objectively assessed need – Nathaniel Lichfield and Partners (NLP);
- Household formation analysis and review of NLP work – Cambridge centre for housing and planning Research (CCHPR);
- Strategic Flood Risk Assessment Level 2 – Halcrow;
- Sustainability Appraisal – Enfusion;
- Infrastructure Delivery Plan – ARUP;
- Legal advice on spatial options – via counsel.

Within partner councils, the staff have been busy writing policies, topic papers and undertaking sites analysis, including constraints mapping around landscape and heritage issues.

In 2012-13, the Council's expenditure on planning policy (excluding the JCS) was budgeted at £232,600 against an outturn spend of £221,131. This translates into a positive budget variance of 4.9%.

Expenditure on the JCS – Cheltenham manages the shared partnership budget for the JCS, but also has its own costs, including support services elements which bolster Cheltenham's contribution to this strand of planning policy work.

**Building Control** – Despite further efficiencies within the Building Control team, the operating environment proved difficult again in 2012-13, with fewer major projects

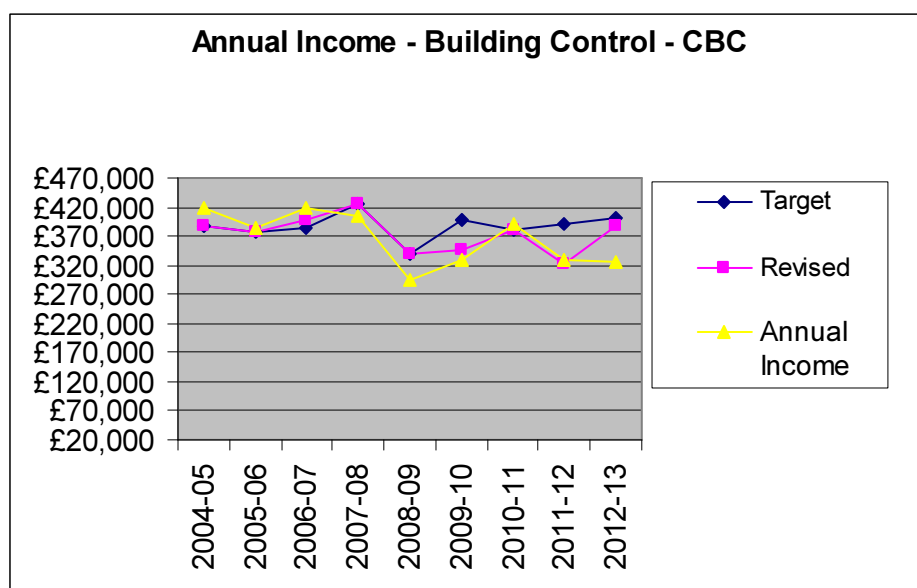
going on site and developers seeking to exploit the competitive market place to drive down fee costs. As a result, fee income was down across the shared service, but Cheltenham fared worse than Tewkesbury. This is in part because the fee target for Cheltenham has been set optimistically high for two consecutive years, whereas Tewkesbury has been more prudent. The service has advised that this 'credibility gap' needs to be addressed over a two year period via the MTFs, as we are not confident that the position will improve in the short term.

However, despite suppressed income, as a result of the management of costs across the shared service, including reduced support service costs, building control delivered a net in-year revenue surplus of £91,429. Even taking account of exceptional adjustments in year, the net surplus was around £15,800.

The service remains committed to getting closer to 'break even' in terms of budget setting, whilst recognising the constraints of non fee-earning activity, the existing Section 101 agreement and the impact of uncontrollable service recharge costs such as office accommodation. There is also an identified need to invest in the service to underpin existing business activity, including the ambition to have a shared ICT business system across the shared service and to support training needs. Concerns about the need to mitigate income shortfall have impacted on the business in this respect.

The Building Control team recognises that the environment within the Authority and within the construction industry is rapidly changing. There are opportunities for the Building Control service, but these will not always provide a cashable advantage to Cheltenham Borough Council and Tewkesbury Borough Council. This misalignment must be understood and both districts need to have a clearly focused idea of what they require from the service over the next three years, so that the function can be successfully managed.

Discussions are currently taking place with Gloucester City Council exploring the potential for an extension of the existing shared service partnership. We remain committed to ensuring that Cheltenham achieves a 'better than cost neutral' outcome from any such arrangement, notwithstanding the potential service resilience benefits.

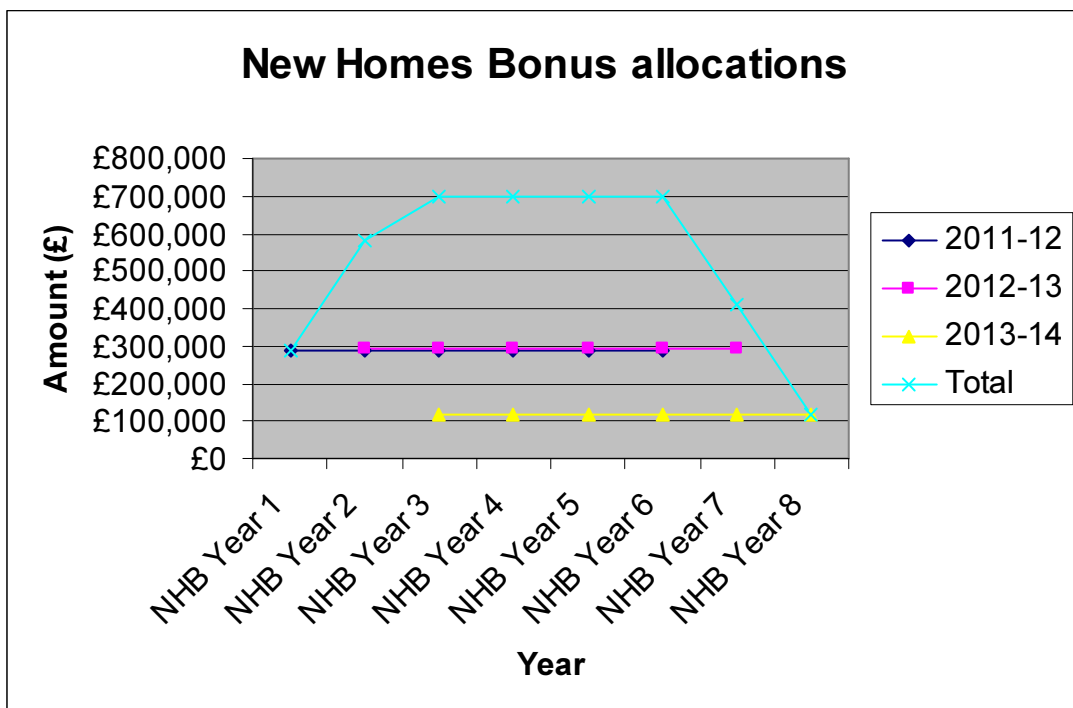


**Land Charges**

As with building control, despite suppressed income, as a result of the management of costs within the service, including reduced support service costs, land charges delivered a positive budget variance of £64,187.

**New Homes Bonus (NHB)** – Housing completions in Cheltenham were at an historic low in 2011-12 and despite credible performance in getting long term vacant homes back into use, our additional NHB allocation was a modest £115,556, bringing the total for 2012-13 up to £699,135.

Whilst NHB allocations will not peak for at least another three years, the government recently announced proposals to top-slice a proportion of local authority NHB allocations from 2015-16 in order to provide additional funding to Local Enterprise Partnerships.



In strategic terms, the Council’s need to rely on NHB as a funding stream is likely to increase and housing delivery is therefore critical to the financial health of the authority, as it is top-sliced from the national formula grant calculation.

**Vacant homes** - It is important that the Council maintains its activity in relation to action to keep down the level of long term vacant property in the town. This is especially important when we are bringing forward proposals to release greenfield and green belt sites for development.



22, Gloucester Place (viewed from Fairview Road)

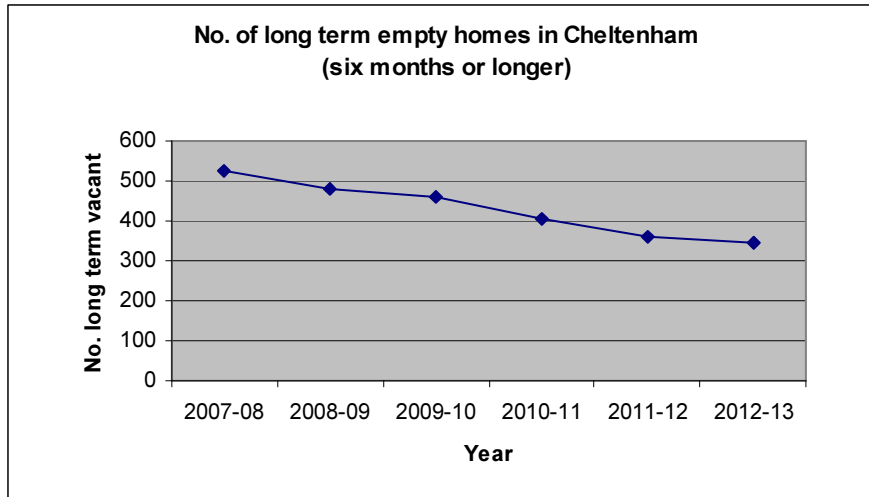
In 2012-13, the enforcement team as involved in helping to secure the re-occupation of 118 empty dwellings.

Dwellings empty for six months or longer are taken into account in the calculation of NHB. Each net long term vacant property brought back into use is therefore worth an average of around £12,000 to the Council. In 2012, the number of long term vacant dwellings in Cheltenham reduced by 18 dwellings, worth to the authority in NHB terms around £216,000 over six years.

This reflects the concerted efforts of both Council Tax and the Built Environment enforcement team in targeting owners under our Vacant Property Strategy. Member support for the approach was underlined by a successful 'invest to save' bid, allowing for more targeted support for this activity.

Compulsory purchase is now being used as a last resort to bring back into use some of the most problematic vacant properties. In addition, reports and procedures are being prepared to facilitate enforced sale. There are in the region of 25 problematic vacant properties that are likely to require compulsory purchase or enforced sale action by the enforcement team.

This shows the importance of investing in staffing on key areas of activity which generate income and where a more cautious approach may actually prove to be less cost effective in revenue terms.



### **Built Environment structure changes effected during 2012-13**

- On-street parking service transferred to GCC's new contractor, with all relevant staff supported through to TUPE transfer; former Integrated Transport manager made redundant; Shopmobility staff transferred to Townscape Team (Economic Development); some retained services have yet to find a permanent home;
- Development services – planning policy and development management (applications) brought together under a new position of 'Head of Planning'; Rob Lindsey, Development manager retired. Various structural changes within the development management area have consolidated the planning function and form a good foundation for performance improvement.
- Private sector housing services and planning enforcement brought together under a combined enforcement service;
- Planning support team streamlined and consolidated, in conjunction with the introduction of changes to *Uniform* allowing applications to be imported directly into our business system from the Planning Portal;
- Townscape team has taken on 1fte to support the cost-effective delivery of design work associated with Cheltenham Development Task Force projects.

### **Further structure changes proposed in 2013-14**

Subject to member agreement of the 'Cheltenham Futures' programme, further changes will be necessary to develop a coherent structure for the new Environmental and Regulatory Services directorate. In view of the shrinking number of senior management posts, this will involve some inevitable redistribution of responsibilities and pragmatic decisions about structural arrangements and priorities for both strategy and delivery.

### **Other key activities during 2012-13**

#### **Policy development - JCS**

The national planning position has been undergoing significant changes under the coalition government, with publication of the long-awaited National Planning Policy Framework in March 2012. Since then, a number of core strategy decisions by the

planning inspectorate have informed thinking in the JCS and have focused attention on the evidence base and approach required to achieve a sound plan.

The new 'presumption in favour of sustainable development' poses a particular challenge for the JCS authorities in the absence of an adopted core strategy, particularly in light of the fact that neither Tewkesbury or Cheltenham currently has a five year housing land supply.

Efforts continued to centre on progressing the JCS with our partner authorities, with broad agreement through the Member Steering Group (MSG) to a number of key 'gateway' decisions vital to progress the plan to the preferred option stage. For example, alignment was secured on the objectively assessed need for housing within the JCS area, within a range of between 33,200 and 37,400 dwellings.

The upper end of this range takes full account of housing need arising from the growth led vision for the JCS area, which is also in line with the growth statement of the Local Enterprise partnership (LEP). However, no-one is underestimating the political tensions associated with delivering this ambition and getting the required decisions from the JCS authorities.

However, a number of workstreams are now coming together and will result in the recommendation to each of the partner councils of the 'preferred option' for development in September 2013. Crucially, this will include suggested strategic site allocations to help meet the objectively assessed need for both housing and employment requirements for the JCS area up until 2031.

Key workstreams include:-

- The county-wide strategic housing market assessment (SHMA);
- Strategic Housing Land Availability Assessment (SHLAA);
- Strategic Employment Land Availability Assessment (SELAA);
- Infrastructure delivery plan (IDP);
- Strategic site assessment work, including constraints mapping;
- Landscape assessment;
- Strategic Flood Risk Assessment (at level 2);
- Strategic Environmental Assessment (SEA); and
- Sustainability Appraisal (SA).

### **Cheltenham Plan**

Following along in tandem, but slightly behind the JCS timetable is the Cheltenham Plan, which will deal with smaller development sites within the urban area (including non-strategic housing allocations up to 450 dwellings) and policies specific to Cheltenham. This will include issues like space standards and heritage policies.

The scope of the Cheltenham Plan will be subject to an 8 week consultation period during the summer of 2013. Parish Council and other local interest groups have been given prior notification of the consultation period, to allow them to gear up to respond and this is in acknowledgment of the Council's commitment under its Compact with the voluntary sector.

A corporate approach has been adopted in preparing the Cheltenham Plan with committed engagement from both officers and members.

A Scrutiny Task Group was established at the end of 2012 to consider an analysis of household formation. This was a task-finish piece of work for the Scrutiny Group, which was successfully completed and reported to the JCS member steering group. The Scrutiny Task Group has been renamed Planning and Liaison Scrutiny Task Group and is providing support to key workstreams of the JCS and Cheltenham Plan.

### Enforcement activity

The combined planning and private sector housing enforcement team which delivered a bridging the gap saving through staff reduction, has already made an impressive impact in terms of meeting statutory duties and desired and targeted outcomes. The combined teams maximise efficiencies in staffing capacity, due to the obvious synergies between the overlapping disciplines.

A schedule of performance indicators was agreed with the commissioning division and of these, the enforcement team exceeded target against 7 out of 8 measures. The only case where this did not occur was in respect dwelling energy efficiency improvements, where changes to the availability of national funding impacted on the local grant scheme.

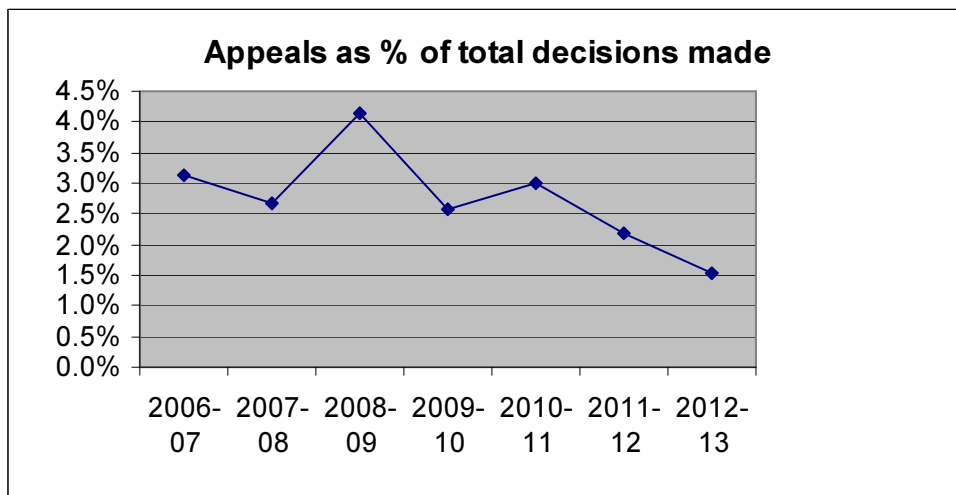
### Planning appeals

A summary of appeal activity during the year is attached at Appendix A. The main area of concern is the number of cases where planning committee has refused applications against officer advice and which have then been allowed on appeal.

75% of officer refusal decisions were upheld at appeal, but where the committee refused applications against officer advice, the Council lost in 4 out of 5 cases (80%).

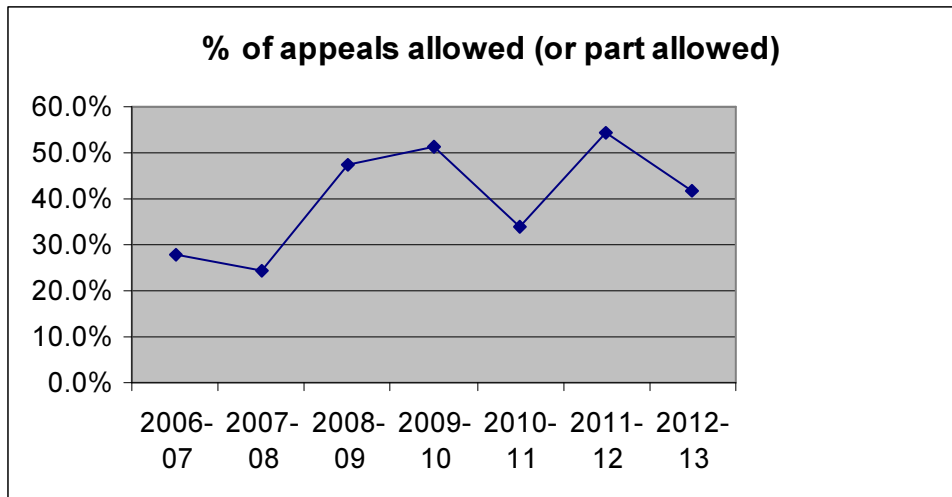
The number of appeals determined in 2012-13 was at a record low of 24 and there was an improvement in the percentage of appeals dismissed, as compared to the previous year. Most notably, the Council succeeded in getting its decision to reject a significant housing development at Hunting Butts upheld by the planning inspector.

Confidence in the Council's planning decision-making continues to improve, with just 1.5% of decisions (1 in 67) now subject to the appeal process.



There were no major appeals outstanding at the end of 2012-13 and the risk of significant costs being awarded against the authority has reduced in light of approval performance.

It is considered prudent to maintain the budget in relation to appeals in light of major strategic applications likely to come forward for consideration during 2013-14.



### Civic Pride

Cheltenham Development Task Force (CDTF) is overseeing the delivery of the Borough Council's Civic Pride project, a major town centre regeneration project focussing on public realm improvement, traffic management improvements and redevelopment brownfield sites. The Task Force has 1fte; design and planning support is provided by Built Environment – predominantly from within the Townscape Team, but also involving Development Management and Planning Policy.

2012-13 saw the appointment within the division of 1fte solely to support public realm design work, as work funding begins to come on stream for the delivery of the project from the Government's Local Sustainable Transport Fund (through the County Council) and the imminent sale of North Place/Portland Street car parks. CDTF funded projects are also being supported by other staff within the Townscape team.

Significant projects which the Division has been involved in this year include:

- North Place & Portland Street – planning & design advice on matters related to OJEU tender process and, eventually, planning consent;
- LSTF – support to bid process, achieving £4.9m grant allocation to Gloucestershire County Council, the majority for delivery of Civic Pride initiatives;
- Junction Efficiency Trial - support to GCC in the ideas development, design and delivery of St Margaret's Road traffic light experiment;
- Promenade enhancements – concept design, detailed design and implementation support to GCC in respect of Promenade enhancements Ph2 (completed) and design support on Ph3 (implementation 2013-14);
- Royal Well Development Brief - review and adoption;
- Pedestrian Wayfinding – lead on development and design of new town centre pedestrian wayfinding system;



- Public space design – concept design development for Boots Corner, St Mary’s Churchyard, pedestrianised Promenade;
- Cheltenham Transport Plan – support GCC in developing CTP to a stage ready for consultation (anticipated 2013-14) plus public realm concept design for revised junction arrangements.

**Cheltenham Environment & Promoting Cheltenham Funds**

The division administered the Cheltenham Environment & Promoting Cheltenham Funds and its staff both support and lead on a number of the associated projects.



Exmouth Arms, Bath Road, enameled mural design

The funds used grant aid from New Homes Bonus income to deliver environmental, community and business projects. Projects run by the Division included:-

- community street design;
- restoration of historic artefacts;
- cycle initiatives;
- tree maintenance, planting and guided walks;
- support for local festivals and events.

**Engineering – flood mitigation**

The following principal schemes were progressed during 2012-13:-

• Fawley Drive - Channel stabilisation	£2,300	CBC budget
• B&Q channel clearance	£1,765	CBC budget
• Noverton Lane - Flood mitigation works	£2,812	CBC budget
• Cemetery trash screens	£3,522	CBC budget
• Merlin Way channel clearance	£3,426	Glos County Partnership
• Whaddon PLFP* - Phase 2	£85,063	Glos County Partnership (* Property Level Flood Protection)
• 93, Imjin Road flood protection	£4,000	Green Env budget
• Hyde Lane channel clearance	£2,940	CBC budget
• Sandy Lane	£2,125	CBC budget
• Piccadilly Way channel clearance funding	£1,734	Glos County Partnership
• Stanwick Gardens flood protection	£3,775	Glos University/CBC

The above were selected from a much longer list of general flood mitigation works carried out during the financial year. Some of the above could be described as 'maintenance works', but it's a matter of judgement in terms of what exactly is considered a flood resilience scheme. It could be argued that everything done to reduce flood risk (including maintenance) is a flood resilience scheme.

In addition to the above, we spent £50k of 'Flood Defence Grant in Aid' (FDGiA) on feasibility, design and investigation works for the Hearne Brook scheme which will be constructed/implemented in 2013-14 and £13k FDGiA was released to the Contractor that constructed the Warden Hill scheme (contract retention).

### Expenditure 2012/13

- Watercourse Maintenance: £24k (46 individual work items)
- Mitigation Improvement Works: £55k (20 individual work items)
- Scheme Feasibility & Design: £50k (Hearne Brook Flood Relief Works)

### Funding obtained from external sources 2012/13

- £195k Glos County (some carried over to 2013/14)

### Funding Applications Pending

- £59k - Defra (Environment Agency)
- £130k - Local Levy (Regional Flood Defence Committee)
- £100k - Glos County Council

### Planned Works 2013/14

- Hearne Brook Flood Relief Works - Construction
- Southfield Brook Flood Mitigation Scheme - Feasibility and option appraisal

## **Economic Development**

Our small Economic Development (ED) team continues to work on projects and initiatives to support Cheltenham businesses.

Key projects - 2012-13:

### **Business Support Service**

In light of the demise of Business Link and access to free business support, ED commissioned Gloucestershire Enterprise (with £10k of funding) to deliver free weekly business clinics and monthly enterprise clubs for Cheltenham residents looking to start a business.

Business clinics supported 16 start-up businesses in the two months between January and March 2013

Two enterprise clubs took place in February and March with a total of 19 attendees.

### **Promoting Cheltenham Funding**

Promoting Cheltenham funding has (via a total of £156,500) now contributed towards 22 events, projects and initiatives aimed at stimulating economic and business growth in Cheltenham. A number of these with the initial help from our pump-prime

funding are now self sustaining. Projects included Cheltenham Design Festival, Cheltenham Poetry Festival, the Ukulele Festival of Great Britain and a Top of the Shops award event, to celebrate retail in the town and an enhanced and improved tourism website for Cheltenham

### **High Street Innovation Funding**

Funding has enabled the following projects and improvements:

- £65k – to support rate relief for Small to Medium sized Enterprises (SME's) occupying premises that were previously vacant;
- £9K – to replace and improve the linking of footfall-counting cameras in the town;
- £20k – to deliver retail skills training to SME's in the town;
- £6k - to help fund a strategy to develop an improved signage system for pedestrian visitors to the town centre.

### **Cheltenham Business Pride**

Cheltenham Business Pride increased its membership by 71 businesses between March 2012 and March 2013. Feedback regarding the quarterly newsletter has been extremely positive, with many businesses reporting that it is essential to keep up to date with council initiatives, legislation and local business events.

### **Partnership working**

ED continues to work in partnership with the following organisations to support businesses in the town:

- Jobcentre Plus – Job Fair and Opportunity Cheltenham;
- University of Gloucestershire – Incubation Service/ Enterprise Hub;
- Chamber of Commerce – Business Partnership and its Manager.

### **New legislative requirements**

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013 has introduced a new requirement to process planning applications to decision within 26 weeks. Failing this, local planning authorities are required to reimburse application fees. The new provisions come into force on 1<sup>st</sup> October, 2013.

(Requirements to process planning applications to decision, subject to any agreed extensions, within 8 weeks (for non-major development applications) or 13 weeks (for major development applications), will still apply as regards the risk of non-determination appeals being submitted).

We will be reviewing the implications of this change for our development management service during the early part of 2013-14.

Policies and procedures will also be developed in light of the Mobile Homes Act 2013, which introduces a new enforcement regime with associated powers to charge,

so that the Council can meet its statutory duties in respect of the inspection and licensing of mobile home parks.

### **Customer complaints**

The division has a proactive approach to the recording of customer complaints, which are used as a tool to help drive service improvement. In common with the national picture as reported by the Local Government Ombudsman, planning usually records the highest level of complaint activity, although this remained at a stable level in 2012-13.

Complaint reports are monitored corporately by the Customer relations manager, although we have developed systems to allow recording to be centralised to reduce duplication of effort and inconsistencies in approach.

In 2012-13, there were 86 Stage one complaints and 27 compliments recorded. Of the 86 initial complaints received, 59 (67%) related to Integrated Transport, with the early implementation of the new Regent Arcade parking system being a significant issue.

Just four complaints were pursued to Stage 3 of the Council's complaints process and although several complaints did reach the Local Government Ombudsman stage, there were no findings of maladministration relating to built environment services.

There are currently no significant concerns arising from the customer service complaints received in relation to Built Environment during 2012-13.

A summary of complaints received during 2012-13 is attached at Appendix B.

## **Built Environment Annual Plan for 2013-14**

### **Projected financial summary**

Divisional income targets have generally been reviewed upwards in line with inflation, apart from Building Control, where there has been a correction to reflect depressed activity in the construction sector. Building control continues to perform well overall in financial terms and has been proactively managing supplies and services costs and reducing direct staffing cost by providing officer support to Gloucester City Council. It is expected that this will continue in 2013-14, as we explore the potential for an extension to the shared service to include Gloucester.

Officers are clear that this does need to be done a commercially sound basis and we will not entertain extending the service unless it is financially better than cost neutral for the existing partners.

Development management income is likely to be higher in 2013-14 for three main reasons:-

- 1) A slowly improving economic climate;

- 2) Higher fee rates – the government raised national planning fee rates in November 2012 by 15% (the first increase since 2008);
- 3) The likelihood of two major strategic planning applications coming forward at North West Cheltenham and South Cheltenham.

Fees from Land Charges income may also be higher if the housing market recovery continues, although there is also a medium term risk arising from the possibility that the service may be transferred to the Land Registry (current government pilot project in progress).

### **Structure changes proposed in 2013-14**

Subject to member agreement of the 'Cheltenham Futures' programme, further changes will be necessary to develop a coherent structure for the new Environmental and Regulatory Services directorate. In view of the shrinking number of senior management posts, this will involve some inevitable redistribution of responsibilities and pragmatic decisions about structural arrangements and priorities for both strategy and delivery.

### **Key challenges in 2013-14**

- 1) **Cheltenham Futures** – this key corporate project will be an inevitable resourcing issue in 2013-14 and will need to be carefully managed to avoid undue impacts on service delivery. At the same time, it will be critical to underpinning the sustainable future of services and their related outcomes.

The proposals identify the range of services that may continue to be dealt with in-house, rather than being commissioned through other delivery options, but this does not rule out the potential for further reviews, should alternative delivery models emerge that can deliver target outcomes in a more efficient way.

In the meantime, it is incumbent on internal providers to continue to innovate and strive to deliver high quality services in what will inevitably be an increasingly constrained financial environment.

- 2) **Joint Core Strategy** – the long-winding process is moving towards its conclusion, with the planned publication for consultation of the 'preferred option' for housing and employment allocations due in September. If the partnership fails to adhere to the timetable, there is an increasing risk of unplanned sites coming forward as applications through the planning system, with insufficient consideration of infrastructure requirements and development impacts.
- 3) **Cheltenham Plan** – having adopted a timetable, it is important that this document progresses sequentially and just behind the JCS, providing context for local development and smaller scale local plan allocations (in the case of housing, that is site allocations below 450 dwellings).
- 4) **Heritage and conservation** – we will review current resource allocation and priorities, with the intention of unblocking identified issues relating to the service which have been leading to delays in the planning consultation and decision-making processes.

- 5) **Enforcement** – we will review our enforcement policy and approach to action in relation to advertising, banners and unauthorised changes to listed buildings and formally report to members with our recommendations in providing a level playing field for local businesses.

The use of enforced sale and compulsory purchase will escalate to enable problematic vacant properties to be brought back into use.

The team is exploring the potential for combined use of additional private sector licensing and planning powers to help raise the standard of student accommodation and control the impact such accommodation can have on surrounding neighbourhoods. This approach, made possible by the combining of planning and housing enforcement teams, could also help to offset the net cost of services at the same time as improving on target outcomes.

- 6) **Civic Pride** – this is a key project for the Council and funding is now coming on-stream, through land sales and government grants.

We will continue to provide design and expertise to support both the CDTF and the County Council in the development, design and delivery of their Civic Pride initiatives - likely to include (subject to funding approval)



- Cheltenham Transport Plan (support implementation of traffic management proposals);
- pedestrianised Promenade revitalisation (to tender stage);
- St Mary's Minster Green Oasis (to tender stage);
- Promenade enhancements Phase 3 (support implementation by GCC) and Phase 4 (support detailed design);
- CTP junction alterations public realm works (concept and some detailed design);
- Pedestrian wayfinding system (phase 1 implementation);
- Boots Corner (detailed design).

## Risks and business continuity

During 2012-13 service managers reviewed risks across the division and these have now been entered into the corporate risk management module to allow for easier and regular review and updating. The fourteen divisional risks are available for consideration alongside the two risks relating to the JCS (CR33 and CR81) and currently identified at the higher corporate risk level.

Built environment services experienced considerable disruption to its ICT services during 2012-13 and this had an impact both on customers and our reported performance.

Whilst the problems with ICT infrastructure and underinvestment have been corporately recognised and the partnership with Forest of Dean District Council is welcomed, the problems have served to underline the increasing performance dependence which internal services have on the capacity and reliability of ICT.

### **Community engagement**

During the year, the division has continued to actively encourage pre-application consultation and engagement with local communities in relation to the planning process and some significant planning proposals have been determined by planning committee.

These include:-

- 1) North Place / Portland Street – £70 million mixed use development;
- 2) Brewery Phase II – mixed use retail and housing development;
- 3) Starvehall Farm – residential development;
- 4) Royal Well Development Brief 2013 Revisions.

The division attended a number of C5 Parish Council meetings to brief on neighbourhood planning opportunities and continued to support the twice yearly forum for local planning agents, architects and surveyors.

The division has worked with local communities to design and deliver improvements to streets and green space in areas including:-

- 1) St Paul's Edible Garden;
- 2) Bath Road Connect My Street;
- 3) Whaddon Road Blocks;
- 4) Friends of Pittville Gates;
- 5) Friends of Pilley Nature Reserve;
- 6) Cheltenham Tree Group;
- 7) Friends of Jenner Gardens; and
- 8) St Mary's Minster Green Oasis.



Humber Road streetscape improvement, Oakley

Many of these (and other) projects are still on-going, although the staffing capacity to directly support community groups has reduced.

The re-establishment of the Public Art Panel, led by the Built Environment Division, is beginning to deliver works with a strong Community input. Works commenced this year include Hester's Way Library Reading Chair (with Hester's Way Neighbourhood Partnership) and Bath Road history panels (with Cheltenham Connect, Bath Road Traders and St Philips and St James Residents' Association). Both are currently at design stage and are due to be delivered in 2013–14.



**Planning Appeal Performance****Total appeals to date in 2012-13**

<b>Total appeals determined</b>	<b>16</b>	<b>(100%)</b>
• Dismissed	8	(50.0%)
• Allowed	7	(43.8%)
• Part allowed	1	( 6.2%)

Of which,

<b>Application determined under officer delegation</b>	<b>8</b>	<b>(50.0%)</b>
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Of which,

• Dismissed	6	(75.0%)
• Allowed	1	(12.5%)
• Part allowed	1	(12.5%)

<b>Application determined by the planning committee</b>	<b>8</b>	<b>(50.0%)</b>
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Of which,

• Dismissed	2	(25.0%)
• Allowed	6	(75.0%)

**Of applications determined by committee**

Refused against officer recommendation	5	(62.5%)
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Of which,

• Dismissed	1	(20.0%)
• Allowed	4	(80.0%)

## Appendix B

## Built environment complaints 2012/13

	Stage 1	Stage 2	Stage 3	Compliments
<b>Quarter 1</b>				
Development management	3	2	0	1
Building control	0	0	0	0
Townscape	0	0	0	0
Support services	0	0	0	1
Car parking and integrated transport	9	0	1	1
Enforcement	1	0	0	0
Decent and lifetime homes	0	0	0	0
<b>Quarter 2</b>				
Development management	1	0	1	1
Building control	0	0	0	0
Townscape	0	0	0	2
Support services	0	0	0	2
Car parking and integrated transport	36	0	0	0
Enforcement	2	0	1	0
Decent and lifetime homes	0	0	0	0
<b>Quarter 3</b>				
Development management	4	2	0	3
Building control	1	0	0	0
Townscape	1	0	0	2
Support services	1	0	0	0
Car parking and integrated transport	11	1	0	1
Enforcement	0	0	0	0
Decent and lifetime homes	0	0	0	0
<b>Quarter 4</b>				
Development management	3	1	1	1
Building control	1	0	0	0
Townscape	7	0	0	11
Support services	1	0	0	1
Car parking and integrated transport	3	0	0	0
Enforcement	1	0	0	0
Decent and lifetime homes	0	0	0	0
<b>End of year</b>				
Development management	11	5	2	6
Building control	2	0	0	0
Townscape	8	0	0	15
Support services	2	0	0	4
Car parking and integrated transport	59	1	1	2
Enforcement	4	0	1	0
Decent and lifetime homes	0	0	0	0
<b>Total</b>	<b>86</b>	<b>6</b>	<b>4</b>	<b>27</b>



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ID	Description	Related Outcome	Reporting Frequency	Format	Annual baseline/target	2012-13				Notes	Officer	
						Q1	Q2	Q3	Q4			Annual
1.	Income achieved as a proportion of expenditure	Underpinning principles (1)	Annual	Annual report							This information cannot be provided accurately until the outturn budget for 2012-13 is finalised and central costs are reapportioned. It is suggested that we should report this information when the base data is available by discrete service area.	MR
2a.	Number of applications received	Underpinning principles (1, 8)	Quarterly	Performance report	1,889	500	499	500	521	TBA	The number of planning applications being received remains buoyant.	HT
2b.	Number of applications determined	Underpinning principles (1, 8)	Quarterly	Performance report	1,577	378	395	451	330		The number of applications determined during the year held up well, despite 1554 significant staffing changes within the planning team.	HT
2c.	Number of applications approved	Underpinning principles (1, 8)	Quarterly	Performance report	1512	362	370	439	315		Whilst the number of applications approved was marginally down, the approval rate remained close to 95% or determinations.	HT
2d.	Number of applications refused	Underpinning principles (1, 8)	Quarterly	Performance report	65	16	25	12	15		The application refusal rate has been maintained at a historically low level of just over 4%. This reflects the positive approach which the team is taking to guide applicants to submit schemes that are compliant with the policy framework.	HT
2e.	Number of applications appealed	Underpinning principles (1, 8)	Quarterly	Performance report	35	4	6	7	3		The number of planning appeals fell by 43% in 2012-13.	MR
3.	Number of times pre-application advice given – planning applications and listed building consents	Underpinning principles (4, 5, 8)	Quarterly	Performance report							The pre-application advice service was extended in December 2012 to include charging for advice in respect of historic structures and listed buildings. Whilst the service is proving very popular, there is concern that the additional work generated is impacting on core business activity. A further review of charging rates is planned to try and help bridge the resourcing gap (we will consult on any changes).	HT
4.	Average number of days to process an application	Underpinning principles (1, 4, 8)	Quarterly	Performance report	55	54	62	59	61		Disappointingly, the average time taken to process a planning application worsened during 2012-13, despite work undertaken to review processes. The main factor appears to be staff turnover resulting from key members of staff leaving / taking maternity leave.	MR
5a.	Number of planning appeals allowed or part allowed	Underpinning principles (5, 7)	Quarterly	Performance report	19	1	5	3	1		The number of planning appeals allowed during the year fell by 47% compared with 2011-12.	MR
5b.	Percentage of planning appeals allowed or part allowed	Underpinning principles (5, 7)	Quarterly	Performance report	54.2%	25%	71%	30%	33%		Whilst the number of planning appeals continues to fall, the number of successful appeals whilst falling, is still quite high.	MR
5c.	Of those appeals in 5a (appeals allowed or part allowed), cases which were recommended by officers for approval	Underpinning principles (5, 7)	Quarterly	Performance report	37%	100%	40%	67%	100%		High is good	HT
5d.	Number of applications receiving paid pre-application advice which were subsequently refused at planning committee	Underpinning principles (5, 7)	Quarterly	Performance report	New	0	0	0	0		CHECK	HT
6.	Number of customer complaints (Stage 1)	Underpinning principles (5, 7)	Quarterly	Performance report	New	13	3	21	1		5 compliments Q2, 13 compliments Q4	CR
7a.	Number of face-to-face visitors	Underpinning principles (3, 8)	Quarterly	Performance report	N/A	1,478	1,377	1,263	1,124			Rec
7b.	Number of phone calls	Underpinning principles (3, 8)	Quarterly	Performance report	N/A	10,899	10,735	11,355	11,869			Rec
8.	Number of website hits broken down by page	Underpinning principles (2, 3)	Quarterly	Performance report	N/A	31,412	30,448	29,456	31,047			ES
8a.	Number of new homes approved (gross)	Underpinning principles (1)	Annual	Annual report	442						Detail available in spreadsheet	JLB
8b.	Number of new homes completed (gross)	Underpinning principles (1)	Annual	Annual report	2011/12	142					Completions were up significantly in 2012-13, but still some way short of the current 405 dwelling per annum target level.	JLB
<b>Indicators measuring both service performance and outcomes</b>												
10.	Number of affordable homes completed (by tenure)	Underpinning principles (1) Social (6)	Annual	Annual report	23						Owner occupied = 27 (shared ownership) Social rent = 30 Affordable rent = 18 Supported accommodation = 26 The number of affordable dwelling completions was high in 2012-13 measured against the recent average, but is still woeful in the context of the identified need for such provision. This position will not be improved until key strategic housing sites are progressed through the JCS.	ED
11.	Number of community consultation, engagement and participation events facilitated, including Open Days	Underpinning principles (5, 8) Social (4, 7)	Annual	Annual report							There is no practical way of extracting this information from Uniform, as a result of which we would suggest that this indicator is deleted. Unclear link between indicator (which is an input) and how it links to desired commissioning outcomes.	ALL



23	Number of dwellings improved in terms of their energy efficiency	Economic (5), Social (5) & Environmental (6)	Annual	Annual report	150																	*The drawing to an end of the old energy efficiency regime (including CERT funding) meant that GEEG funding was in far less demand compared to the historic position. Favourable CERT criteria during 2012, before the introduction of the Green Deal, meant that there was little demand for GEEG funding. This led to less properties being improved as a direct result of Council funding. The W&W scheme helped draw in CERT funding etc, but I have initially excluded these improvement figures, although these have been included in past performance data. These figures will be available towards the end of April. The target of 150 predicted higher GEEG activity. Note: this contributed to a net reduction of 18 in the number of long term vacant properties in Cheltenham for the sixth year in succession (343 at October 2012).	MN	
24	Number of empty dwellings brought back into use as a direct result of council action	Economic (3), Social (3) & Environmental (3)	Annual	Annual report	85																			
25	Number of dwellings made safer as a direct result of council action (as measured by HHSRS)	Environmental (3)	Annual	Annual report	220																			
26	Number of lifeline customers supported	Social (5)	Annual	Annual report	1223																			
27	Number of disabled persons enabled to stay in their own homes	Social (5)	Annual	Annual report	100																			
28	Number of properties improved in terms of environmental amenity	Social (7), Environmental (1) & (3)	Annual	Annual report	130																			
29	Number of properties improved in terms of built environment heritage	Economic (1,2,3 & 5), Social (3 & 5), Environmental (3)	Annual	Annual report	50																			
30	Number of sites improved in terms of environmental safety	Social (7), Environmental (1) & (3)	Annual	Annual report	70																			
31	Planning fee income		Quarterly	Dev. Control	£474,500	£143,878	£145,184	£151,359	£104,684	£545,105												Planning application fee income was buoyant in 2012-13, reflecting resilience in developer confidence in Cheltenham and excellent work by the planning team in driving up income from discretionary advice services. Unfortunately, less applications seem to be being translated into development on the ground.	MR	
32	Building Control fee income		Quarterly	Building Control	£401,700	£74,331	£98,532	£84,110	£75,166	£332,139													Building control income continues to fall short of what remains an unrealistically high target given prevailing economic conditions. Subject to market conditions remaining poor, the Section 151 officer is supportive of a request to reduce the target income level within the medium term financial strategy over the next two financial years.	IH
33	Land charges fee income		Quarterly	Land Charges	£212,300	£54,431	£60,099	£47,441	£44,755	£206,726													Prevailing economic conditions and related impact on housing sale activity continues to hit land charges income. Staffing level now at <i>de minimis</i> level. Government piloting new land charges arrangements with Land Registry, posing a potential risk to this income stream.	MR

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ID	Description	Related Outcome	Reporting Frequency	Format	Annual baseline /target	2013-14				Notes	Officer	
						Q1	Q2	Q3	Q4			Annual
1.	Income achieved as a proportion of expenditure	Underpinning principles (1)	Annual	Annual report							This information cannot be provided accurately until the outline budget for 2012-13 is finalised and central costs are repositioned. It is suggested that we should report this information when the base data is available by discrete service area.	MR
2a.	Number of applications received	Underpinning principles (1.8)	Quarterly	Performance report	2,000	586				586	The number of planning applications being received remains buoyant, despite prevailing economic conditions.	HT
2b.	Number of applications determined	Underpinning principles (1.8)	Quarterly	Performance report	1,550	398				398	The number of applications determined during the year held up well, despite significant staffing changes within the planning team.	HT
2c.	Number of applications approved	Underpinning principles (1.8)	Quarterly	Performance report	1500	384				384	Whilst the number of applications approved was marginally down, the approval rate remained close to 96% of determinations.	HT
2d.	Number of applications refused	Underpinning principles (1.8)	Quarterly	Performance report	65	14				14	The application refusal rate has been maintained at a historically low level of just over 4%. This reflects the positive approach which the team is taking to guide applicants to submit schemes that are compliant with the policy framework.	HT
2e.	Number of times pre-application advice given – planning applications and listed building consents	Underpinning principles (4.5.8)	Quarterly	Performance report	30	7				7	The number of planning appeals fell by 43% in 2012-13. The pre-application advice service was extended in December 2012 to include charging for advice in respect of historic structures and listed buildings. Whilst the service is proving very popular, there is concern that the additional work generated is impacting on core business activity. A further review of charging rates is planned to try and help bridge the resourcing gap. (we will consult on any changes).	HT
3.	Average number of days to process an application	Underpinning principles (1.4.8)	Quarterly	Performance report	224	19/46				0	Disappointingly, the average time taken to process a planning application worsened during 2012-13, despite work undertaken to review processes. The main factor appears to be staff turnover resulting from key members of staff leaving / taking maternity leave.	MR
4.	Number of planning appeals allowed or part allowed	Underpinning principles (5.7)	Quarterly	Performance report	15	0				0	There were only two planning appeals determined in the first quarter of 2013: 14 and the number of appeals being received remains low compared to the historic position.	MR
5a.	Percentage of planning appeals allowed or part allowed. Of those appeals in 5a (appeals allowed or part allowed), cases which were recommended by officers for approval	Underpinning principles (5.7)	Quarterly	Performance report	Baseline - 41.7% Target < 30%	0%				41.7%	Whilst the number of planning appeals continues to fall, the number of successful appeals has been at a relatively high level in recent years. This first quarter result is therefore encouraging.	MR
5b.	Number of applications receiving paid pre-application advice which were subsequently refused at planning committee	Underpinning principles (5.7)	Quarterly	Performance report	60%	N/A				0	Unusually, there were no appeals allowed in the first quarter of 2013-14.	HT
5c.	Number of customer complaints (Stage 1)	Underpinning principles (5.7)	Quarterly	Performance report	0	1				0	CHECK	HT
5d.	Number of face-to-face visitors	Underpinning principles (5.7)	Quarterly	Performance report	38	6 (2)				0	5 compliments Q2 13 compliments Q4	CR
6.	Number of phone calls	Underpinning principles (5.7)	Quarterly	Performance report	N/A	1,498				1,498		Rec
7a.	Number of website hits broken down by page	Underpinning principles (3.8)	Quarterly	Performance report	N/A					0	Detail available in spreadsheet	Rec
7b.	Number of new homes approved (gross)	Underpinning principles (2.3)	Quarterly	Performance report	N/A					0	Annual indicator - Year end data will not be available until monitoring work is complete.	ES
8.	Number of new homes completed (gross)	Underpinning principles (1.1)	Annual	Annual report	442					TBA	Annual indicator - Year end data will not be available until monitoring work is complete.	JLB
9a.	Number of new homes completed (gross)	Underpinning principles (1.1)	Annual	Annual report	142					TBA	Annual indicator - Year end data will not be available until monitoring work is complete.	JLB
<b>Indicators measuring both service performance and outcomes</b>												
10.	Number of affordable homes completed (by tenure)	Underpinning principles (1) Social (5)	Annual	Annual report	23					101	Owner occupied = 27 (shared ownership) Social rent = 30 Affordable rent = 18 Supported accommodation = 26 The number of affordable dwelling completions was high in 2012-13 measured against the recent average, but is still useful in the context of the identified need for such provision. This position will not be improved until key strategic housing sites are progressed through the JCS.	ED
11.	Number of community consultation, engagement and participation events facilitated, including Open Days	Underpinning principles (5.8) Social (4.7)	Annual	Annual report							There is no practical way of extracting this information from Uniform, as a result of which we would suggest that this indicator is deleted. Unclear link between indicator (which is an input) and how it links to desired commissioning outcomes.	ALL

	Community infrastructure Levy funding secured and planned/spent (CIL not in place yet)	Underpinning principles (1) Social & Environmental (depends on schemes)	Annual	Annual report	Not yet applicable					The Community infrastructure levy has not yet been introduced, so this indicator is not currently applicable.
12		Underpinning principles (1) Social & Environmental (depends on schemes)	Annual	Annual report	Not yet applicable					The Community infrastructure levy has not yet been introduced, so this indicator is not currently applicable.
13	Section 106 improvements / contributions secured and planned/spent	Underpinning principles (1) Social & Environmental (depends on schemes)	Annual	Annual report					£82,347 spent £138,933 received	How much S106 held by CBC, but unspent?
<b>Indicators measuring outcomes</b>										
14	Number of listed buildings at risk	Social (2.3) Environmental (1.3) Economic (2.3)	Annual	Annual report	0				0	As independently identified by English Heritage
15	Number of developments or schemes involving Built Environment receiving design awards	Social (2.3), Environmental (1.3), Economic (4)	Annual	Annual report	e.g. RICS/RIBA/Civic Society				9	Starvehall Farm - national Building for Life 12 award, 2 Civic Society awards, 6 Civic Society commendations.
16	Number of flood resilience schemes implemented	Social (3, 6) Environmental (2.3,4,5)	Annual	Annual report	11					
18	Number of trees (CBC & Highways) lost/planted	Social (1.3), Environmental (1.3,4), Economic (1.2,3)	Annual	Annual report	41					
19	Number of renewable energy schemes approved or refused and installed capacity	Social (5) Environmental (5,6)	Annual	Annual report	Collection methodology & cost?					DELETED - there is no practical way of collecting information on installed capacity as most renewable energy installations are now permitted development and do not therefore require planning consent.
20a	Commercial floor space created - broken down by key sector where possible (eg retail, office, manufacturing etc)	Economic (4)	Annual	Annual report	A1 1517.03 B1a 4030.9 B1b 147.5 B1c 2066.5 B2 32 B8 2657.5					A clear definition of 'Commercial' is required in order to accurately respond to this indicator. Also it is not clear whether floor space or area size is required. However for 2011/12 I will include the following uses which should be sufficient - A1, B1, B2 and B8. I have also provided both floorspace and area size. All figures are in Square Metres
20b	Commercial floor space lost - broken down by key sector where possible (eg retail, office, manufacturing etc)				A1 1170.16 B1a 1772.46 B1b 147.5 B1c 1672.65 B2 468 B8 58					The above data comes from the <a href="http://www.cheltenham.gov.uk/downloads/download/803/non-residential_land_use_monitoring_report">Non-Residential Land Monitoring Report 2012</a> . Here is a link if needed <a href="http://www.cheltenham.gov.uk/downloads/download/803/non-residential_land_use_monitoring_report">http://www.cheltenham.gov.uk/downloads/download/803/non-residential_land_use_monitoring_report</a>
22	Number of projects implemented as a result of working with local interest groups on street redesign projects	Environmental (6), Economic (5)	Annual	Annual report	2012-13 Baseline - 3					*Whaddon project complete. *Bath Road project - nearing completion. Further work this quarter - GCC highway safety scheme (completed); installation of planters (completed) - CBC Community Pride funding; refresh existing street furniture (completed), design work for information panels and welcome signs, preparatory work for front garden design and planting project - both CBC Environment Fund; design work for public art (complete) and planning permission secured - CBC Public Art Panel funding. Continued attendance by officers at Cheltenham Connect working group. *St Pauls complete. Front garden planting and community garden implemented (CBC Community Pride and Environment Fund).

23	Number of dwellings improved in terms of their energy efficiency	Economic (5), Social (5) & Environmental (6)	Annual	Annual report	2012-13 Baseline - 75													The drawing to an end of the old energy efficiency regime (including CERT funding) meant that GEEG funding was in far less demand compared to the historic position. Favourable CERT criteria during 2012, before the introduction of the Green Deal, meant that there was little demand for GEEG funding. This led to less properties being improved as a direct result of Council funding. The W&W scheme helped draw in CERT funding etc, but I have initially excluded these improvement figures, although these have been included in past performance data. These figures will be available towards the end of April. The 2012-13 target of 150 predicted higher GEEG activity.	MN
24	Number of empty dwellings brought back into use as a direct result of council action	Economic (3), Social (3) & (5), Environmental (3)	Annual	Annual report	2012-13 Baseline - 118													Note: this contributed to a net reduction of 18 in the number of long term vacant properties in Cheltenham for the sixth year in succession (343 at October 2012).	MN
25	Number of dwellings made safer as a direct result of council action (as measured by HHSRS)	Environmental (3)	Annual	Annual report	2012-13 Baseline - 242														MN
26	Number of lifeline customers supported	Social (5)	Annual	Annual report	2012-13 Baseline - 1261													Despite some inevitable loss of customers during the year, the service was able to more than make up for this by attracting new clients to the service.	MN
27	Number of disabled persons enabled to stay in their own homes	Social (5), Social (7), Environmental (1)	Annual	Annual report	2012-13 Baseline - 127													Note: this contributed to a net reduction of 18 in the number of long term vacant properties in Cheltenham for the sixth year in succession (343 at October 2012).	MN
28	Number of properties improved in terms of environmental amenity	Social (7), Environmental (1) & (3)	Annual	Annual report	2012-13 Baseline - 155														MN
29	Number of properties improved in terms of built environment heritage	Economic (1,2,3 & 5), Social (3 & 5), Environmental (3)	Annual	Annual report	2012-13 Baseline - 202														MN
30	Number of sites improved in terms of environmental safety	Social (7), Environmental (1) & (3)	Annual	Annual report	2012-13 Baseline - 101														MN
31	Planning fee income		Quarterly	Dev Control	£546,400	£165,038												Planning application fee income was buoyant in the first quarter of 2013-14, reflecting continued resilience in developer confidence in Cheltenham.	MR
32	Building Control fee income		Quarterly	Building Control	CBC £371,900	£75,197												Building control income continues to fall short of what remains an unrealistically high target given prevailing economic conditions. Subject to market conditions remaining poor, the Section 151 officer has been supportive of a request to reduce the target income level within the medium term financial strategy over the next two financial years.	IH
33	Land charges fee income		Quarterly	Land Charges	£217,600	£50,783												Prevailing economic conditions and related impact on housing sale activity continues to hit land charges income. Staffing levels now at <i>de minimis</i> level. Government piloting new land charges arrangements with Land Registry, posing a potential risk to this income stream.	MR

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**Review of progress on cabinet recommendations (approved 18 October 2011)**

Cabinet recommendation	Progress
<p>Team restructure to assist delivery of outcomes and agreed service specification</p>	<p>As outlined in the annual report, a restructure was implemented to support the new way of working. A further restructuring process will commence in 2013/14 to reflect the agreed outcomes for the Cheltenham Futures change programme.</p>
<p>Report back to Cabinet, once there is clarity on the legislation, with regards to the local setting of planning fees and identify additional planning income which may be realised</p>	<p>The government decided not to pursue the implementation of local fee setting, but did increase nationally set planning fee rates by 15% with effect from November 2012. The service has also introduced fees for pre-application advice, generating additional revenue. The Council has chosen to take the revenue from these additional income streams as a budget saving, rather than reinvesting in service delivery.</p>
<p>Continue to improve the customer experience by embedding the systems thinking approach across the full range of its services</p>	<p>Progress on this has been disappointing. After achieving promising initial results, systems thinking in planning stalled, due in part to turnover of staff. The commissioning division will be working with development management to get this back on track now that the Head of Planning has returned from maternity leave. Systems thinking work has been undertaken with the building control service and this service has recently started to implement the 'new world' way of working identified by the systems thinking approach. A "light touch" systems thinking process resolved some issues in the Conservation team which freed professional officers' time and facilitated some marginal enhancements to response times</p>
<p>Explore with partners the opportunities to undertake collaborative working, where it will provide service resilience and make the most efficient use of resources</p>	<p>The potential for sharing elements of planning (including conservation) and enforcement with neighbouring authorities has been considered by the director of built environment, but it was concluded that other authorities would gain the greatest benefit and it would not increase service resilience for CBC, or be the most efficient use of resources. However, given the working with GO partners there may be an opportunity to reconsider how services could be redesigned to gain economies of scale. The building control service has been providing short term support for Gloucester City and the potential for a long term arrangement by expanding the current shared service is being considered, but it will only be taken forward if there is a clear business case benefit for CBC.</p>
<p>Hold regular (at least twice per year) stakeholder sessions including</p>	<p>The built environment service has a good relationship with both the Civic</p>

Cabinet recommendation	Progress
<p>agents, developers, conservation and heritage groups, architects panel as well as councillors to discuss progress in delivering the outcomes</p>	<p>Society and Architects Panel, but capacity issues within the service have meant that wider stakeholder sessions have not taken place.</p> <p>A joint member/officer session is scheduled to discuss issues and priorities around enforcement and in particular, the perception that developments are not always being built in accordance with approved plans.</p>
<p>Explore opportunities to extend the charging for pre-application process to other areas currently not within scope</p>	<p>As noted above, all pre-application advice is now subject to a fee, subject to the availability of staffing resources to offer this discretionary service. Following good initial take-up of the service, some recent capacity issues within the conservation team have restricted our ability to provide advice in relation to pre-purchase enquiries relating to listed buildings. Measures have been introduced to ease the capacity issue and the situation will be reviewed as soon as practicable. The team will be looking again at this issue to see whether an alternative charging regime can be introduced to at least cover the costs of this discretionary service.</p>
<p>Undertake review of alternative delivery models for building control in 2013, as part of the programmed review of the current shared service arrangement with Tewkesbury Borough Council</p>	<p>Following an informal investigation of alternative delivery models it was concluded that no significant benefits can be achieved at this time and the work to explore widening the current arrangement with other councils was felt to be a more appropriate option.</p>
<p>Test in-scope range of built environment services against private sector service alternatives in 2013/14, to confirm whether internal service continues to deliver value for money, based on an assessment of both cost and quality</p>	<p>The in-scope range of services referred originally to planning services and this will not be progressed. The Cheltenham Futures change programme sets out how the service as a whole will be managed from April 2014; this is covered in the main body of the cabinet report.</p>
<p>Work with Voluntary and Community Sector to support market development in areas which will underpin the Localism Act 2011</p>	<p>Some very positive developments in this area including:-</p> <ol style="list-style-type: none"> <li>1) review of the Public Art Panel volunteer membership to bring in project and design expertise to promote the delivery of schemes funded through Section 106 contributions – for example, St Mary’s churchyard regeneration, the Promenade ‘phone boxes refurbishment (involving the Art gallery and Museum), Bath Road mural project (with Cheltenham Connect, BARTA and St Philips and St James Residents’ Association) and Hester’s Way partnership (the reading chair project);</li> <li>2) the Environmental Improvements fund, which has led to engagement</li> </ol>

Cabinet recommendation	Progress
	<p>with a range of community organisations in the delivery of projects including, Pittville Residents' Association (Pittville Gates restoration), Whaddon Residents (Mersey Road triangle scheme), Cheltenham Connect &amp; BARTA (Exmouth mural and street redesign) and St Paul's Residents' Association (St Paul's Edible Garden project)</p> <ol style="list-style-type: none"> <li>3) Engagement with the C5 group of Parish Councils regarding the opportunity offered by Neighbourhood Plans – this has included engagement with the Leckhampton Parish Council regarding south Cheltenham, leading to their submission of a document in response to the draft JCS consultation.</li> <li>4) Discussions with the St Paul's Residents Association have highlighted concerns about the impact of studentification on the local community and the imbalance and instability caused by a high concentration of private rented HMOs. We are expecting that the community will shortly be submitting evidence to support their concerns and a request to consider the introduction of a local licensing scheme, backed by an Article 4 direction to help control issues arising. Evidence shows that St Pauls does have an HMO concentration well above that known to unbalance residential communities.</li> </ol>

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## Cheltenham Borough Council

**Cabinet – 15 October 2013**

### Annual Review of Hackney Carriage Fares

<b>Accountable member</b>	<b>Cabinet Member Housing and Safety - Councillor Peter Jeffries</b>
<b>Accountable officer</b>	<b>Executive Director – Grahame Lewis</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to set fares for Hackney Carriage vehicles licensed by it.</p> <p>The Council has adopted a Hackney Carriage fare formula which is used annually to calculate the running costs of a licensed Hackney Carriage vehicle.</p> <p>The formula this year indicated a 3.25% increase in the running costs of a licensed Hackney Carriage vehicle and Cabinet is asked to approve the fare increase.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to;</b></p> <ol style="list-style-type: none"> <li><b>1. Approve an increase of 3.25% for Hackney Carriage fares, and</b></li> <li><b>2. Delegate authority to the Executive Director to carry out the necessary advertising requirements to comply with section 65 of the Local Government (Miscellaneous Provisions) Act 1976, and</b></li> <li><b>3. Subject to there being no substantive amendments being made following consultation, delegate authority to the Executive Director to adopt the proposed fares to be implemented within two months.</b></li> </ol>

<b>Financial implications</b>	<p>There are no financial implications to the council arising from this report.</p> <p><b>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</b></p>
<b>Legal implications</b>	<p>The legal implications are contained within the report.</p> <p><b>Contact officer: Vikki Fennell, Vikki.Fennell@tewkesbury.gov.uk, 01684 272015</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no financial implications to the council arising from this report.</p> <p><b>Contact officer: Richard Hall, richard.hall@cheltenham.gov.uk, 01594 812634</b></p>
<b>Key risks</b>	<b>As identified in Appendix 1</b>

## 1. Background

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to set fares for Hackney Carriage vehicles licensed by it.
- 1.2 The Council has adopted a Hackney Carriage fare formula which is used annually to calculate the running costs of a licensed Hackney Carriage vehicle. The formula calculates the difference in running costs between the previous year and the current year to produce a percentage increase or decrease which is applied to the fare card.
- 1.3 The formula this year indicated a 3.25% increase in the running costs of a licensed Hackney Carriage vehicle.

## 2. Cheltenham Halcrow Formula

- 2.1 In 2010 the Licensing Committee approved a fare formula for calculating Hackney Carriage fares.
- 2.2 The formula's index is based on a set of assumptions which reflect the costs which will be incurred by a good owner-driver who spends whatever is necessary to operate and maintain his Hackney Carriage to a high standard.
- 2.3 The said index components are:
  - a) Vehicle Cost
  - b) Replacement Parts
  - c) Tyres
  - d) Service Labour
  - e) Fuel
  - f) Insurance
  - g) Miscellaneous
  - h) Average National Earnings

- 2.4 The above index developed for use in Cheltenham involves calculating the sum of two component parts, operating costs and average national earnings, in a formula as follows:

CHANGE Index = CHANGE Costs + CHANGE Earnings

- 2.5 The formula is designed to compare the index costs from the previous year with the cost for the current year, calculate the overall difference and produce a figure indicating either an increase or decrease in the overall costs.

## 3. Proposed 2013 Fare Increase

- 3.1 Based on the formula above, a 3.25% increase has been calculated as per the below;

<b>Component of Index</b>	<b>Annual Cost 2012</b>	<b>Annual Cost 2013</b>	<b>% Change 2012-2013</b>
Parts	£753	£843	11.95%
Tyres	£1,100	£1,215	10.43%
Labour	£1,011	£1,335	32.05%
Fuel	£3,372	£3,657	8.45%
Miscellaneous	£383	£402	5.10%
Insurance	£2,308	£2,082	-9.81%
Vehicle Cost	£3,827	£4,083.64	6.69%
<b>Total Operating Costs</b>	<b>£12,754</b>	<b>£13,618</b>	<b>6.77%</b>
Average National Earnings	£26,100	£26,500	1.53%
<b>Grand Total</b>	<b>£38,854</b>	<b>£40,118</b>	<b>3.25%</b>
<b>% Change 2012-2013</b>			<b>3.25%</b>

**3.2** The figures in respect of parts, tyres, labour, fuel and insurance are obtained from the AA's Car running costs for the years stated.

#### **4. Consultation**

**4.1** Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 prescribes that the Council must consult if it proposes to set or vary Hackney Carriage fares.

**4.2** It must do so by publishing a notice in a local newspaper setting out the variation and specifying a period and means of objecting. The specified period cannot be less than 14 days.

**4.3** If no objections are made or any made are withdrawn, the proposed fares will take effect on the specified date. However, if objections are made and not withdrawn, the Council must set a further date, not later than two months after the initial date, on which the proposed fares shall come into force with or without modifications as decided after consideration of any objections.

#### **5. Alternative options considered**

**5.1** The Council can decide not to increase Hackney Carriage fares as part of this review although this option is not considered desirable.

**5.2** Due to the fact that the percentage increase reflect the costs which will be incurred by a good owner-driver who spends whatever is necessary to operate and maintain his Hackney Carriage, a failure not to increase the fares in accordance may result in Hackney Carriages operating at a loss.

<b>Report author</b>	<b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 77 5004</b>
<b>Appendices</b>	1. Risk Assessment
<b>Background information</b>	1. Cheltenham Borough Council 2012 Hackney Carriage Fares 2. Local Government (Miscellaneous Provisions) Act 1976

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council decide not to approve the increase in fares, licence holders will be unable to recover their costs and earn a proper living which could result in the Council being challenged or adversely affect the Council's reputation.	Executive Director	15/10/2013	3	3	9	Accept	Approve fare increase		Louis Krog	
<b>Explanatory notes</b>											
<p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

## Cheltenham Borough Council Cabinet – 15 October 2013 Allocation of Community Pride Funds 2013/14

<b>Accountable member</b>	<b>Cllr. Steve Jordan, Leader of the Council</b>
<b>Accountable officer</b>	<b>Richard Gibson, Strategy and Engagement Manager</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>As part of the 2013-14 budget, agreed by Council on 8 February 2013, £50,000 was set aside for the community pride scheme.</p> <p>In addition, a further £4,000 was added to the pot from the community development budget to create a community building grant fund.</p> <p>Both funds were made available to support neighbourhood-based projects that will build up community pride and enable local groups to be more influential in supporting their communities and improving their neighbourhoods.</p> <p>The grant schemes went live from Friday 2 August and were publicised through Gloucestershire Association for Voluntary and Community Action, media releases and information on the council's website. The closing date was Friday 20<sup>th</sup> September 2013 which gave applicants a 7 week period to submit applications.</p> <p>A panel comprising the Leader of the Council, Cabinet Member Housing, Safety and Communities, Angela Gilbert from Gloucestershire Association for Voluntary and Community Action, Cllr. Chris Ryder, Helen Down, and Richard Gibson, from the Commissioning Division met on Monday 23<sup>rd</sup> September to assess the 33 community pride applications and make recommendations to cabinet.</p>
<b>Recommendations</b>	<p><b>Cabinet to approve the list of projects to be funded from community pride funds as set out in appendix 2 and community building grants as set out in appendix 3.</b></p> <p><b>Cabinet notes that the decision to determine how best to allocate the remaining funds will be taken by the Leader.</b></p>

<p><b>Financial implications</b></p>	<p>Funding for the community pride scheme will come from 2013-14 budget as agreed by Council.</p> <p>Funding for the community building grant will come from the community development budget.</p> <p><b>Contact officer: Des Knight</b></p> <p><b>Accountant</b></p> <p><b>des.knight@cheltenham.gov.uk, 01242 775032</b></p>
<p><b>Legal implications</b></p>	<p>The payment of these mostly small grants does not generally require much in the way of formal documentation. However, written agreements will be used to document these grants, based on the Community Giving Grant template, with necessary adaptations for the very small grants.</p> <p><b>Contact officer: Donna Ruck</b></p> <p><b>Solicitor – One Legal</b></p> <p><b>donna.ruck@tewkesbury.gov.uk</b></p> <p><b>01684 272696 or 01242 774929</b></p>
<p><b>HR implications (including learning and organisational development)</b></p>	<p>None identified</p>
<p><b>Key risks</b></p>	<p>If funding is allocated to an organisation that subsequently goes onto use the funding on a fraudulent basis.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>The proposed allocations set out in appendix 2 will enable the council to deliver on the following outcomes:</p> <ul style="list-style-type: none"> <li>• Cheltenham has a clean and well maintained environment;</li> <li>• Cheltenham’s natural and built environment is enhanced and protected;</li> <li>• Our residents enjoy a strong sense of community.</li> </ul>
<p><b>Environmental and climate change implications</b></p>	<p>Out of the 23 grants being awarded, 14 will enable local organisations to make a positive difference to their local environment.</p>

## 1. Background

- 1.1 2013 will be the seventh year of the council's community pride scheme which has allocated just over £280,000 to match-fund over 140 community-based projects that have improved and enhanced the public realm.
- 1.2 The focus of the scheme has remained resolutely on the public environment but more recent rounds have seen an added emphasis on promoting sustainability and on building-up community ownership over the environment.
- 1.3 For 2013/14 round, Cabinet were clear that the funding should once again be made available to support neighbourhood-based projects that will build up community pride and enable local groups to be more influential in supporting their communities and improving their neighbourhoods. However, with no Promoting Cheltenham Funds available this year, Cabinet were also interested in using the funds to support cultural and economic projects.
- 1.4 This year we had two pots of funding:
- 1.5 Up to £50,000 was made available via community pride grants to match-fund community-led projects, up to the value of £5,000. We were particularly interested in projects that would build up community pride either through:
  - Community-led projects that will improve the physical environment of their neighbourhood;
  - Community-led projects that will bring communities together via cultural activities and celebrations;
  - Community-led projects that will increase the recognition, economic viability and sustainability of local commercial areas.
- 1.6 Up to £4,000 was also made available via community-building grants to community and voluntary sector groups to run small-scale projects, events and activities to help them support the well-being of their neighbourhood up to the value of £300.
- 1.7 The grant schemes went live from Friday 2 August and were publicised through Gloucestershire Association for Voluntary and Community Action, media releases and information on the council's website. The closing date was Friday 20<sup>th</sup> September 2013 which gave applicants a 7 week period to submit applications.
- 1.8 A panel comprising the Leader of the Council, Cabinet Member Housing, Safety and Communities, Angela Gilbert from Gloucestershire Association for Voluntary and Community Action, Cllr. Chris Ryder, Helen Down, and Richard Gibson, from the Commissioning Division met on Monday 23<sup>rd</sup> September to assess the 33 community pride applications and make recommendations to cabinet.

## 2. Reasons for recommendations

- 2.1 Due to the large numbers of community pride applications received this year, which collectively were requesting just over £98,000 (against a total available of £50,000), the assessment panel carried out an assessment of the applications to assess the degree to which the applications met the criteria of this year's community pride fund:
  - Was the application from a community-based organisation?
  - Was the project of a permanent nature?
  - Was the project accessible at no-cost?

- Would the project create a lasting legacy?
- Was the project neighbourhood based?
- Would the project meet a defined community need
- What the community pride funding achieve
- How would the applicant measure success
- What was the ratio of funding requested to match funding

- 2.2** The panel identified 23 community pride projects that could answer in the positive for the majority of the criteria and agreed that they should be recommended for approval. The total sum awarded through this process totalled £42,000. The assessment of the projects is shown in **appendix 2**.
- 2.3** There are two bids where more information has been requested from the applicants before a final decision can be made in line with the second recommendation. These are applications from:
- The Rendezvous Society
  - Indian Association
- 2.4** It is proposed that any remaining funds are rolled over to create a small pot of funding to support events and activities to commemorate the centenary of the start of the First World War.
- 2.5** In terms of the community building grants, 11 requests were received and the panel recommended to fund all 11 at a total cost of £3,125.

### **3. Alternative options considered**

- 3.1** None

### **4. Consultation and feedback**

- 4.1** None

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

- 5.1** Once approved, the council will enter into written agreements with the successful applicants which are based on the community giving grant template. This specifies that the grant recipient will submit a project monitoring report, summarising the project achievements, outcomes and lessons learnt to the Strategy and Engagement Manager on completion of the project.

<b>Report author</b>	<b>Contact officer:</b>  <b>Richard Gibson</b>  <b>Strategy and Engagement Manager</b>  <b>richard.gibson@cheltenham.gov.uk,</b>  <b>01242 235354</b>
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<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Assessment of Community Pride Grants</li><li>3. Community Building Grants</li></ol>
<b>Background information</b>	

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
CD2	If division does not put proper controls in place for the management of small grants funds, then we run the risk of funds being used inappropriately or even fraudulently	Strategy and Engagement Manager	July 2009	3	2	6	reduce	Implement and monitor small grants protocols.  Develop measure of benefits arising from grants to demonstrate VFM	ongoing	Strategy and Engagement Manager

## Community Pride Grants 2013 Assessment

Ref	Organisation	Project	Description	cost of project	amount requested	R-A-G	Recommendation	Amount
CP1	The Aston Project	Aston Street Art Project	Working with local children & local artists – to clean & repaint as a street art project the Benhall Subway – currently really grotty – to benefit the whole community & make it a much nicer & safer place to walk through	3000	2,000	<b>G</b>	We will provide only 50% of the total cost of the project up to a maximum of £1,500	1,500
CP2	Hesters Way Partnership	King George V Big Tree Plant	We will work with local residents, stakeholders and volunteers to plant 500 trees in the King George V Playing. The tree plant will promote the flora and fauna helping to broaden local biodiversity and act as a tool for local engagement. We will increase the involvement and enjoyment of local people by encouraging local people in the maintenance, usage and sustainability in years to come.	10569	4,500	<b>G</b>	We will fund 50% of the equipment and materials budget	3849.66
CP3	FRIENDS OF IMPERIAL SQUARE HERITAGE AND CONSERVATION (FISHAC)	The reinstatement of the historic ornamental railings around imperial gardens in the conservation area in the centre of regency cheltenham	The project is to reinstate Regency Heritage in the heart of the town centre which was lost during the Second World War when the ornamental railings were removed for the War Effort. The railings will be to the original design but lower with more entrances to welcome everyone into this moved-loved floral public garden. It is intended that the project will include two apprenticeships, as well as, subject to agreement with Cheltenham Borough Council, the involvement by local young people in creating a sensory garden as well as horticultural, historical and photographic community projects together with an Interpretation Board.	150000	5,000	<b>R</b>	This application is for a large project which still has a degree of uncertainty about it as none of the other funding has been secured. Cabinet whilst endorsing the project in principle, also agreed that no council funding would go into the project.	0
CP4	Vision 21	CanDo	To raise public awareness of the need to recycle natural resources and help maintain recycling rates by: Purchasing bicycle with trailer. Volunteers will adapt trailer to incorporate recycling information boards. Volunteers will cycle around the streets/parks to raise awareness and at same time collect discarded metal cans for recycling, an action that will help keep the streets tidy, Purchase materials for volunteers to construct "Cable Collection Boxes" for people to deposit their old keys & wires/flexes for recycling. Cable boxes will be placed at various locations in Cheltenham, Recycling information to be incorporated on to outside of the boxes	3935	1,985	<b>G</b>	We were generally supportive of the project but not keen to fund salary and supervision costs - we will fund equipment and materials	1,050
CP5	Cheltenham Design Foundation	Cheltenham Design Foundation.	The Cheltenham Design Foundation was founded in 2011 by a group of design experts from varying disciplines, collectively recognising massive underinvestment in the education system. They felt that career opportunities in the creative sector were not being properly addressed in the curriculum and set out to address the shortfall by founding The Design Academy, a series of free-to-attend Saturday morning workshops. Run by professional designers in their own free time, the aim is to develop local talent and allow 14-16 year olds from schools in Gloucestershire to explore their potential. These design disciplines include: graphics, photography, video/digital, architecture, gardening, printing, magazine, product/ packaging, engineering and MAC training	73300	5,000	<b>G</b>	A good application from a growing festival, we agreed to fund 50% of the costs of the academy	4,000

CP6	Gloucestershire Wildlife Trust	Tales from the Riverbank: Cheltenham's Wild Waters	We aim to raise awareness of local waterways, educate school children about the wildlife associated with rivers and support local action to improve the quality of riverbank habitat to encourage this wildlife to thrive.	7738	3,869	<b>G</b>	A good application that builds on GWT's existing work with communities along the River Chelt	3869
CP7	Gloucestershire People's Theatre	"Winds of Change" by Gloucestershire People's Theatre	To bring together various sections of the community to devise, write and perform an original piece of theatre to commemorate the centenary of the beginning of World War 1. To celebrate the part the people of Gloucestershire played and to raise awareness and understanding of modern conflicts and how they affect individuals and communities.	54000	5,000	<b>R</b>	We were broadly sympathetic to this project but uncertain about what elements could be delivered in the one year time-frame, again not much other funding has been secured.	0
CP8	St Paul's Road Area Residents' Association (SPRA)	SPRA Community Project	Streetwatch involves SPRA, police and University of Glos, Criminology Dept. Residents, students, university course lecturers, PCs, PCSOs, make joint walks to improve community relations, increase street safety and assist those in need, help deter crime and ASB, monitor the environment (Litter, fly-tipping, uncollected trash, non-working street lighting, dangerous potholes, broken pavements); PLUS Environment improvement continues with joint management of 2 community gardens (Edible and Midwinter), Front garden tree plantings, street planning with Glos Highways, Street cleanliness, and public art projects	10000	5,000	<b>G</b>	We felt that the applicant was not clear about what they were trying to achieve with community pride funds. We agreed to fund the training, licence and insurance costs	750
CP9	Fair Shares Gloucestershire	Cheltenham Time Bank: Time to Come Together	We want to run a series of cultural and craft clubs, bringing people together to learn new skills and make new friends. The groups will be self-led but supported by Fair Shares, (day to day organisation and planning, recruitment of participants, publicity, arranging events and related activities helping with bid writing etc) We will run at least three fortnightly groups and each group will have a final celebration and sharing of their work at the end of the year. The clubs will focus on: photography; sewing and or art and crafts; book group	11934	5,000	<b>R</b>	We felt that the applicant was looking for funding to support the fair shares infrastructure rather than on direct benefits for local community groups.	0
CP10	The Conservation Volunteers	Cheltenham Park Campus Green Gym	The Cheltenham Park Campus Green Gym will be a new volunteer group open to students and the local community. The project will focus on food growing, local food and a healthy life style by incorporating physical activity with practical hands on learning. The aim of the project is to encourage the students and local residents to work together to become fitter and healthier by learning how to grow their own fruit and vegetables. The produce will be available for use within the student kitchens on campus as a drive to promote fresh, local produce to a wider audience.	12220	4,825	<b>R</b>	We felt that the applicant was looking for funding to support the TCV infrastructure rather than on direct benefits for local community groups.	0

CP11	Midsummer Fiesta Steering Group	Midsummer Fiesta in Montpellier	<p>The Midsummer Fiesta in Montpellier is the biggest free event in the borough. It celebrates Cheltenham's diverse communities, brings them together and showcases the talents within them. Entry and almost all attractions are free. These include: Marketplace with around 90 stalls including local organisations, VCS and small businesses. Sports village with rugby village, mobile football cage, demonstrations and opportunities to try other sports such as fencing, kung-fu, free-running etc. Children's village with bouncy castles, face-painting, arts and crafts, petting farm, children's music and entertainment. Live music from local bands and free dance workshops and dance performances. Fairground rides and games, classic cars, food and drink.</p>	8920	2,000	<b>G</b>	We welcomed this application which will help deliver the only free town-wide community festival.	2,000
CP12	The Rendezvous Society		<p>We will bring the basement of our premises into use as a "pop-up shop" as part of our regular programme of events, and storage for orders of fairtrade and ethical products. Although the building was refurbished recently, there was no funding to complete the basement. The ground floor is open as a volunteer-run fairtrade vegetarian cafe, but there is little space for retailing. We will set up an ordering and collection service to enable organisations such as churches to hold sales of fairtrade products on their premises. This service will also be available for individuals.</p>	10184	3,500	<b>A</b>	We had some reservations about this application; as the funding will be used to improve a basement which might have limited access to the general public. We will seek to understand the application in more detail	0
CP13	Coconut Co-working Cheltenham	'Coconut Co-working' – pop up co-working/networking events.	<p>The aim of the project is to bring together independent workers who live and work in Cheltenham; By way of creating a community-centred co-working space (for freelancers, small business owners, homeworkers and start ups) that will provide a platform to meet others and build a supportive community network to facilitate collaborative working, shared knowledge and innovation through collaboration. We plan to organise 2 x free 'pop up' co-working trial events (1 day event /1 evening) to start building a co-working community - to test market reaction to setting up a dedicated co-working space that we've seen to be successful in other parts of the world.</p>	1030	415	<b>G</b>	An interesting project that we would like to see succeed	415
CP14	Eddie Wilson Community Group	Eddie Wilson House Cooking Club	<p>The need for a 'cooking class' was identified towards the end of last years growing season when community members who had been volunteering in the edible garden were unwilling to take the fresh produce home due to a lack of knowledge about vegetable preparation and cooking. We aim to deliver a monthly cooking session with the local residents to help increase their confidence and understanding about using and cooking with fresh produce. The classes will be delivered with local, seasonal produce in mind to encourage not only a healthier life style but an understanding of the wider environment in general.</p>	2840	1,420	<b>R</b>	We felt that the applicant was looking for funding mainly for staff expenses rather than on direct benefits for local community groups. We could not work out what staff would need to be employed as the application is from a residents' group.	0

CP15	Fairview Community Association (FCA)	Annual Community Fireworks Event at The Cheltenham Cricket Ground	The event is an annual, local, Fairview, community, fireworks display. It is targeted at a family audience; particularly those that live within walking distance of the Cheltenham Cricket Ground, where the event is held. Entry for accompanied children is free. It is organised, managed and run by neighbourhood volunteers and Cheltenham Cricket Club members for the benefit of the local community and charities with prime foci on encouraging local, youth sport and improving community facilities and their access by a wider and more-diverse population of Fairview residents.	3827	3,827.00	<b>G</b>	A well thought out application; we agreed to fund the majority of the project with the exception of the bar stock and 50% of the costs of the venue hire	2357
CP16	Ukulele Festival of Great Britain	Ukulele Festival of Great Britain 2014	After four successful years, the Ukulele Festival of Great Britain is established as the UK's top ukulele event, attracting visitors and performers from all over the country and the world. Held over a weekend, with the main concert in Cheltenham Town Hall on Saturday, and free-for-all events in the Exmouth Arms in Bath Road on Friday evening and Sunday, the festival also features workshops, stalls, activities, and a mass busk in the Promenade. Our aim is to maintain and build on the festival's success and reputation, continue to promote the ukulele locally and nationally, and to make people happy!	32000	5,000	<b>G</b>	We welcome the ukelele festival and felt that we would support the costs of marquees and room hire	2000
CP17	Hesters Way Neighbourhood Project	Cheltenham West Celebrates (working title)	I am a trainee Community Organiser who has been knocking doors in St Marks and Rowanfield since April 2013. Door knocking is continuing and we will have carried out many more 'listening' with residents by the end of the year. A picture of what residents want is already emerging and with the help of Community Holding Teams (CHT's) from each area, made up of local volunteer residents, we will use the research to plan a series of community activities and events in the local area and the park (KGV). This project is about bringing communities together to break down barriers	9146	4,606	<b>R</b>	We were a bit uncertain about what outcomes for local residents the project is trying to achieve;	0
CP18	MEANTIME Projects	MEANTIME/High St Project	Community Pride funding is being sought to develop and commission an artist's project to document and commemorate changes to Cheltenham's Lower High Street during the Brewery/High Street redevelopment. The project will consider this change alongside its well-documented history and will visually record the area in photographs and video, collect oral histories from shop-keepers, shoppers and townfolk, and will examine historical records to gather a wide-ranging and accessible collection of material. We will encourage people to bring in their own photographs of the area to build up a 'folk-archive' of memories and images, all of which will be exhibited for four weeks in the gallery at MEANTIME Project-Space, Oxford Passage – one of the areas undergoing redevelopment.	6400	3400	<b>G</b>	We welcomed this project, and would like to see it happen, though we did feel that the public art panel could be approached to fund the artist and associated costs. We agreed to fund equipment and materials in the hope that the PAP will fund the remainder	400

CP19	Friends of Hatherley Park	'Picnicking in the Park	The committee are very keen to provide park users with an alternative place to enjoy their picnics. Park users have responded positively to the prospect of acquiring these items, which could benefit all park users. A picnic table would encourage families to sit together and enjoy a snack outside the crowded enclosed area. The table may be used as a focal point for Friend's social activities, e.g. the Easter egg Hunt. The bench, sited outside the play area on the main path, would allow visitors to sit facing either way and could be used by dog owners who wanted to watch their children play, but not leave their pet unattended.	1968	984	<b>G</b>	A good application	984
CP20	Cheltenham in Bloom	Commemorative planting to celebrate Hatherley Parks 75th anniversary	Hatherley Park is a great park but certain areas could be enhanced with new shrub planting	500	250	<b>G</b>	We welcomed the application to commemorate the 75th anniversary of Hatherley Park	250
CP21	Cheltenham Civic Society	Cheltenham Heritage Open Days convener	Cheltenham Heritage Open Days opens Heritage Buildings in Cheltenham, including new Award winning buildings, free to explore along with talks and walks to show off Cheltenham's fantastic architectural and environmental heritage. Our object is to grow the scheme to give greater insight and understanding to more residents and visitors alike to Cheltenham's most important assets. It will bring together organisations who are guardians of this heritage, either through the buildings or the interest in our communities' heritage, providing a forum for these organisations. As part of the national Heritage Open Days there is national exposure to our outstanding heritage	2000	1,000	<b>G</b>	We welcomed the application for the Heritage Open Days which help celebrate Cheltenham's heritage	1000
CP22	Oakley Neighbourhood Project	Claude Bullingham Garden	This is the second stage of restoring the garden outside the Old School. The garden had become rather overgrown, with damaged fencing and rubbish being dumped onto it. The fencing and rubbish has now been removed, the garden weeded and plants cut back. The proposed changes with this project will mean further landscaping is done to the garden to create a paved area available for community use and utilise the excess soil from this to create low mounds planted with bulbs. The design includes a mosaic on the edge of the patio created by local children and young people.	2811	1,355	<b>G</b>	A good application	1355
CP23	Bath Road Traders Association	Christmas Lights Parade 2014	To put on an evening of entertainment which will feature a parade with Father Christmas	2000	1,200	<b>G</b>	We welcomed the application, though we cannot fund more than 50% of the costs of the project, we agreed to match fund the traders' contributions	800

CP24	Cheltenham Poetry Festival	Outreach programme - creative write for NEET category	We would like to offer further creative workshops with tutors and poets Elizabeth Rogers and Al Hutchins to vulnerable groups in the community. We would like to offer these workshops to young people in the NEET category and to adults with mental health issues. The workshops are designed to foster community pride, and improve health and well-being and to enable clients to engage with literacy and feel empowered through self expression. We would offer them to vulnerable clients via groups such as Cheltenham Community Projects and Milsom Street Day Centre which is a resource centre for people with mental health issues in Cheltenham.	3000	1,500	<b>G</b>	We welcomed the application and the Poetry Festival's commitment to work with vulnerable young people	1,500
CP25	Indian Association	Installation of security system	We wish to install burglar alarm system. And video camera in each room and outside of the building with recording equipment in colour. This will enable us to monitor the security and safety of our users and for night safety	4500	2250	<b>A</b>	We had some reservations about this application; as the funding will be used to improve the security of the premises which might have limited benefit to the general public. We will carry out some more work to understand the application in more detail	0
CP26	Transition Town Cheltenham	Cheltenham Green Doors - Open Home / Open Gardens	Based on our 3 years experience (2011-2013), Cheltenham Green Doors plan to double the number of open homes and gardens in 2014, and include also some community and commercial buildings. About 35 properties, including gardens, throughout Cheltenham will be freely open to the public over a weekend in early October. They will display a wide range of sustainable technologies: micro-generation, energy conservation, insulation, water conservation and organic, sustainable gardening. At each property, the owner(s) will be on hand to explain what they have done and answer visitors' questions. Our aim is to promote sustainable living in Cheltenham.	8500	5,000	<b>G</b>	We acknowledged the success of the Green Doors programme, but felt that we could not meet the full request; instead we agreed to support the printing and promotional costs	1500
CP27	Friends of Pittville	Pittville Gates Restoration - ph2	Phase Two of the project will complete the restoration of Pittville Gates by replacing the six missing cast iron gates, installing the large lamp in the central arch, adding a shrub garden and hedging to the site, and erecting two heritage information boards. This will finish the transformation of the gateway from its previous neglected condition to a landmark of which Cheltenham can again be truly proud	59150	5000	<b>G</b>	A good application that builds on the Friends work on phase 1; we also noted that the majority of other funding was in place meaning the project would have a good chance of proceeding	5000



CP28	In Bloom for Warden Hill	10th anniversary of enhancing Warden Hill with plants	Black planters (700mm sq) in and around Warden Hill area with creation of four semi permanent planting areas for some sustainable planting. The aim of the scheme is to encourage community participation, and to take pride in our area with colour all year round.	600	300	<b>G</b>	The application was welcomed	300
CP29	The Friends of Cheltenham Racecourse Station	Reproduction of GWR reproduction period lights on platform 2	The project aims to purchase, decorate and install 3 period and 1 original Great Western Railway platform lights on the rebuilt platform 2 at Cheltenham racecourse Station. Funding to assist the purchase of only 2 reproduction lights is requested as 1 original and one reproduction light have already been donated/purchased. The project includes the purchase and installation of underground ducting and inspection chambers for power distribution to the lights. Completion of the later phases of the project will ensure a complementary match to the restored Platform 1 for which the Railway has received many accolades for its ambience	4240	2120	<b>G</b>	A good application that builds on the Friends work to refurbish Cheltenham Racecourse Station	2120
CP30	Golden-oldies	Cheltenham Golden Singing and Activity Sessions	Our ethos is to promote and sustain independence in the growing elderly UK population. However, as 'Goldies' has grown we welcome many people to our sessions who suffer from dementia or Alzheimers. Our singing and stretching sessions across the West of England give people, some who may be lonely and vulnerable, social events and concerts to look forward to and enjoy. Through the fun singing sessions, we bring together people and promote social cohesion.	1004	384	<b>R</b>	The application is not clear about which Cheltenham communities they will be working with and what they have done to build up links	0
CP31	Cheltenham Fashion Week Ltd	Student Fashion Show & 'Evolution' Art Exhibition	Last year's Student Fashion Show attracted work from 5 Primary Schools, 7 Secondary Schools, 7 x 6th form, 2 x FE Colleges & 10 independent designers. We showcased approx. 200 outfits. This year we would like to also extend the work to be showcased at the Wilson, Cheltenham Art Gallery for a week after the show to show off the children's work and see the evolution of design, from a 6 year olds outfit to an 18 year olds. We feel this is important as it allows more engagement from our audience and as it is in town centre will afford our project more visibility.	4500	1000	<b>G</b>	We welcomed the organisers' efforts to engage local schools in their work; we would want to see some reassurances about which schools they will work with	1,000
CP32	HOLST BIRTHPLACE MUSEUM	"THE PLANETS CENTENARY"	2014 celebrations to mark the centenary of 'the planets' suite composed by gustav holst. Celebrations will take place both within the museum with 3 special exhibitions as well as talks. Town awareness with 7 sound booths, linked to the holst family within the town, in which a different movement of the planets can be heard. A trail leaflet to be produced. There will be a schools art programme as well as events for the public. More visitors will be drawn into cheltenham for this special centenary	23650	5000	<b>G</b>	We felt that the centenary of the planets' suite is a significant anniversary and welcomed the application from the Holst Museum; we did have some questions about how the project will be implemented and suggested that GAVCA / CBC could help. We agreed to fund 50% of the costs of the sound booths	4000

CP33	Young Gloucestershire	The Rowanfield Living Room Project – Part of the Time to Grow Project	<p>Hester's Way Neighbourhood Project wants to develop the "Rowanfield Living Room" provision into a holistic service that meets the needs of young people 16+. We aim to make the space a "hub" where young people can get information and advice on a range of issues relevant to their situation. We also want to extend the current youth café and provide a range of services and training courses pertinent to the young people's needs. Young Gloucestershire has been contracted to work with volunteers from the community to support them in their work with young people and to this end this project aims to find ways of positively engaging young people so that they can build their confidence, test themselves and see that there are opportunities worth working for. We aim to deliver a balanced provision of drop-in, outreach, detached and centre based work targeting young people who are primarily NEET (Not in Education, Employment Training).</p>	4000	4000	<p><b>R</b></p>	<p>We were uncertain about this bid; it felt like more of a positive activities bid than community pride.</p>	0	<b>41,999.66</b>
<b>TOTAL</b>									

## Community Building Grants 2013 Assessment

Ref	Organisation	Name of project	What's great about your community	What do you want to do more of to help build a better community?	amount requested
CB1	The Ridge Academy	Community Summer Fun Day July 2014	The Ridge is situated in Clyde Crescent in Whaddon, Cheltenham and has strong links with other organisations in the local community – particularly Oakwood Children's Centre which supports families in this deprived area, the local police and firebrigade and the local Sainsbury's store situated opposite the school. We are constantly looking to develop our links with the local community in order to engage families to provide a positive experience of an education environment.	This summer the school arranged a summer fun day. We hired in funfair rides, a local ice cream van and the pupils arranged stalls with fun activities. The event was attended by pupils' parents and siblings, families from Oakwood Children's Centre, representatives from the local Sainsbury's and the local police and firebrigade. We would like to run this event next summer. The pleasure of seeing so many local children (and grown ups!) enjoying the bouncy slide, helter-skelter and tea cups ride was immeasurable. Making this an annual event would cement that positive relationship between the school and local community.	300
CB2	Vision 21	Food Preservation for Beginners	We work throughout Cheltenham and try to encourage all types of communities to participate in protecting their living environment, as such we employ a variety of ways for people of all backgrounds to become involved.	To hire both a trained chef and a venue with a demonstration kitchen in which we are able to teach 25-30 people how to make the most of cheap seasonal food by showing them how to turn it into jams and chutneys. At the end of the day, people will understand the process from start to finish about how to prepare and preserve food for chutneys and jams.	300
CB3	Cheltenham West End Partnership	Young People's Open Forum Event	It is a diverse community. There is great access to shops and other facilities.	As part of our work to address underage drinking and anti-social behaviour in the town centre we aim to organise an open forum event, at the Brewery, for Cheltenham young people aged 13 - 25. To promote activities and groups across town, including physically showcasing some of them. To engage young people in discussing their needs and what they would be prepared to do to help address those needs. To encourage young people to engage on an on-going basis with the town centre NCG (or their local NCGs) This will be a fun event and will bring together various providers of activities and groups	175

CB4	Hatherley beaver/ cub / scout group	Beaver/ cub/ scout group	Our small community is comprised of around 150 children aged between the ages of 6 -15. We accept children Borough-wide and try to give them the best possible start in life. We have sessions throughout the week during term-time and provide many extra activities at the weekend and during the holidays.	The intention is to replace our stock of patrol camping tents which are over 25 years old! We have started to fund raise and have so far managed to raise £500 over the past 6 months. Each tent we buy will cost around £600. Most of the tents are beyond repair and unfortunately limits the number of members we can take to camp. They need to be durable, rot and water-proof. They each take 10 persons.	300
CB5	Strawberry Singers	Strawberry Singers	In our Strawberry Singers community, we have identified four willing groups of people; parents requiring support, young children requiring entertainment and care home residents requiring stimulation and interaction with the outside community. We have a resource of volunteers who have the time and inclination to bring everyone together to sing, chat, play and enjoy each other's company. All have time on their hands and have effectively seen that we benefit from spending that time together as a community.	Strawberry Singers is a unique parent and child singing group established to bring a little cheer to care home residents – particularly those suffering with dementia. The weekly sessions are run entirely by volunteers and consist of 30 minutes singing (parents, children and residents, together) followed by stay, play and chat. The cost of each session is £1 with all proceeds going to Dementia UK. Refreshments for the parents and children are provided with compliments of the participating care home. Everyone gets great value for money. Residents find the sessions instantly mood lifting with proven lasting happiness even when the experience is lost from their short-term memory. They enjoy the company of little people as there are no barriers to be broken down, only a very touching, instant bond. For parents, the regular, affordable learning and play in a safe and welcoming environment offers many advantages for their children, not least that the music is proven to develop coordination, speech and social interaction from an early age. Strawberry Singers draws the community together, young and old enjoying an effortless friendship whilst raising awareness and funds to further research and treat the many old age related illnesses from which we all might one day suffer.	300
CB6	St Paul's Road Area Residents' Association (SPRA)	SPRA Community	Diverse, with all ages including families, singles, renters and owners, and with about 40-50% occupation by University of Glos.	Our project attempts to address the foregoing issues by working closely with councillors, council staff, and other organisations. Projects are assigned to SPRA members to manage and reviews of progress are held every 2 months.	300

CB7	Oakley Residents' Association	Purchase of gas barbecue	<p>Our community is a friendly and supportive one. Neighbours are concerned and look out for one another. We are proud of our area and like to see it kept neat and tidy and looking attractive. The area is served by a variety of centres, agencies, schools and churches who work together with residents to develop a happy and cohesive community in Oakley. Residents respond well to this and there are a number of events, mostly on an annual basis, where we come together and are able to celebrate being community.</p>	<p>Oakley Residents' Association work alongside Oakley Neighbourhood Project and Oakley Regeneration Partnership to organise many community events, such as the Football Tournament, Halloween Party for younger children and Fun Day. Many of these events involve having a barbecue. Until recently we have been able to borrow a gas barbecue, but this is no longer available.</p>	250
CB8	Montpellier Villas and Environs Residents and Community Association	Montpellier Villas and Environs Newsletter	<p>When the group first started up in April, hardly any residents knew each other, despite some having lived in the area for several years. The community has really come together since then. Lots of friendships have been forged and the group worked well together to organise a highly successful street party, which around 150 people attended, including an elderly lady who had not left the house since her husband died earlier in the year. The group invited all to help out. Even the children were involved in the organisation; two eight year olds ran a children's games stall in their garden. The event raised £320 which was split between four local charities. Several people who are moving from the area now wish they were staying, and several others since visiting the party are looking to move to the neighbourhood. There is now an atmosphere in which neighbours can stop and talk to each other in the street, help and support each other, and communication spread quickly through the neighbourhood. This has helped to combat drug dealing and theft of garden ornaments in the area.</p>	<p>The newsletter would be delivered monthly to each household in the association area, reminding residents of meeting dates. It would also contain upcoming events, relevant news from other organisations (CBC, Police etc), any news or announcements people wish to share, items wanted/for sale/for loan, etc. Most of the residents do not have computers, or go regularly to the pub and see the noticeboard. We have found letters to be the most effective form of communication.</p>	300

CB9	Fairview Community Association (FCA)	Fairview Community Picnic 2014	Generally considered a pleasant environment and a friendly area to live in. Includes a useful range of local shops, traders, services and businesses; but also within easy walking distance of Cheltenham town centre, Pittville and Sandford Parks. A diverse range of residents across interests, skills, physical abilities and ages.	The Fairview Community Picnic 2014 will bring neighbours together to socialise, share ideas and have fun over an alfresco, summer picnic. Picnickers will be able to participate in informal activities or simply relax and watch a game of cricket. It is part of an exercise around building stronger communities in the Fairview and surrounding area through encouraging a friendlier, safer community.	300
CB10	Friends of Naunton Park (FoNP)	The Pop-up Pavilion	We have a beautiful park and Rose Gardens, a green lung among the crowded streets of Naunton Park, a safe and open space for the whole community. It is a fabulous focal point, used by people of all ages and stages, families, dog walkers, sports groups, to name but a few. It is close to Bath Road, really well serviced with a great range of local shops. It is an area that encourages people in the community to be out and about and get to know the people and places on their doorstep. There is also an active Swap, Share and Save group within the Naunton Park area.	There is a pavilion in the park, with a small community room which is currently not used. We intend to take on the management of this space with the aim of opening it up to be used by groups or individuals to use on a regular or one-off basis, to make as much use of the resource as possible. Before we can use the pavilion as a community resource, we need to transform the space from empty shell to user-friendly environment. We aim to create a space that is flexible, appealing and safe, and that can be used by a wide range of groups and individuals on a regular or one-off basis. This will mean sourcing appropriate furniture and resources, working with CBC to create hire agreements, and extending our insurance cover.	300
CB11	Cheltenham in Bloom	'Poppy' displays to commemorate 100 years of the First World War in 2014	It is a vibrant town with lots of green open spaces, parks and gardens for the public to enjoy. We are fortunate to be 'rich' in voluntary 'Friends Groups' who make up Cheltenham in Bloom committee who takes 'Pride' in the area in which they live, work and take recreation.	To plant cultivated poppies in the 'Railed Carpet Bedding' area within Imperial Garden's (where the Town's CIB's achievement plaque is on display), also either side of the War Memorial within the Long Gardens on the Promenade. This will be a poignant display in the town, to commemorate 100 years of the First World War in 2014, while adding vibrant colour to our Gardens.	300
<b>TOTAL</b>					<b>3125</b>

## Cheltenham Borough Council

**Cabinet – 15 October 2013**

### **Budget strategy and process 2014/15**

<b>Accountable member</b>	<b>Cabinet Member for Finance, Councillor John Rawson</b>
<b>Accountable officer</b>	<b>Director of Resources (Section 151 Officer), Mark Sheldon</b>
<b>Accountable scrutiny committee</b>	<b>Budget Scrutiny working group</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<b>The purpose of this report is to propose a broad strategy and outline a process for setting the budget, housing rents and council tax for 2014/15. It outlines a number of principles that need to be established at this stage to enable budget preparation to commence.</b>
<b>1. Recommendations</b>	<p><b>That Cabinet:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the budget setting timetable at Appendix 2.</b></li> <li><b>2. Note the expected cut in government funding of £844k (13.6%) for 2014/15 and estimated funding gap of £989k.</b></li> <li><b>3. Approve the budget strategy outlined in section 4 and appendix 3.</b></li> <li><b>4. Request the Section 151 Officer and the Cabinet Member for Finance, to consider suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2014/15 as outlined in section 5.</b></li> </ol>

<b>Financial implications</b>	<p>This report sets out the budgetary process for 2014/15 and the general financial parameters under which the budget will be prepared.</p> <p><b>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</b></p>
<b>Legal implications</b>	<p>The budget process is governed by the Budget and Policy Framework Procedure Rules (contained in the Council Constitution) and the process recommended in this report is designed to meet and exceed the requirements of those Rules.</p> <p><b>Contact officer: Peter Lewis, <a href="mailto:peter.lewis@tewkesbury.gov.uk">peter.lewis@tewkesbury .gov.uk</a>, 01684 272012</b></p>

<b>HR implications (including learning and organisational development)</b>	None at this stage, other than the need to ensure proper consultation with staff and trade unions in relation to the budget.  <b>Contact officer: Julie McCarthy, julie.mccarthy@tewkesbury.gov.uk, 01242 264355</b>
<b>Key risks</b>	The Council, as part of its work on corporate governance, has a corporate risk management strategy and corporate risk register, which highlights key risks to the organisation in achieving business objectives. The high level risks will need to be addressed as part of the budget process and may require additional resources or the re-direction of existing resources to mitigate unacceptable levels of risk. These risks are regularly reviewed by the Corporate Governance Group and Cabinet and the Overview and Scrutiny Committee have the option to scrutinise any aspect of the risk register.  See risk assessment at Appendix 1.
<b>Corporate and community plan Implications</b>	The annual budget aims to deliver the outcomes defined by the Council's corporate business plan and resourcing should be aligned to the delivery of corporate plan priorities.
<b>Environmental and climate change implications</b>	None arising from this report

## 1. Background

- 1.1 The responsibility for preparing the budget in line with the Council's policy framework, taking proper account of technical and professional advice and presenting proposals to Council for approval, lies with the Cabinet.
- 1.2 It is customary for the Cabinet Member for Finance, at this time of year, to present a report on the budget process. Accordingly, this report aims to outline a process designed to arrive at an acceptable budget.

## 2. Budget / business planning timetable

- 2.1 The budget and policy framework requires that the Council publish a timetable setting out the key dates in the budget setting process. A draft budget timetable, attached for approval at Appendix 2, sets out the sequence of events leading up to the setting of the budget and council tax level for the Council for 2014/15 and the Council business plan.
- 2.2 The timetable allows sufficient time to consider alternative budget proposals or amendments put forward to the budget proposed by the Cabinet.
- 2.3 The following fundamental principles, established in previous budget rounds, are incorporated into the process of determination of the budget for 2014/15.
- Cabinet make timely decisions in order to assist the officers in presenting the budget proposals to Cabinet and Council in accordance with the timetable.
  - Opposition parties work up alternative budget proposals, validated by GO Shared Services, in time for the initial budget meeting in February 2014.
  - Members aim to set Cheltenham Borough Council's budget and council tax at the initial Council meeting.



### **3. The national funding scenario**

- 3.1 Since 2009/10 the Council's core funding from the Government has been cut by some £3.7 million, from £8.8 million to £5.1 million
- 3.2 At the end of last year the Government announced that its funding would be cut again by 12.7%, making a further loss of £788k. More recently, it has become clear that the cut will be even bigger, and is likely to amount to 13.6% or £844k. Part of the reason for the larger cut is the Government's intention of creating a safety net to compensate local authorities for the loss of business rates income.
- 3.3 Overall we are likely to see a cut in RSG between 2014/15 and 2015/16 of 28%. The cut is not evenly distributed across blocks or elements, with the largest reductions in RSG of 34% being for lower tier (district council) functions. These reductions are much worse than expected.
- 3.4 An additional problem is the Government's proposal to take £400 million of New Homes Bonus away from local authorities from 2015/16 to fund economic development. This proposal, if implemented, will take funding away from local services and add to the financial difficulties of local authorities like ours. We estimate that it could cost this Council £483k in 2015/16.

### **4. 2014/15 and MTFs funding gap**

- 4.1 Included in the budget presented to Council in February 2013 was an estimate of the Medium Term Financial Strategy (MTFS) which identified a funding gap of £963k for 2014/15 between what the Council will need to spend to maintain services and what it can spend assuming an illustrative council tax increase of 2%. The MTFS also identified a funding gap over the period of the MTFS (2014/15 – 2017/18) of £2.1m.
- 4.2 The MTFS projections have been updated, at Appendix 3 to reflect the planned funding cuts per the next spending review. These show that the funding gap for 2014/15 has risen to £989k and the MTFS gap over the period 2014/15 – 2017/18 has risen to £2.635m.

### **5. Cabinet Budget Strategy**

- 5.1 In the current exceptionally difficult national funding situation, the Cabinet's overriding financial strategy has been, and is, to drive down the Council's costs. Our aim is to hold down council tax as far as possible, now and in the longer term, while also protecting frontline services from devastating cuts – an immensely challenging task in the present climate.
- 5.2 The key mechanism for carrying out this strategy is the Bridging the Gap (BtG) programme, which seeks to bring service costs in line with available funding. To date, this programme has been largely successful in managing funding gaps, with over 5m generated annually from BtG work streams including service reviews, shared services, increased income generation and assets management initiatives. This achievement has made it possible to adopt a more strategic approach to identifying savings rather than relying on 'salami slicing' of budgets.
- 5.3 The starting point for constructing the 2014/15 budget has been a MTFS funding gap of £989k. An energetic and proactive approach to identifying budget savings, carried out as part of the BtG programme has made significant progress towards bridging the gap, having identified at this early stage in the process potential savings of £664k, leaving £327k to find, assuming a 2% council tax increase. A further year's freeze on parking charges would increase this by a further circa £100k. This assumes that there will be a 13.6% cut in government support.
- 5.4 Identifying budget savings is work in progress at present, and further savings are in the process of

being identified, particularly bearing in mind that the Government's local government final finance settlement may be worse than currently indicated.

- 5.5** The BtG programme has also developed a 'Bridging the Gap Strategy' which indicates broadly how the Council may close the projected funding gap over the period of the MTFS. It includes savings targets rather than necessarily specific worked up projections of cost savings and includes the accommodation strategy (based on the high level option appraisal work); sharing ICT; asset rationalisation; future waste initiatives and savings targets for commissioning reviews.
- 5.6** The Cabinet believes this longer term approach to finding efficiencies, with increasing emphasis on shared services and the development of new models of service delivery through commissioning, is essential if we are to find the very substantial savings that are needed without having a disastrous impact on services.
- 5.7** One of the major issues which the Cabinet and Council will need to consider in formulating the 2014/15 budget is what use it makes of New Homes Bonus money to support the budget. The potential growth of income from the New Homes Bonus, and the fact that it is being top-sliced from the RSG, means that the Council has little alternative but to regard this money as an important part of its income stream. In the recent spending review announcement, the chancellor indicated his intention to top slice £400m nationally to funding economic development and safety nets, despite previously indicating that this would be a permanent funding stream. Even so, there is still considerable headroom between the current NHB projections and what is currently being used to support the revenue budget.

### **Council tax**

- 5.8** For the past three years the Council has frozen its council tax precept at £187.12 a year for a Band D taxpayer. In proposing this course of action, the Cabinet has borne in mind the difficult economic and financial climate that many of our residents face. However, during the period of the freeze our own financial position as a Council has deteriorated sharply. Our core Government funding has been cut from £8.8 million in 2009/10 to £5.1 million in 2013/14, with further large cuts to come. In addition inflation has continued to affect many areas of the Council's costs.
- 5.9** Although the Government has incentivised councils to freeze their council tax, the 'deal' it has offered councils has been increasingly unattractive. Currently the Government is offering councils roughly half the cost of freezing council tax in 2014/15, in comparison with increasing council tax by 2%. However, this limited incentive only lasts for two years, after which it drops out of councils' budgets. If this Council were to freeze its council tax again in 2014/15, it would therefore be left with an additional budget gap of £73k from 2014/15 and £149k a year from 2015/16. Consequently the Cabinet and the Council will need to consider whether a further freeze is sustainable, or whether it will act against the interests of local residents by creating an increased risk of service cuts and/or larger tax increases in future years.
- 5.10** The Government introduced legislation through the Localism Act to require councils proposing what it regards as an excessive rise in Council Tax (over 2% in 2014/15) to hold a local referendum allowing the public to veto the rise. The Cabinet is not disposed to regard a tax increase of more than 2% as feasible, since any benefits to the Council's finances would have to be set against the very considerable cost of the referendum. Equally the Cabinet continues to recognise the financial pressures on many residents and its own responsibility to keep the tax level within reasonable bounds regardless of Government requirements

### **Service growth**

- 5.11** The Cabinet's initial approach is that, given the difficult financial situation, there should be no growth in services except where there is a statutory requirement or a compelling business case for an 'invest to save' scheme.

- 5.12 Officers and members will need to base decision-making, particularly requests for additional resources, upon the priorities in the Council's business plan. The Budget Scrutiny Working Group and the Overview and Scrutiny Committee will be invited to review and feedback to the Cabinet their priorities for relevant bids received. These priorities will be considered by the Cabinet in pulling together the consultation budget.

## 6. Budget Scrutiny Working Group

- 6.1 In February 2011, the Council agreed to set up a Budget Scrutiny Working Group with the following terms of reference:

- To consider options for bridging the funding gap i.e. proposals for charging or reduction in expenditure
- To review the work programme for commissioning and options being considered
- To develop members' scrutiny skills and understanding of financial matters
- To develop the approach to budget consultation

- 6.2 This strategy report has already been considered by this Group and both the Section 151 Officer and the Cabinet Member for Finance are keen that this Group should play a significant part in developing and supporting the budget process.

## 7. Budget Setting Process 2014/15 – key stages

- 7.1 In approaching the budget setting process for 2014/15, the Cabinet will endeavour to adhere to some well established principles designed to deliver budget proposals in a timely manner following proper process, including:

- Early and clear direction input from Cabinet and Senior Leadership Team
- Ensuring that Financial Services (GO) maintain a strong role in moderating the process
- Director of Resources (Section 151 Officer) to lead and advise on strategic budget issues
- Agree Cheltenham Borough Homes (CBH) management fee and Housing Revenue Account (HRA) budget as early as possible
- Maintaining good communications between Chief Executive, Senior Leadership Team, Council Leader, Cabinet Member for Finance and Director of Resources (Section 151 Officer) over budget progress / issues.
- Ensure consult with the recognised Trade Unions and that employees are aware.
- Ensuring clarity of savings achieved from procurement.
- Aligning the Senior Leadership Team behind a collective approach to resolving budget gap issue.
- Including the Overview and Scrutiny Committee and the Budget Scrutiny Working Group in the budget process

- 7.2 The proposed key stages in the process for setting the budget for 2014/15 are summarised in the timetable at Appendix 2 and are detailed below. The timing of events may change as the process develops.

### Publication of budget timetable

- 7.3 The Cabinet will publicise a budget timetable by including this in its Forward Plan and via other media.

### Budget preparation

**7.4** Between October and November 2013, the Cabinet Member for Finance and officers will work with the Cabinet towards the creation of 'interim budget' proposals which will make the following assumptions:

- The projection will be for a standstill budget, prepared under a general philosophy of no growth in levels of service. Inflation for contractual and health and safety purposes will only be allowed where proven at the appropriate inflation rate.
- There has been a Local Government pay freeze for three consecutive years (2010/11, 2011/12 and 2012/13) with staff pay inflation of 1% allowed for in 2014/15 and 2015/16, in line with the capping level proposed in the spending review. This is less than current CPI (2.7% in August 2013).
- The current MTFs assumes inflation on fees and charges at an average rate of 2.5% (excluding the VAT increase) annually over the 5 year period. This increase will be assumed in the preparation of the standstill budget and any deviation from this will form part of the interim budget proposals. At this stage the Cabinet is minded to continue to freeze car parking charges.
- The impact of prevailing interest rates on the investment portfolio will be assessed in preparing the budget. The Treasury Management Panel will consider the position in respect of treasury management activity during the budget setting cycle, including the latest position in respect of Icelandic banks.
- An assessment of the charges to be made to Cheltenham Borough Homes and the Housing Revenue Account will be incorporated in the budget proposals, including assessing the impact on the General Fund of the changes to the housing subsidy system.
- A council tax increase of 2% has been used for modelling purposes.
- Proposals for service growth will be included, though only for invest to save schemes.
- An updated assessment of the MTFs will be included, incorporating the financial assessment of the Business Plan tasks and any updated estimates for future funding pressures and sources of income.

### **Publication of initial budget proposals**

**7.5** The Cabinet will present its initial budget proposals and publish them for consultation in line with the advertised plan. The initial budget proposals will include all general fund revenue, capital and housing revenue account estimates to meet a balanced budget, together with assumptions made on future council tax and rent levels.

### **Budget Consultation**

- 7.6** As a result of the very extensive budget consultation exercise carried out in 2010, a residents' focus group was formed which has met annually since to consider budget proposals. It is the Cabinet's intention to repeat this again this year. In addition to the formal budget consultation, some targeted consultation around specific issues, particularly those arising from commissioning, may be undertaken.
- 7.7** The formal budget consultation period will be no less than four weeks and will take place during December 2013 to January 2014. The Cabinet will seek to ensure that the opportunity to have input into the budget consultation process is publicised to the widest possible audience. During the consultation period all interested parties will be welcome to provide feedback on the initial budget proposals. Groups, businesses, tenants, residents, staff and trade unions will be encouraged to comment on the initial budget proposals at this time. They will be asked to identify, as far as possible, how alternative proposals complement the Council's business plan and

community plan, how they will be financed, and how they will help the Council to achieve best value. Presentations will be made to key business groups as part of the consultation process.

- 7.8** The Budget Scrutiny Working Group and Overview and Scrutiny Committee will be invited to review the interim budget proposals in the meetings scheduled for January 2014 and feed any comments back to the Cabinet.
- 7.9** Whilst the Cabinet will be as flexible as possible, it is unlikely that any comments received after the consultation period can be properly assessed to consider their full implications and to be built into the budget. Accordingly, if alternative budget proposals are to come forward, this should happen as early as possible.
- 7.10** All comments relating to the initial budget proposals should be returned to the Section 151 Officer by the end of the consultation period for consideration by the Cabinet in preparing their final budget proposals. Consultation questionnaires will be available in key locations and for completion on line via the Council's website. Comments can be e-mailed to [moneymatters@cheltenham.gov.uk](mailto:moneymatters@cheltenham.gov.uk).

### **Assessment of alternative Budget Proposals**

- 7.11** It is important that any political group wishing to make alternative budget proposals should discuss them, in confidence, with the Section 151 Officer and / or the appropriate Executive Director / Director / Chief Executive (preferably channelled through one Group representative) to ensure that the purpose, output and source of funding of any proposed change.
- 7.12** Given the financial pressures and the potentially very difficult decisions which will have to be made, it is very important that there is time for members to carefully consider and evaluate any alternative budget proposals. Political groups wishing to put forward alternative proposals are not obliged to circulate them in advance of the budget-setting meeting, but in the interests of sound and lawful decision-making, it would be more effective to do so, particularly given that they may have implications for staff.

### **Final Budget Proposals and Council Approval**

- 7.13** At the end of the consultation period, the Cabinet will draw up firm budget proposals having regard to the responses received. In drawing together its budget proposals to Council the report will reflect the comments made by consultees and the Cabinet's response. The firm budget proposals will be presented to Council at the budget setting meeting for decision in February 2014.

## **8. Housing Revenue Account**

- 8.1** Draft proposals for the Housing Revenue Account will also form part of the same process for considering the General Fund revenue and capital budgets.
- 8.2** The financial projections contained in the HRA Business Plan are currently being updated to reflect revised estimates for:
- Need to spend on stock investment and maintenance,
  - Subsidy changes,
  - Stock numbers,
  - Rent and service charge income.
- 8.3** The revised projections will be available to inform decisions on the level of management and maintenance and capital investment in 2014/15 (to include fees payable to Cheltenham Borough

Homes and administrative charges from Council Divisions).

**8.4** The HRA financial strategy adopted by the Council in recent years has been to seek ongoing efficiency savings in management and maintenance, to retain a contingency balance of approximately £1 million on the account and use any surplus resources to fund capital investment in the stock.

**8.5** Now that the Decent Homes programme is completed, future investment will focus on retaining the decency standard and further neighbourhood works including the potential to build new social housing using the funding 'headroom' following the abolition of the housing subsidy system.

### **9. Reasons for recommendations**

**9.1** The Council is required to agree a budget process and timetable.

### **10. Alternative options considered**

**10.1** The process for considering alternative budgets is set out above.

### **11. Consultation and feedback**

**11.1** The consultation process is described fully above. In view of the size of the challenge the Council faces in setting the 2014/15 budget, consultation has already commenced with trade unions.

### **12. Performance management – monitoring and review**

**12.1** The delivery of savings and additional income proposed as part of the budget will be monitored through the Bridging the Gap programme which meets monthly with the Cabinet Member for Finance.

<b>Report author</b>	<b>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Budget timetable</li> <li>3. Funding gap projection</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1. RSG projections 2014/15 – 2015/16</li> <li>2. MTFS 2014/15 to 2017/18</li> </ol>

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
CR3	If the Council is unable to come up with long term solutions which bridge the gap in the medium term financial strategy then it will find it increasingly difficult to prepare budgets year on year without making unplanned cuts in service provision	Director of Resources Mark Sheldon	1/9/2010	4	5	20	Reduce	The budget strategy report and projection includes 'targets' for work streams to close Further work streams will be developed to close the residual projected funding gap for 2014/15.	On-going	Mark Sheldon	1/9/2010
	If the uncertainty in funding streams including the proposed top slicing of New Homes Bonus, business rates localisation results in further impact on Revenue Support grant then the budget gap may increase above current projections.	Director of Resources Mark Sheldon	28/9/12	3	4	12	Reduce	Update Cabinet with latest information during the budget process.	On-going	Mark Sheldon	

	Uncertainty and impact on income streams as a result of the introduction of the business rates retention scheme in April 2013 resulting from the loss of major business and the constrained ability to grow the business rates in the town.	Mark Sheldon	14/09/2012	3	4	12	Accept & Monitor	<p>The council joined Gloucestershire pool to share the risk of fluctuations in business rates revenues retained by the council.</p> <p>Monitoring of the position to August 2013, indications suggest that the pool has been effective in retaining business rates in Gloucestershire.</p> <p>Work with members and Gloucestershire LEP to ensure Cheltenham grows its business rate base.</p>	<p>On-going</p> <p>On-going</p>	<p>Jayne Gilpin</p> <p>Mike Redman</p>	
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**Budget / Business Planning Process 2014/15 – Timetable of key stages / dates**

July - September 2013	SLT / Service Managers work with the Bridging the Gap programme to identify options for savings and additional income
1st October - 13th December 2013	Calculate provisional NDR1 estimate 2014/15
3rd October 2013	Budget Working group - review the draft budget strategy before the reporting to Cabinet in October.
18th October 2013	Deadline to submit taxbase calculation - applicable date is 18th October 2013 (CTB1 figure used in RSG calculation).
15th October 2013	Cabinet approve the budget strategy - guidelines, timetable and estimated funding gap for 2014/15 and the Cabinet's approach to the budget / MTFs
24th October 2013	Joint Consultative Committee - briefing on funding projections and estimated budget gap and strategy for closing the gap, including any HR implications e.g. restructures / potential for redundancies.
5th November 2013	Budget Working group - consider input to interim budget proposals and report direct to Cabinet.
15th November 2013	Deadline for preparation of standstill budget on basis of no growth and further detailed analysis of under spends / additional income.
18th November 2013	Treasury Management Panel to consider budget estimates for treasury management budget assumptions.
2nd December 2013	Recalculate taxbase figure for Section 151 Officer sign off under delegated powers and production of briefing note for Cabinet Deputy
13th December 2013	Confirm provisional NDR1 estimate to County Council and DCLG

16th December 2013	Council to approve Council Tax Support Scheme and the New Council Tax Discounts on Empty Properties for 2014/15
17th December 2013	Cabinet present interim budget proposals for consultation including proposals for growth, savings and levels of fees and charges and projection of the Medium Term Financial Strategy (MTFS).
18th December 2013 to 17th January 2014	Cabinet consult on budget proposals including Overview and Scrutiny committee, public and the business community.
January 2014	Finance Settlement.
7th January 2014	Budget Working group - review consultation and make recs to O&S committee on budget
9th January 2014	O&S Committee consider recommendations from budget working group and forward to Cabinet/Council
10th January 2014	Recalculate taxbase and confirm or amend figure under delegated powers, if necessary.
13th January 2014	Approve final NNDR1 estimate and advise County Council and DCLG
13th January 2014	Advise all precepting authorities (including parishes) re. relevant taxbase figures
20th January 2014	Treasury Management Panel – consider final recommendations to Cabinet in respect of treasury management activity.
23rd January 2014	Joint Consultative Committee - briefing on budget and any HR implications.
31st January 2014	Deadline for submission of alternative budget proposals to Financial Services for validation.

11th February 2014	Cabinet present final budget proposals including response to consultation exercise.
14th February 2014	Council meet to approve Cheltenham Borough Council budget only - approve proposed Cabinet or alternative budget (approved in principal).
14th February 2014?	Police Authority approve budget and council tax level.
17th February 2014	Special council meeting (if required) – meets the requirement for the proper officer to call a council meeting to discuss objections to an alternative budget within 7 days of receipt of objections.
28th February 2014	Council meet to approve the Council tax resolution (includes GCC and police tax) – last day for Council to approve any proposed budget.
3rd March - 5th March 2014	Council tax charge calculation / bill file creation.
6th March 2014	Final amendments to council tax leaflet/sign off for printing
7th March - 10th March 2014	Billing information sent to printers.
3rd - 6th March 2014	Council tax booklets to be delivered to printers/CBC
By 11th March 2014	Bills to be issued (14 days notice required before first payment - some payments due on 1st April)
Summer 2014	Budget Working group - seminars with Directors to educate members on service direction of travel / issues

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BRIDGING THE GAP STRATEGY								
	Approved Savings	2013/14	2014/15	2015/16	2016/17	2017/18	Total	
MTFS Gap		1,244,800	988,895	904,861	447,246	294,040	2,635,042	
<b>Total Current MTFS Funding Deficit</b>		<b>1,244,800</b>	<b>988,895</b>	<b>904,861</b>	<b>447,246</b>	<b>294,040</b>	<b>2,635,042</b>	
<b>Organisational changes</b>								
Staff restructures								
- Public Protection		35,000						0
- Parks & Gardens (reduction of p/t post)		10,000						0
- Building Control (offset by inflation on income - see Appendix 3)		9,800						0
- Customer services / custodian / postroom			50,000					50,000
Built Environment Management Restructure		52,700						0
Economic Development Restructure		20,000						0
Revenues & Benefits Service Review		88,000						0
Car park retained organisation savings post GCC - car park income collectors		23,000						0
Retained organisation savings post GCC - target		150,000						0
Senior Management Team review			156,400	43,600				200,000
<b>Shared Services</b>								
Establishing Ubico with Cotswold District Council	*	91,700						0
Additional waste target				45,400				45,400
GO shared services								
- staff savings	*	221,800						0
- licensing savings	*	32,600						0
- ICT support and hosting costs	*	(53,200)						0
- retained organisation saving	*		30,000					30,000
- procurement savings								
1. Treasury management	*	4,500						0
2. CIPFA Publications	*	1,000						0
3. Audit fee	*	35,000						0
Shared Project Management with Forest of Dean		19,600						0
Shared GIS with Forest of Dean		30,000						0
<b>Commissioning</b>								
L&C Review - AGM savings	*	50,000						0
L&C Review - trust savings		40,000	181,700	262,300	220,700	161,200		825,900
L&C Review - reduction in retained organisation				33,900	33,800			67,700
ICT Review - per business case to Cabinet 11/12/12				159,500				159,500
ICT Review - server room rationalisation / infrastructure savings			38,000					38,000
Ubico - business plan			30,000					30,000
Review of Arle Nursery						50,000		50,000
Green Environment			20,000					20,000
Revenues & Benefits Review			130,000					130,000
Joint Management Unit for Waste						100,000		100,000
<b>Income</b>								
Planning fee income rise 15%		60,000						0
Townscape/Conservation planning advice		5,000						0
Fees & Charges Review inc. concessions				30,000				30,000
<b>Asset Management</b>								
Remove annual increase contribution to Programme Maintenance Reserve **		200,000						0
Rationalisation of asset portfolio				30,000		30,000		60,000
Accommodation Strategy					100,000	100,000		200,000
<b>Other</b>								
Supplies & services savings								
1. Corporate training budget	*	2,000	2,000					2,000
2. LGA - reduced membership costs	*	300		300				300
3. Building Control		6,000						0
4. Target saving			10,000	10,000	10,000	10,000		40,000
Additional recharge to HRA / CBH post HRA reform & revision to SLAs		69,000						0
Single Advice Contract tender saving		22,000						0
Reduction in Everyman Grant	*		5,000	5,000				10,000
Reduction in grant to Oakley & Hesters Way Regeneration Partnerships	*	4,000	4,000	4,000				8,000
Community Development - reduction in operational budget		15,000						0
Additional allotment sites	*		5,000					5,000
Reduction in grants				30,000				30,000
<b>Efficiency savings Target yet to be identified</b>			326,795	250,861	82,746	-157,160		503,242
<b>Total Savings/Income over MTFS</b>		<b>1,244,800</b>	<b>988,895</b>	<b>904,861</b>	<b>447,246</b>	<b>294,040</b>	<b>2,635,042</b>	
<b>shortfall / (surplus) against MTFS Funding Gap</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
* Denotes savings previously approved.			NB: traffic lights denote risk associated with delivery					
** Make one-off contributions to Programme Maintenance reserve from New Homes Bonus								
<b>Summary of Savings</b>								
Approved savings	*	389,700	41,000	9,300	0	0		50,300
Savings to be approved		855,100	621,100	644,700	364,500	451,200		2,081,500
Savings target yet to be identified			326,795	250,861	82,746	-157,160		503,242
		<b>1,244,800</b>	<b>988,895</b>	<b>904,861</b>	<b>447,246</b>	<b>294,040</b>	<b>2,635,042</b>	

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## Cheltenham Borough Council

Cabinet – 15<sup>th</sup> October 2013

### Budget Monitoring Report 2013/14 – position as at August 2013

<b>Accountable member</b>	<b>Councillor John Rawson, Cabinet Member for Finance</b>
<b>Accountable officer</b>	<b>Paul Jones, Head of Financial Services</b>
<b>Accountable scrutiny committee</b>	<b>All</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	To update Members on the Council's current financial position for 2013/14 based on the monitoring exercise at the end of August 2013. The report covers the Council's revenue, capital, treasury management and the housing revenue account. The report identifies any known significant variations (minimum £50,000) to the 2013/14 original budget and areas with volatile income trends.
<b>Recommendations</b>	<ol style="list-style-type: none"> <li><b>1. Note the contents of this report including the key projected variances to the original 2013/14 budget, and the projected total budget saving of £133,000.</b></li>   <li><b>2. If, following the more detailed monitoring process currently being undertaken as part of the budget setting process for 2014/15, a potential overspend is identified, take corrective action to ensure that the Council delivers services within the overall net budget for the year.</b></li> </ol>

<b>Financial implications</b>	<p>As detailed throughout this report.</p> <p><b>Contact officer: Sarah Didcote, <a href="mailto:sarah.didcote@cheltenham.gov.uk">sarah.didcote@cheltenham.gov.uk</a>, 01242 775154</b></p>
<b>Legal implications</b>	<p>None directly arising from the recommendations. The current legal position regarding Icelandic Banks is referred to in the report.</p> <p><b>Contact officer: Peter Lewis, <a href="mailto:Peter.Lewis@teWKesbury.gov.uk">Peter.Lewis@teWKesbury.gov.uk</a>, 01684 272695</b></p>

<p><b>HR implications (including learning and organisational development)</b></p>	<p>Service Managers and the HR Business Partners are continuing to monitor vacancies and recruitment. A request to recruit to a new or vacant post must be approved by the divisional Director, and all recruitment is based on a business case outlining the impact on the service delivery and/or loss of income generation if the post were to remain unoccupied. Capacity to deliver key projects is also being monitored, and regular updates are provided to the Senior Leadership Team.</p> <p><b>Contact officer: Julie McCarthy , julie.mccarthy @cheltenham.gov.uk, 01242 264355</b></p>
<p><b>Key risks</b></p>	<p>As outlined in Appendix 1.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>Key elements of the budget are aimed at delivering the corporate objectives within the Corporate Business Plan.</p>
<p><b>Environmental and climate change implications</b></p>	<p>None.</p>



## 1. Background

- 1.1 This report provides the second monitoring position statement for the financial year 2013/14. The purpose of this report is to notify members of any known significant variations to budgets for 2013/14 and highlight any key issues, allowing Members to take action if required.
- 1.2 Financial Services carry out a regular budget monitoring exercise for services in liaison with Directors and cost centre managers. This identifies any major variations from the current approved budget that are anticipated to occur in the financial year. The current approved budget is the original budget 2013/14 agreed by Council on the 8<sup>th</sup> February 2013, subject to any amendments made under delegated powers (for example supplementary estimates, virement, etc). Possible significant variations to revenue budgets are outlined in this report.

## 2. Net revenue position

- 2.1 The table below summarises the net impact of the variances identified at this stage in the financial year, projecting the position to the end of the financial year for all budget variances in excess of £50,000 and areas with volatile income trends, details of which are provided in paragraphs 2.2 to 3.3. A more detailed exercise will be undertaken and reported in the next budget monitoring report in November 2013.

<b>Significant budget variances</b>	Overspend / (Underspend) £	para. ref:
<b>Employee costs</b>		
Shortfall in salary savings target	-	2.2
<b>Built Environment</b>		
Off Street car parking and fines– shortfall of income	20,000	2.3
Off Street car parking – shortfall against savings target	63,000	2.4
Development control – surplus on income budget	(52,000)	2.5
<b>Commissioning</b>		
Bring Sites – shortfall in income	27,000	2.6
Recycling Collection Schemes – shortfall in income	26,000	2.7
Leasing costs	(200,000)	2.8
<b>Treasury</b>		
Interest – net surplus General Fund	(17,000)	3.3
<b>Total projected underspend for year</b>	<b>(133,000)</b>	

### Savings from employee costs

- 2.2 The 2013/14 original budget includes a target of £450,000 from salary savings to be made throughout the council from vacant posts arising during the year. An initial assessment of vacant posts (i.e. staff turnover) and restructures in the first five months of the year indicates that this target is likely to be achieved for the financial year.

### **Off-street Car Parking Income**

- 2.3** The income position for off-street car parking to the end of August is falling short of target by around £18k, which equates to around 1.03% of the target. However, a compensating surplus in fine income is also being generated, with income being around £8k up against target. Should these trends continue as currently anticipated, car parking income is likely to be £38,000 short of target, and fine income up by around £18,000. This will leave a total forecasted shortfall against income targets of around £20,000. Future budget monitoring reports will provide updated positions with a greater degree of accuracy.
- 2.4** Following the return of the on-street car parking function to Gloucestershire County Council on 1<sup>st</sup> April 2013, it was anticipated the retained car parking function would deliver £150k of savings against its expenditure budgets. Work towards this target has been ongoing to date, resulting in a new staffing structure and significant contract reviews. However, the service has been unable to deliver full year savings in the current year due to transitional arrangements following the termination of the on-street car parking contract and the subsequent staff changes. The full saving is anticipated to be delivered in 2014/15, whilst there is currently forecast to be a shortfall of around £63k in 2013/14.

### **Development Control fees**

- 2.5** The income position for Development Control (including pre-application advice) is currently exceeding target by around £26k. Should this trend continue to the end of the financial year, a surplus of around £52k is anticipated.

### **Commissioning**

#### **2.6 Bring Sites**

Income is slightly under target due to the price of recyclates reducing – this is estimated at £27,000 for the year. A review of the Council's Bring Sites scheme is currently being undertaken to ensure that the sites are working effectively and that the bins provided are meeting the local needs.

#### **2.7 Recycling Collection Schemes**

Income levels are lower than anticipated due to the fluctuations in the price of recyclates – this is estimated at £26,000 for the year.

#### **2.8 Leasing costs**

The decision to fund the replacement of vehicles and recycling bins through prudential borrowing has resulted in a one-off saving of £200k in leasing costs. This is due to the accounting entries surrounding the financing of assets from prudential borrowing in so much that they equate to the depreciation charge levied on that asset. The depreciation policy for CBC is that newly acquired assets are depreciated from the year following that in which they are acquired. Consequently the financing costs via Minimum Revenue Provision (MRP) are also deferred by one year which results in a one-off saving.

## **3. Treasury Management**

### **3.1 Icelandic Banks**

Members will be aware that the Council has outstanding loans with the Icelandic owned banks Glitnir, Landsbanki and Kaupthing, Singer & Freidlander (KSF). Since the decision was made by the Icelandic Supreme Court that Local Authority wholesale depositors are considered preferential

creditors, both the Landsbanki and Glitnir Winding up Boards have made repayments to the Council, with further amounts expected in the future.

- 3.2** KSF administrators have returned 79p in the pound so far with further distributions to be made. It is estimated that between 84p/86.5p in the pound will be recovered in total. Glitnir returned 82p in the pound with the remaining 18% being held in an escrow account in Iceland. Landsbanki have returned approximately 55p in the pound with 2p in the pound being held in escrow in Iceland. It is expected to recover 100%, but repayable over a number of years.

### **3.3 Treasury Management Activity**

There is a predicted surplus of interest of £17,000 to report on Treasury Management within the general fund for 2013/14. Lending interest is forecast to be around £17,000 better off compared to the original budget set due to holding higher cash balances on a daily basis. Even though investment rate returns are very low it has benefited the council to invest in longer periods (still within one year). Temporary borrowing interest is predicted to be around the original budget set in February 2013.

A Public Works Loan Board loan for £1.2m was taken out on 23rd May 2013, on behalf of Gloucestershire Airport for ten years at a rate of 1.80% for the airport runway safety project. This loan is cost neutral to the General Fund as the airport will be repaying the loan in line with the repayment schedule.

## **4. Capital expenditure**

- 4.1** There are no significant variances to the 2013/14 original capital budgets at this time. A detailed exercise will be carried out in November 2013 to ensure that these schemes are being delivered as planned within the allocated capital budgets.

## **5. Programme maintenance expenditure**

- 5.1** All the work that has been planned for completion in 2013/14 remains as scheduled. However, a detailed exercise will be undertaken to ensure that the priorities in place remain appropriate.

## **6. Housing Revenue Account (HRA)**

- 6.1** The HRA budget for 2013/14, approved in February 2013, showed a deficit of £285,800 for the year which would result in a balance of £2,827,200 to be carried forward in revenue reserves at 31st March 2014.
- 6.2** Variations to the budget for the current year following completion of the final accounts for 2012/13 were reported to Cabinet in July:-
- The outturn position for 2012/13 showed an increased level of reserve at 31st March 2013 of £3,561,800 (previously estimated at £3,113,000).
  - Capital expenditure totalling £603,000, originally programmed for 2012/13, was delayed into 2013/14 increasing the budget for the current year to £6,365,000. Funding for that expenditure was carried forward in the revenue reserve and major repairs reserve.

**6.3** Additional variations to the revenue budget that have been identified to date are as follows:-

- Rent income – a combination of higher than anticipated sales and higher number of tenancy terminations is forecast to reduce rent income by £100,000.
- The bad debt provision was increased to £320,000 in the 2013/14 budget as a contingency measure against the impacts of welfare reform. Although arrears are running at £40,000 higher than the previous year, delays in the introduction of universal credit and rent direct will reduce the risk of higher bad debt this year. As a result it is anticipated that a saving of £120,000 will be made.
- Repairs and maintenance expenditure is forecast to exceed budget by approximately £125,000 in response to a higher number of terminations and consequential void works.

**6.4** Variations to the capital programme include:-

- As detailed above the revised budget for capital expenditure for the year is £6,365,000. Current forecast is a spend of £6,310,000. Within that figure two significant schemes, the replacement of warden call technology at sheltered schemes and improvement of non-traditional stock, will be delayed by ongoing appraisal work to ensure best value. To compensate additional neighbourhood and fire protection works have been brought forward from 2014/15. In addition it is expected that major void expenditure will exceed budget by £125,000 following a higher incidence of significant works required to restore properties to letting standard.

**6.5** In summary the overall impact of the variations detailed above will be an additional net reduction in HRA revenue reserves of £50,000 at 31<sup>st</sup> March 2014.

**7. Council tax and Business rates collection**

**7.1** The monitoring report for the collection of council tax and business rates (NNDR) income is shown in Appendix 2. This shows the position at the end of August 2013 and the projected outturn for 2013/14.

**8. Sundry debt collection**

**8.1** The monitoring of the aged sundry debts and recovery is shown at Appendix 3.

**9. Conclusion**

**9.1** This report summarises the results of a broad monitoring exercise at an early stage in the year which reports a position which may result in the identification of further projected net variances identified during the more detailed budget monitoring exercise referred to above.

**9.2** The continued impact of the economic recession present particular concerns for the council's budgets. It is clearly important to ensure that budgets continue to be closely monitored over the coming months with a view to taking action at a future date, if necessary, in order to ensure that the Council delivers services within budget.

**10. Consultation**

**10.1** The work undertaken to produce this report has involved consultation with a wide number of services and cost centre managers.

<b>Report author</b>	<b>Contact officer: Paul Jones paul.jones@cheltenham.gov.uk, 01242 775154</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Council Tax and NNDR collection</li></ol>
<b>Background information</b>	<ol style="list-style-type: none"><li>1. Section 25 Report – Council 8<sup>th</sup> February 2013</li><li>2. Final Budget Proposals for 2013/14 – Council 8th February 2013</li></ol>

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
1.	If we are unable to take corrective action in respect of reduced income streams then there is a risk that Council will not be able to deliver its budget	Cabinet	June 2010	3	3	9	Reduce	In preparing the budget for 2014/15, SLT to consider the options for offsetting reduced income streams by analysing and reducing the level of expenditure across the Council.	December 2013	SLT	Corporate Risk Register
2.	If the requirement to fund projected overspend from General Balances result in General Balances falling below the minimum range of £1.5m to £2m set by the Chief Finance Officer then it would reduce the Councils reserves.	Cabinet	June 2010	3	3	9	Reduce	In preparing the budget for 2014/15, an exercise to realign earmarked reserves will be undertaken in order to strengthen the level of General Balances.	December 2013	Chief Finance Officer	Corporate Risk Register

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**Guidance**

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

**Risk ref**

If the risk is already recorded, note either the corporate risk register or TEN reference

**Risk Description**

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

**Risk owner**

Please identify the lead officer who has identified the risk and will be responsible for it.

**Risk score**

Impact on a scale from 1 to 4 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

**Control**

Either: Reduce / Accept / Transfer to 3rd party / Close

**Action**

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

**Responsible officer**

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

**Transferred to risk register**

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on.

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## Council Tax and Business Rates Collection Rates 2013-2014

### Business Rates 2013/2014

Current Year Charges - 2013/2014			
Period	% Collected As at 31.08.13	August 2013 Target As at 31.08.13	2013/2014 Target As at 31.03.14
	51.48%	54.50%	98.35%
Comparison with 2012/2013	As at 31.08.12		% Collected 31.03.13
	54.74%		97.98%
			Revised 2013/2014 Target As at 31.03.14
			N/A
			Top Quartile
			N/A

The collection rate is below the target for the end of August and lower than at the same time last year. The position can fluctuate throughout the year and at this stage we are optimistic that we can achieve the year end target of 98.35%

### Previous Years Charges Outstanding in Current Year (2013/2014)

Period	Previous Year Debts Outstanding As at 31.08.13	August 2013 Target As at 31.08.13	2013/2014 Target As at 31.03.14
	£820,700	£640,000	£345,000
Comparison with 2012/2013	As at 31.08.12		Amount o/s 31.03.13
	£541,886		£349,567
			Revised 2013/2014 Target As at 31.03.14
			N/A
			Top Quartile
			N/A

The arrears are higher than the target and also higher than at the same time last year. We are monitoring the position closely and working with any businesses having difficulty in paying. We are optimistic that we can achieve the year end target of £345,000.

### Council Tax 2013/2014

Current Year Charges - 2013/2014			
Period	% Collected As at 31.08.13	August 2013 Target As at 31.08.13	2013/2014 Target As at 31.03.14
	47.90%	48.30%	98.24%
Comparison with 2010/2010	As at 31.08.12		% Collected 31.03.13
	48.50%		98.22%
			Revised 2013/2014 Target As at 31.03.14
			N/A
			Top Quartile
			N/A

The collection rate is slightly lower than the target and lower than at the same time last year. We continue to monitor collection levels closely and the year end target remains at 98.24%

### Previous Years Charges Outstanding in Current Year (2013/2014)

Period	Previous Year Debts Outstanding As at 31.08.13	August 2013 Target As at 31.08.13	2013/2014 Target As at 31.03.14
	£1,392,297	£1,375,000	£910,000
Comparison with 2010/2010	As at 31.08.12		Amount o/s 31.03.13
	£1,273,317		£933,015
			Revised 2013/2014 Target As at 31.03.14
			N/A
			Top Quartile
			N/A

The arrears are slightly higher than the target and also higher than at the same time last year. Again, we are monitoring the position closely and working with council tax payers having difficulty in paying, but at the moment remain optimistic that we can achieve the year end target of £910,000.

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**Cheltenham Borough Council  
Cabinet – 15<sup>th</sup> October 2013  
Corporate Risk Register**

<b>Accountable member</b>	<b>Councillor Jon Walklett, Cabinet Member for Corporate Services</b>
<b>Accountable officer</b>	<b>Mark Sheldon, Director of Resources</b>
<b>Ward(s) affected</b>	<b>None</b>
<b>Key decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The Corporate Risk Register (CRR) is “owned” by the Senior Leadership Team, but Members also need to be aware of the risks on the register as they may impact on the Council and the decisions it makes. The attached register was updated by the Senior Leadership Team on the 10<sup>th</sup> September and sets out progress against mitigating actions. An updated copy of the CRR based on the SLT review on the 8<sup>th</sup> October will be circulated at the meeting</p> <p>The Audit Committee agreed in March 2013 a revised policy for Risk Management, which includes the process for the monitoring and reporting of Corporate Risks. These arrangements involve the use of a Risk Management Model that is available to all staff and elected Members through the intranet.</p> <p>An annual report to Audit Committee on the management of corporate risk is considered in March of each year including any revisions to the policy.</p>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That Cabinet considers the corporate risks and the progress being made to manage them</li> <li>2. That Cabinet approves the CRR and consider if there are any further risks or actions that it considers should be included for consideration</li> <li>3. That Cabinet considers the format of the reports that have been provided and if necessary make recommendations for any amendments to the format or risk reporting process</li> <li>4. That Cabinet considers the need for further reports to it, in addition to the annual report made to Audit Committee in March.</li> </ol>
<b>Financial implications</b>	<p>There are a number of risks in the CRR which, if not managed have the potential to expose the Council to financial costs which are not provided for within existing budgets. The mitigating actions seek to control the risk of expose to these costs.</p> <p><b>Contact officer: Mark Sheldon</b></p> <p><b>Email: <a href="mailto:mark.sheldon@cheltenham.gov.uk">mark.sheldon@cheltenham.gov.uk</a></b></p> <p><b>Tel: 01242 264123</b></p>

<b>Legal implications</b>	None specifically arising from the report recommendations  <b>Contact officer: Peter Lewis, Head of Legal Services</b>  <b>Email: peter.lewis@teWKesbury.gov.uk</b>  <b>Tel: 01684 272012</b>
<b>HR implications (including learning and organisational development)</b>	No direct HR implications.  <b>Contact officer: Donna Sheffield</b>  <b>Email: donna.sheffield@cheltenham.gov.uk</b>  <b>Tel: 01242 774972</b>
<b>Property/Asset implications</b>	There are a number of property related risks identified in the Register which if not satisfactorily concluded will impact on the capital strategy.  <b>Contact officer: David Roberts</b>  <b>Email: david.roberts@cheltenham.gov.uk</b>  <b>Tel: 01242 264151</b>
<b>Key risks</b>	If the Council does not manage its risks appropriately then this could lead to ill-informed decisions.
<b>Corporate and community plan implications</b>	Effective identification and management of risk helps the Council make informed decisions and manage its corporate plan priorities.
<b>Environmental and climate change implications</b>	There are no specific environmental or climate change implications arising from the report, but the Council ensures that the risks of climate change and ability to mitigate and adapt are built into service plans and divisional risk registers.

## Background

- 1.1 Effective risk management is a key component of the Council's governance arrangements which includes the Senior Leadership Team reviewing the CRR on a monthly basis. They consider the need to record any new risks, where mitigating actions may not be progressing as planned or what further action needs to be taken. They also consider any new risks and identify the mitigating actions which need to be taken to manage the impact and likelihood of that risk.
- 1.2 Each division has a Divisional Risk Register where they record and manage the risks that relate to their service, those that score 16 or over are brought to the attention of the Senior Leadership Team where corporate implications are considered and where necessary they are escalated to the CRR.
- 1.3 The Cheltenham Development Task Force, Risk and Accountability group have their own risk registers relating to specific individual projects which are managed by the Task Force Managing Director. These are treated in the same way as divisional risks.
- 1.4 A new system for recording and monitoring risks has been operational since June 2012 and

reports from this system are considered by SLT at their monthly meetings and then given informally to cabinet members.

- 1.5 The attached CRR (appendix 2) records all of the Councils corporate risks and provides risk owners, managers and Members with an overview of their scores, the mitigating action being taken and an opinion on whether they are on target to meet deadlines. There is also a high level dashboard risk profile which is updated monthly to give a comparison of updated scores and trends.
- 1.6 The dashboard highlights that there are currently 19 active risks on the register, 0 with a low score, 15 with a medium score and 4 with a high score.
- 1.7 During the last 12 months 14 risks were deemed to have been reduced to the point when they could be closed and a further 3 risks were closed and then transferred to the appropriate Divisional Register for on-going management.
- 1.8 All of these risks are continually monitored by the risk owners and collectively managed by SLT on a monthly basis.

**2. Reasons for recommendations**

- 2.1 Cabinet need to satisfy themselves that the Council is identifying and considering the full range of risks which may impact on the delivery of our outcomes and we are taking appropriate action to manage them. They also need to give approval to the content of the register and to have the opportunity to make any further suggestions.

**3. Alternative options considered**

- 3.1 No alternative options have been considered.

**4. Consultation and feedback**

- 4.1 The risks are individually managed by a specified officer and the process and risks are collectively considered by the Senior Leadership Team at their monthly meetings.

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

- 5.1 Progress is discussed between Cabinet Leads and Directors and between Risk Owners and Risk Managers. Risk managers receive monthly email reminders to update scores and to record the progress on mitigating the risks. SLT consider, challenge and make suggestions on performance and risk scores at their monthly meetings.

<b>Report author</b>	<b>Contact officer: Bryan Parsons</b> <b>Email: bryan.parsons@cheltenham.gov.uk</b> <b>Tel: 01242 264189</b>
<b>Appendices</b>	1. Report Risk Assessment 2. Corporate Risk Register
<b>Background information</b>	1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council does not manage its risks appropriately then this could lead to ill-informed decisions.	Director of Resources	25/09/2012	4	1	4	Accept	Ensure the Cabinet receive and approve reports on the management of the corporate risk register and have the opportunity to make recommendations on risks and the risk management process to Audit Committee or the Senior Leadership Team.	On-going	Bryan Parsons	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											



# Corporate Risk Register - Dashboard - September 2013

Table 1 - All Risk activity October 2012 to October 2013

Risk Score Name	Oct 12/13	Nov 12/13	Dec 12/13	Jan 12/13	Feb 12/13	Mar 12/13	Apr 13/14	May 13/14	Jun 13/14	Jul 13/14	Aug 13/14	Sep 13/14	Totals reported
1 to 6	2	1	0	5	2	1	3	3	3	4	3	0	0
7 to 15	11	11	0	17	14	13	12	10	7	14	12	15	15
16 to 25	6	6	0	6	5	6	2	2	2	2	4	4	4
Total number of open risks	20	18	0	21	20	20	15	15	12	19	16	19	19
No of risks closed per month by SLT	0	0	0	7	1	0	2	0	0	1	3	0	14
Total number of risks on register	20	18	0	28	21	20	17	15	12	20	19	19	19
Total number of Transfer risks	1	0	0	0	0	0	0	0	0	1	1	0	3
Total number of reduce risks	19	18	0	21	20	20	15	15	12	18	15	19	19
Total number of accept risks	0	0	0	0	0	0	0	0	0	0	0	0	0

Table 2;

Total Risk Trends by Month - Total and Active

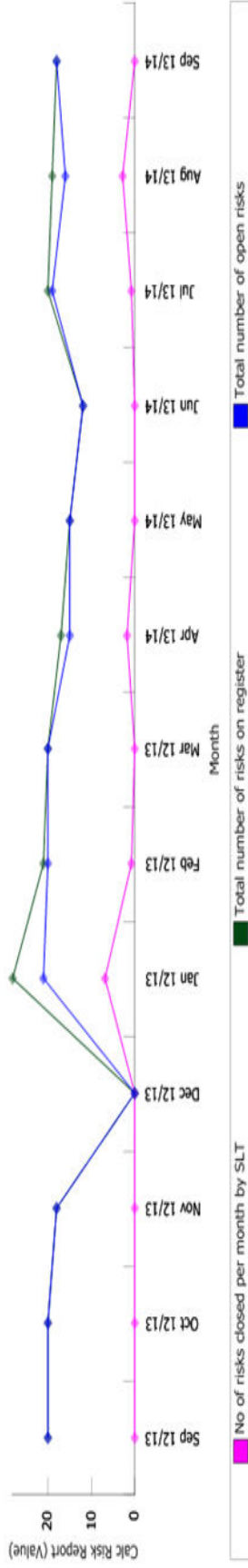
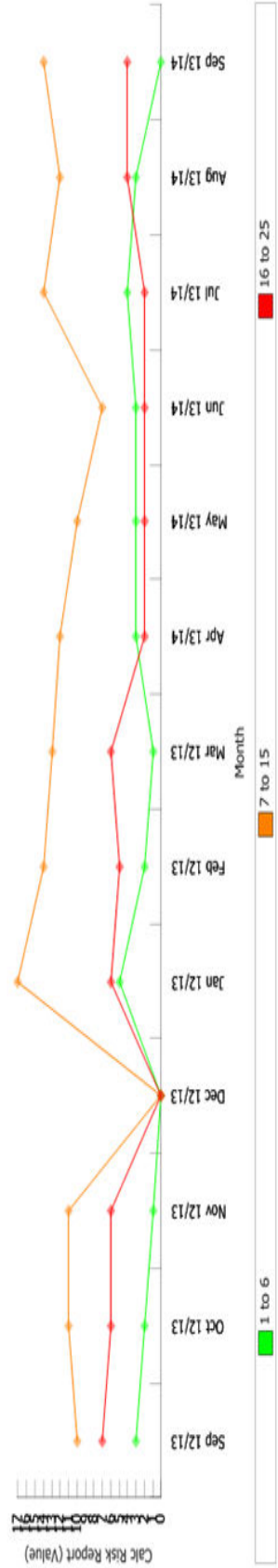


Table 3;

Total Risk Trends by Month - RAG Counts



**Table 4 - All Live Corporate Risks – September 2013**

Row	Date raised	Corporate Risk	Risk Owner	Proposed Action	Impact	Likelihood	Score	Control	Risk Control Progress	Risk Manager	Corporate Risk Last Updated
1	Sep 13/14	CR3 - If the council is unable to come up with long term solutions which bridge the gap in the medium term financial strategy then it will find it increasingly difficult to prepare budgets year on year without making unplanned cuts in service provision	Mark Sheldon	Development of the budget strategy to address the MTFS funding gap. Establishment of a cross party budget working group which reviewed the budget scrutiny process and considered specific aspects of the budget proposals for 2013/14. Regular meetings of Bridging the Gap (BTG) programme with Cabinet lead and on going dialogue with SLT on new ideas for savings.	4 - Major	5 - High	20	Reduce	Aug 2013: Consultation on the local government settlement indicates that the spending review cut of 10% for 2015/16 is likely to translate into a real terms cut of c17% for district councils adding c£300k to the councils MTFS budget gap for the period 2014/15 to 2017/18, increasing it to £2.7m and leaving an unresolved gap, assuming that the council's budget strategy is delivered, to c£950k. There is a now increased pressure to deliver additional savings and income above the levels planned in the already challenging budget strategy. Score increased from 16 to 20. September - no change	Mark Sheldon	06/09/13
2	Sep 13/14	CR84 - If we fail to work with the liquidator to finalise the existing contractual arrangements then there is a risk that the Council's cremation service could be compromised.	Grahame Lewis	Work constructively with liquidator to conclude current arrangements. Commission independent assessment of installation which will inform ongoing decision making processes to ensure we have short term support from cremator / abatement / management systems specialists. Obtain independent testing of fully commissioned system and procure along term maintenance contract.	5 - Critical	4 - Moderate	20	Reduce	Contact Crawford equipment re contractual obligations, contact liquidators to establish current position of Crawford equipment, brief produced for independent assessment by cremator installation specialists, issued brief for technical assessment asking for quotations, produce post Crawford PID, project plan and form new project team, ongoing risk analysis.	Rob Hainsworth	10/09/13
3	Sep 13/14	CR85 - If we fail to evaluate the current	Grahame Lewis	Work constructively with liquidator & existing	5 - Critical	4 - Moderate	20	Reduce	A project team has been formed and has produced a brief for a	Rob Hainsworth	10/09/13

4	Sep 13/14	installation issues and mercury abatement process within the cremator's and put in place an all inclusive maintenance contract for the future then the Councils permit may be compromised.	Andrew North	contractor to conclude current arrangements, commission independent assessment of installation which will inform ongoing decision making process, ensure we have short term support from cremator / abatement / management systems specialists.	4 - Major	4 - Moderate	16	Reduce	August - working version of draft JCS consulted upon internally with members via Scrutiny Task Group and member seminars. Member steering group meetings completed gate process to enable sign off of draft JCS for presentation to individual councils. Draft for consultation agreed by Cheltenham 5/9/13 Draft for consultation agreed by Tewkesbury 3/9/13 Draft for consultation agreed by Gloucester's planning sub committee going to Council 12/09/13	Tracey Crews	05/09/13
5	Sep 13/14	CR86 - If the ICT shared service fail to submit a successful PSN compliance application in July 2014 then the Councils preferred method of transmitting and receiving data could be put at risk.	Mark Sheldon	Agreement across Gloucestershire districts to work collaboratively on determining housing and employment projections by the end of 2013. Econometric Housing Model received and analysis undertaken. Seminars for councillors to explain the projections. Decision to consult from all three councils and initial phase of consultation undertaken on development scenarios. Establishment of a member working group.	5 - Critical	3 - Low	15	Reduce	ICT sheared Service undertaking a to determine what is required to meet compliance requirements	Mat Thomas	26/09/13
6	Sep 13/14	CR83 - If the current payroll resource issues in GOSS	Mark Sheldon	Work with GOSS (EAST) for technical support during August and	3 - Marginal	5 - High	15	Reduce	Capacity issues remain but arrangements' are in place to ensure September payroll is	Amanda Attfield	03/09/2013



10	Sep 13/14	transaction between CBC and preferred bidder for North Place fails to occur as a result of market instability then we would be unable to deliver price & quality of outputs agreed or failure to secure planning consent then CBC will be forced to abandon existing process and begin again.	n Andrew North	bidder to work through challenges as appropriate. However it is recognised that for some items, such as global economic instability, there is no mitigation possible.	4 - Major	3 - Low	12	Reduce	sale to housing partner. Planning Permission issued August 2013. Morrison's have exchanged with developer and Skanska party to Unilateral Undertaking. Start on site targeted for January 2014.	Jeremy Williamson	28/08/13
11	Sep 13/14	CR68 - If there is a failure to align and manage the Cheltenham Task Force developments with the (emerging) Car Parking Strategy then there is a risk of customer dissatisfaction and the loss of reputation and revenue. There are several strands to mitigating this Corporate Risk each will be managed through Divisional Risks registers.	Andrew North	There are several strands to mitigating this Corporate Risk each will be managed through the following Divisional Risks	3 - Marginal	4 - Moderate	12	Reduce	The following 4 risks have been identified and are being managed within the Task Forces CBC divisional risk register TF01 North Place/Portland Street displacement during construction phase TF02 Grosvenor Terrace upgrade project TF03 Changes to the traffic network linked to LSTF TF04 Car Park directional signage strategy The 2013/13 Corporate strategy includes the TFMD developing a car parking strategy to inform the Asset Management Plan	Ken Dale	30/08/2013
		CR75 - If capacity to deliver key projects is achieved by diverting necessary resources away from either core services or other provider commitments, then there is a risk of not being able to deliver all of the business as usual	Andrew North	Gathering of projected resource data on the council's key programmes and projects takes place quarterly. This enables the council's Senior Leadership Team to review demands alongside the resource needs of their core services and modify plans if necessary.'	3 - Marginal	4 - Moderate	12	Reduce	Reviews of the impact of Leisure and Culture Review and Cheltenham Futures plans on GO Shared Services are taking place - some areas are not yet scoped and are only partially reflected in the resource figures reviewed by SLT on 16th July. Therefore additional mitigating action may be required, e.g. additional spend or delays to projects.		

12	Sep 13/14	expectations including a failure to comply with internal controls that could in turn impact on our reputation and finances.	Grahame Lewis	Agree an action plan with the Shared ICT Manager that will deliver robust and effective ICT BCP arrangements between CBC and FoDDC by 1/6/2013	4 - Major	3 - Low	12	Reduce	Relocation of servers complete for both authorities, couple of minor technical issues to resolve. Preparations for testing of remote access for the Elections business systems for CBC and FoDDC planned for mid September. Election system tests going well, tier 0 test schedule to be agreed later this month. This will be followed by the testing of CIVICA cashier systems in October.	Bryan Parsons	06/09/13
13	Sep 13/14	CR78 - If the Corporate and Service Business Continuity Plans do not reflect the governance structures associated with the commissioning and shared service arrangements then there is a risk that key services will be not be available in the event of an emergency or unplanned event.	Grahame Lewis	Corporate and Service Business Continuity plans should be reviewed and tested to reflect the new commissioning and shared service governance arrangements	4 - Major	3 - Low	12	Reduce	Challenge group meeting considered BCP and supporting documents number of amendments being applied will be considered again in August. All but one Service BCP have been reviewed within the last 12 months. Municipal Building Action Plan have been completed except for reciprocal arrangements with FoDDC (ongoing). Testing of Business Systems for access to live and back-up servers will commence with the Elections Team systems in September for both CBC and FoDDC. This will be followed by CIVICA cashiers systems. Testing continuing	Bryan Parsons	06/09/13
14	Sep 13/14	CR80 - If the Council does not have a robust and effective CCTV Code of Practice for all of the systems that operate in our properties or car parks, then there	Mark Sheldon	Draft a CCTV Code of Practice that meets the requirements of the Information Commissioner for CCTV and Automatic Number Plate Recognition (ANPR) systems operated in public places. This	3 - Marginal	4 - Moderate	12	Reduce	Corporate Policy approved by SLT 18/7/2013. Responsibility for delivering CoP and complying with legislation with Executive Directors, Directors and Service Managers for the following systems by the 01/01/2014 1. Each CCTV and ANPR system	Bryan Parsons	06/09/2013

15	Sep 13/14	is a risk that we could breach the requirements of the; The Data Protection Act 1998 (DPA), The Human Rights Act 1998 (HRA), The Freedom of Information Act 2000 (FOIA) and The Regulation of Investigatory Powers Act 2000 (RIPA)	Mike Redman	should be supported by an additional Surveillance Code of Practice (following Home Office consultation and guidance)	3 - Marginal	4 - Moderate	12	Reduce	operated by CBC in its car parks 2. Leisure@ 3. Town Hall 4. Pittville Pump room 5. Cemetery and Crematorium 6. Municipal Building 7. Art Gallery and Museum CCTV policy still out for consultation on Cabinet forward plan for October	Tracey Crews	05/09/2013
16	Sep 13/14	CR81 - If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.	Mike Redman	Scrutiny Task Group set up to advise and challenge on the development of a Cheltenham Plan	3 - Marginal	3 - Low	9	Reduce	Task Group have met to progress work programme. Next Meeting arranged for April 2013. Cheltenham Plan Scoping document published with an 8 week consultation ending on 2 September 2013. Document published in line with key dates of project plan. September - Scoping consultation closed, 40 responses received. Work programme updated and discussion to take place with Planning & Liaison Scrutiny Task Group 9 October 2013.	Sandra West Jane Lillystone Alison Kingsbury	06/09/13
17	Sep 13/14	CR21 - If the Art Gallery and Museum Development Trust fails to deliver the fundraising strategy, then the AG&M Development Scheme is at risk of failing to be delivered. CR82 - If we fail to mitigate the risk to the current trade and garden waste databases then customer account data could be lost	Sonia Phillips	A fundraising risk assessment has been incorporated into all funding/grant applications submitted to date. An updated fundraising assessment will be required as part of the Heritage Lottery Fund Stage 2 applications.	3 - Marginal	3 - Low	9	Reduce	As reported last month, fundraising continues and a number of sponsorship opportunities are being explored	Jane Griffiths	06/09/13
				The trade waste project will consider various options for the service including the processes involved in delivering the service. This will include recommendations in	3 - Marginal	3 - Low	9	Reduce	A detailed trade waste project plan has been drafted which includes a review of Business processes. ICT have confirmed that the two databases are unsupported for maintenance and updated design; however they are		

18	Sep 13/14	CR66 - If members, senior managers, managers, supervisors, and employees are not fully aware of their obligations and responsibilities for Data Protection particularly in relation to the permitted and lawful disclose of private and confidential information, then the council could face financial penalties and reputation risks.	Mark Sheldon	Complete Privacy Impact Assessment in relation to Go. Raise awareness of Data Protection and Information Security	4 - Major	2 - Very Low	8	Reduce	both backed-up each night for both the template design and the customer data. The Trade Waste project will consider any affordable alternatives for improved ICT systems that can provide greater functionality. Audit Cotswold have included a Privacy Impact Assessment for the Go partnership during 2013/14 This will commence Between Sept and December with a report to Audit Committee January/March. September - no change Also a IA will report on the councils progress in delivering the Governments Transparency agenda at the same time	Bryan Parsons	06/09/13	Page 11
19	Sep 13/14	CR69 - If Cheltenham is not able to grow its business rate base each year then it will impact on the income the Council receives through the business rates retention scheme.	Mark Sheldon	Join Gloucestershire pool to share the risk of fluctuations in business rates revenues retained by the council. Work with Members and Gloucestershire LEP to ensure Cheltenham grows its business rate base.	4 - Major	2 - Very Low	8	Reduce	All of the Gloucestershire authorities have agreed management arrangements for a Gloucestershire NDR Pool and the arrangements have been agreed for 2013/2014. CBC has created its own provision of £186k which is the safety net exposure for 2013/2014. The pool position will be reviewed by Chief Finance Officers in mid September. Feb - no change Mar - no change Apr - no change May - no change Jul - no change Aug - No change Sept - No change	Jayne Gilpin	06/09/2013	



**Cheltenham Borough Council  
Cabinet – 15th October 2013  
Regulation Of Investigatory Powers (RIPA)  
Office of Surveillance Commissioner’s Inspection Report**

<b>Accountable member</b>	<b>Councillor Jon Walklett - Cabinet Member for Corporate Services</b>
<b>Accountable officer</b>	<b>Mark Sheldon - Director of Resources,</b>
<b>Ward(s) affected</b>	<b>None</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>Audit Committee were updated on the 25<sup>th</sup> September regarding the inspection and report by His Honour Norman Jones QC, Assistant Commissioner from the Office of Surveillance Commissioners (OSC) on the Councils arrangements for the use of the powers under the Regulation of Investigatory Powers Act 2000 (RIPA).</p> <p>Audit Committee recommended that Cabinet should note the excellent report and approve the revised guidance notes.</p>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. To note the recommendations within the OSC report following the inspection on the 26<sup>th</sup> July 2013 regarding the Councils arrangements for the use of RIPA (Appendix 2)</li> <li>2. To agree the amendments to the Councils RIPA Guidelines Appendix 3 as per the recommendation from Audit Committee on the 25<sup>th</sup> September 2013.</li> </ol>

<b>Financial implications</b>	<p>There are no direct financial implications arising from this report. Where initiated, the RIPA process may support the safeguarding of public funds.</p> <p><b>Contact officer: Mark Sheldon</b></p> <p><b>Email: <a href="mailto:mark.sheldon@cheltenham.gov.uk">mark.sheldon@cheltenham.gov.uk</a>, Tel: 01242 264123</b></p>
<b>Legal implications</b>	<p>The Council may, where it is necessary and proportionate, need to undertake surveillance. RIPA provides a legal framework for the control and regulation of surveillance and information techniques which public authorities undertake as part of their duties. The Council’s procedural guide will provide information and advice to those seeking authorisation and those officers granting authorisation. It will also provide the public with information about how the Council approaches the use of surveillance.</p> <p><b>Contact officer: <a href="mailto:sarah.farooqi@tewkesbury.gov.uk">sarah.farooqi@tewkesbury.gov.uk</a>, 01684 272693</b></p>

<b>HR implications (including learning and organisational development)</b>	HR implications are only for those employees directly involved in dealing with surveillance ensuring that RIPA legislation is adhered to.  <b>Contact officer: donna.sheffield@cheltenham.gov.uk, 01242 774972</b>
<b>Key risks</b>	<i>If surveillance is carried out without due regard to RIPA, Ministry of Justice Codes of Practice and the CBC procedural guidance then there are risks to an individual's rights and to the Councils reputation. Appendix 1</i>
<b>Corporate and community plan Implications</b>	None
<b>Environmental and climate change implications</b>	None

## 1. Background

**1.1** RIPA provides the Office of Surveillance Commissioners with the powers to carry out inspections and to provide effective and efficient oversight of the conduct of covert surveillance and covert human intelligence sources by public authorities in accordance with:

- Part III of the 1997 Act
- Parts II and III of RIPA.

**1.2** On 26<sup>th</sup> July 2013, His Honour Norman Jones QC, Assistant Surveillance Commissioner with the Office of Surveillance Commissioners (OSC) conducted a comprehensive inspection of the Council's use and governance arrangements for conducting covert surveillance.

**1.3** The use of covert surveillance is strictly governed by RIPA. The responsibility for the overall governance arrangements rests with the Executive Director who acts as the RIPA Senior Responsible Officer.

**1.4** The Audit Committee recommended to Cabinet on the 25th September 2013 revisions to the RIPA Guidelines to ensure that its officers comply with the legal requirements of the Regulation of Investigatory Powers Act 2000.

## 2. The Assistant Commissioner in his report concluded that:-

- i. the Council has made excellent and commendable progress since the last inspection in April 2010.
- ii. the Council had not used its powers under RIPA since his last report.
- iii. the Central Record of Authorisations is compliant with the requirements of the Codes of Practice but will need some additional fields to accommodate the new Magistrates' Court procedure. (recommendation)
- iv. all of the recommendations made in the April 2010 report had been implemented.
- v. there is a structured RIPA training programme in place and that it was encouraging to note that attendance at the professional sessions run in 2010 and 2012/13 were high and

included the CEO who takes an active interest in RIPA.

- vi. an active auditing system exists within the Council and at regular audits the possible unauthorised usage of covert surveillance is a subject of the review. No such activity has been identified.
- vii. each Authorising Officer is provided with an excellent folder which contains the Council's *RIPA Procedural Guide*.
- viii. because the Councils guidelines allow for the Senior Responsible Officer (SRO) to deputise for the Chief Executive who is an Authorising Officer, the RIPA guidelines are amended to nominate the SRO as an Authorising Officer, to authorise only in exceptional circumstances. (Recommendation).
- ix. the Councils RIPA Procedural Guide is a first class document which provides all the information and guidance necessary for an Authorising Officer or an applicant.
- x. the Council has made good preparation for authorisation under the recent legislation. The RIPA Procedural Guide has been amended to accommodate the provisions and a procedure is outlined for appearances before the Magistrates. The issues relating to urgency and duration, missed by most Councils, had been identified and appropriate note taken and guidance given.
- xi. the Council can barely envisage circumstances when it is likely to employ Covert Human Intelligence Sources. It has never done so but does recognise that occasionally circumstances arise when to do so is unavoidable. CBC officers have not received any training to be controllers or handlers and this should be considered for future training events. (Recommendation)
- xii. one matter that gave some concern to the Assistant Commissioner is the emphasis placed in the forward to the document on the possible usage of the non-RIPA authorisation system outlined above (recommendation)

### **3. Action Plan to Implement Recommendations**

- 3.1 The Assistant Commissioners report stated that there were 4 recommendations of a minor nature, these have been considered by the Audit Committee and approved an Action Plan to ensure that the Council will do as much as possible to meet them.

### **4. Alternative options considered**

- 4.1 None

### **5. Consultation and feedback**

- 5.1 The Corporate Governance Group. Advice has also been sought from One Legal.

### **6. Performance management – monitoring and review**

- 6.1 There will be reports to the Audit Committee on the use of RIPA.

<b>Report author</b>	<b>Contact officer: Bryan Parsons</b> <b>Email: <a href="mailto:bryan.parsons@cheltenham.gov.uk">bryan.parsons@cheltenham.gov.uk</a>, 01242 264189</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. OSC report</li><li>3. Revised RIPA guidance</li></ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likely-hood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If surveillance is carried out without due regard to RIPA, Codes of Practice and the CBC procedural guidance then there are risks to an individual's rights and to the Councils reputation.	Borough Solicitor	20/03/2013	4	2	8	Accept	<ul style="list-style-type: none"> <li>Put in place effective internal controls to ensure compliance with guidance.</li> <li>Promote the guidance with Service managers and investigation staff.</li> </ul>	Ongoing	Borough Solicitor	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

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Chief Surveillance Commissioner,  
Office of Surveillance Commissioners,  
PO Box 29105,  
London,  
SW1V 1ZU.

8<sup>th</sup>. August 2013.

**INSPECTION REPORT  
CHELTENHAM BOROUGH COUNCIL**

Inspection 26<sup>th</sup>. July 2013.

Inspector His Honour Norman Jones QC.  
Assistant Commissioner

**Cheltenham Borough Council.**

1. Cheltenham Borough Council administers an area of some 18 square miles in the Cotswolds with a population of about 115,000. The principal township is Cheltenham where the Council Headquarters are situated.
2. The corporate Senior Management Structure continues to be lead by the Chief Executive, Mr. Andrew North who is directly supported by two Executive Directors, four Directors and the Borough Solicitor and Monitoring Officer. In turn they lead teams headed by Service Managers.
3. Since the last OSC inspection the Council has undergone a dramatic reorganisation which has seen the reduction of some 650 staff to 200. Certain services, including legal, are now shared with adjoining Councils under collaborative agreements.
4. The *Senior Responsible Officer (SRO)* for RIPA is Ms. Pat Pratley, Executive Director and the *RIPA Co-ordinating Officer* is Mr. Bryan Parsons, Corporate Governance, Risk and Compliance Officer.
5. I conducted the last inspection of the Council for the OSC in April 2010.
6. The Council has authorised no RIPA covert surveillance since the last inspection.
7. The Council headquarters is at the Municipal Offices, The Promenade, Cheltenham, Gloucestershire, GL50 9SA.

**Inspection.**

8. A warm welcome to Cheltenham was extended by both Ms. Pratley and Mr. Parsons who were the officers attending the inspection.

9. The inspection was conducted by interview and discussion with the officers and a later interview with Mr. Mark Sheldon, Director of Resources and Authorising Officer. Among the issues discussed were the Council's actions taken on the recommendations of the last report, the reasons for non usage of *RIPA*, the management of *RIPA*, Authorising Officers, Policy and Procedures, Training, the *Protection of Freedoms Act 2012* and the *RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI 2012/1500, Covert Human Intelligence Sources (CHIS)*, CCTV and reporting to Elected Members.
10. Gratitude must be extended to all officers who afforded full assistance and enthusiastic participation throughout the inspection.

### **Central Record**

11. The Central Record of Authorisations is in a spreadsheet format and is compliant with the requirements of the *Codes of Practice*. It will need some addition to accommodate the new Magistrates' Court procedure.

#### **See recommendation**

### **Previous Recommendations.**

12. Five recommendations were made in the previous report:
  - I. *The recommendations from the last inspection report should be discharged.*

Three recommendations had featured in H.H. Dr. Kolbert's report of April 2007. At the time of the last inspection none of these had been fully discharged. This failure has been fully addressed since the last inspection. This recommendation has been discharged.

- II. *Further training should be urgently undertaken by authorising officers, including the Chief Executive and his Deputy, the RIPA Co-ordinator and potential RIPA applicants from all departments. Such training should be conducted by a reputable external trainer and should cover those matters identified as weaknesses within this report.*

Professional external training was conducted for all relevant officers in September and October 2010 and again in December 2012 and January 2013. The issues raised in the last report were covered. This recommendation has been discharged.

- III. *Steps must be taken within the Council to raise RIPA awareness.*

A high standard of awareness is now maintained at the Council. This is achieved by publishing contact details of the *SRO* and *RIPA Co-ordinating Officer* who are available to provide assistance to any officer; the active encouragement of officers to approach the *RIPA Co-ordinating Officer* before submitting any authorisation; the



use of the intranet to publicise *RIPA* and the cascading down of *RIPA* information through the Corporate Governance Group, the membership of which includes officers from most likely participant departments. Additionally the reduction in staff numbers means that the Council officers are operating within a close community where it is easy to dissipate information. This recommendation has been discharged.

- IV. *The number of authorising officers should be reduced and they should be identified in Annex A of the Procedural Guide both by office and name.*

The six Authorising Officers at the time of the last inspection have been reduced to three. The CEO and Mr. Grahame Lewis, Executive Director, are included in that number though it is anticipated that the CEO is unlikely to authorise other than for the sensitive *confidential information* and juvenile and vulnerable *CHIS* authorisations. Additionally he would authorise all *CHIS* applications. All are named in Appendix 1 of the Procedural Guide and have received appropriate training. This recommendation has been discharged.

- V. *Amendments should be made to the Procedural Guide.*

This recommendation has been discharged.

## **Training**

13. There is now a structured *RIPA* training programme at Cheltenham BC. It is intended that the practice of engaging professional external training at regular intervals of every year or so will continue and is to be encouraged. It is hoped that the cost of this may be shared with other local authorities to reduce the economic demands on individual Councils.
14. In addition we discussed the possibility that additional training could be provided within those periods by the *SRO*, the *RIPA Co-ordinating Officer* or members of the legal staff if it was considered necessary. It is encouraging to note that attendance at the professional sessions run in 2010 and 2012/13 were high and included the CEO who takes an active interest in *RIPA*.

## **Unauthorised Surveillance**

15. The risks of officers undertaking unauthorised covert surveillance were discussed. As indicated above (paragraph 12(III)) *RIPA* awareness is high within the Council and this acts as a primary bulwark against unauthorised surveillance. An active auditing system exists within the Council and at regular audits the possible unauthorised usage of covert surveillance is a subject of the review. No such activity has been identified. The auditing process also requires an examination of a sample of departmental files including looking for unauthorised covert

surveillance. Any cases which are prosecuted by the Council pass through the hands of the Council's prosecuting solicitor and any information gathered by unauthorised means would be immediately identified.

16. The Council has produced a form which emulates *RIPA* procedures but which could be used if it were to conduct covert surveillance outside the parameters of *RIPA* authorisation. This system was discussed and it was indicated to the officers that whilst such surveillance may not be illegal nevertheless a Court would be unlikely in the current climate to look favourably on any evidence gathered by a process beyond the limits identified within the *Protection of Freedoms Act 2012* and the *RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI 2012/1500* . The officers indicated that it would be extremely unlikely that such intelligence/evidence gathering would be permitted in any event.

#### ***SRO and RIPA Co-ordinating Officer***

17. Ms. Pratley has been *SRO* only since March of this year. Her background lies in auditing although she has had experience of *RIPA* some considerable time ago. Since undertaking the role she has re-familiarised herself with the *RIPA* process. She reviewed the last OSC report and determined that all issues raised had been actioned before this latest inspection. She has maintained close contact with the auditors who have undertaken audits of three local councils and determined that the *RIPA* system adopted at Cheltenham was the best of the three. In the event of any authorisation being granted she would review it probably with the assistance of legal officers.
18. At the time of the last OSC report Mr. Parsons had only assumed the role of *RIPA Co-ordinating Officer* three weeks before the inspection. The report was not favourable to the Council and Mr. Parsons took immediate steps to oversee the action programme which was devised following its reception. It is therefore largely due to his efforts that such a robust system is now installed at Cheltenham. Additionally the production of the excellent *RIPA Procedural Guide* is again due to his efforts.
19. The *SRO and RIPA Co-ordinating Officer* meet before each Council Audit Committee meeting to whose members Ms. Pratley would report any usage of *RIPA*.

#### **Authorising Officers.**

20. The decision to reduce the number of Authorising Officers has enabled the Council to concentrate the authorisation function largely in the hands of Mr. Sheldon and Mr. Lewis. In discussion with Mr. Sheldon it was clear that he was fully aware of the role he undertakes as Authorising Officer although he has had no resort to it since the last inspection. Whilst there has been an intention that the Authorising Officers should authorise mainly within their own fields of responsibility the point was made that an Authorising Officer should be capable of

authorising for any department since the role requires the exercise of good judgement rather than specific knowledge of departmental functions.

21. It is to be noted that each Authorising Officer is provided with an excellent folder produced by Mr. Parsons which contains the Council's *RIPA Procedural Guide*, all of the Home Office forms, a number of guidance documents provided by the external trainer and other *RIPA* information including a model completed form all of which provides an invaluable aid to the Authorising Officer.
22. The *SRO* is not specifically identified as an Authorising Officer though note 29 to the *Code of Practice for Covert Surveillance and Property Interference* appears to imply that she should be so. In any event she is likely to deputise for the CEO in his absence and thus could theoretically find herself required to authorise under one of the sensitive heads. In practice she should only authorise in exceptional circumstances.

**See recommendation**

23. The likelihood of the Council resorting to the use of Social Networking Sites (SNS) for the gathering of intelligence was discussed with Mr. Parsons and Mr. Sheldon. Whilst the Council holds an account on "Facebook" it is used solely for the promotion of Council services. A request by Housing Benefits to use the site for information gathering has been previously refused. The Council has no intention of permitting the use of SNS for intelligence gathering. It is aware of the risks involved and actively prevents any such usage.

**CHIS**

24. Cheltenham Council can barely envisage circumstances when it is likely to employ *CHIS*. It has never done so but does recognise that occasionally circumstances arise when to do so is unavoidable. Nevertheless processes are in place for the authorisation of such (by the CEO) which would be preceded by review by the legal department, and the *RIPA Procedural Guide* contains appropriate guidance for the event. However officers have not received any training to be controllers or handlers and this should be considered for future training events.

**See recommendation**

**Policy and Procedures**

25. Cheltenham BC's *RIPA Procedural Guide* was last revised in April 2013 and undergoes annual review. It is a first class document which provides all the information and guidance necessary for an Authorising Officer or an applicant. Within its appendices are documents obtained from the professional trainer which give further guidance and examples. The one matter which gives rise to some concern is the emphasis placed in the forward to the document on the possible usage of the non *RIPA* authorisation system outlined above (paragraph 16).

This would be better replaced with a caution against such action. No further amendments were suggested.

**See recommendation**

**CCTV**

26. The extensive CCTV system in Cheltenham continues to be managed as before by the police, though the Council makes a financial contribution to its maintenance through the Cheltenham Crime and Disorder Partnership.

***Protection of Freedoms Act 2012 and  
RIP(Directed Surveillance and CHIS)(Amendment)Order 2012, SI  
2012/1500***

27. Cheltenham BC has made good preparation for authorisation under the recent legislation. The *RIPA Procedural Guide* has been amended to accommodate the provisions and a procedure is outlined for appearances before the Magistrates. The issues relating to *urgency* and duration, missed by most Councils, had been identified and appropriate note taken and guidance given. Liaison had been set up with the local Magistrates' Court to facilitate such applications if they were made. A copy of the Council's *RIPA Procedural Guide* and the *Codes of Practice* have been supplied by the Council to the Magistrates.
28. In the event of an application for approval being made to the Magistrates the Borough Solicitor would attend to present the case. Two other solicitors also have been trained for this purpose. Legal Services are now shared between three Councils and it is likely that they will perform this service for all. At present it is intended that the investigating officer will also attend, though it must be appreciated that there is a range of questions which s/he would not be able to respond to and which would require the attendance of the Authorising Officer. In that event the solicitor should be alert to the risk of the investigating officer giving hearsay evidence and should require an adjournment for the Authorising Officer to attend.

**Elected Members.**

29. *RIPA* activity is reported to the Elected Members via the Audit Committee. Both the Governance Group and the *SRO* report to that Committee and the Committee members have access to the Council intranet and can peruse the *RIPA* documentation available on the site. This does not include the actual authorisations or the Central Record. At the end of each year a fuller report is submitted to the Audit Committee to enable it to determine whether the *RIPA* policy remains fit for purpose.

## Conclusions

30. Cheltenham BC has made excellent and commendable progress since the last inspection. Although it is not possible to test that progress against actual applications/authorisations nevertheless the system now in place gives confidence that any authorisations granted will be compliant with the legislation. Much of this achievement is due to the excellent work undertaken by Mr. Parsons and the Governance Group in ensuring that the recommendations of the last report and its predecessor are now fully discharged.
31. Whilst it is the determined intention of the Council to use *RIPA* only when every other avenue has been explored and there is no alternative nevertheless all officers who were interviewed now give encouragement to the view that they are competent to undertake all of the tasks which *RIPA* authorisation may require of them.
32. It is particularly encouraging to note the attention now paid to training and the production of a manual for Authorising Officers alongside the *RIPA Procedural Guide*.
33. The one word of caution relates to the devised procedure for non *RIPA* authorisation. Very great care should be exercised before engaging in such a process.
34. The few recommendations are all of a minor nature.

## Recommendations

35. .
  - I. Add columns to the Central Record to reflect Magistrate Court procedures. (*Paragraph 11*)
  - II. Nominate the *SRO* as an Authorising Officer though to authorise only in exceptional circumstances. (*Paragraph 22*)
  - III. Train officers as controllers and handlers of *CHIS*. (*Paragraph 24*)
  - IV. Amend the Forward to the *RIPA Procedural Guide*. (*Paragraph 25*)

**His Honour Norman Jones, QC.**  
**Assistant Surveillance Commissioner.**

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# Regulation of Investigatory Powers Act (RIPA) Procedural Guide

(Including additional guidance on Non-RIPA surveillance)



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<b>1.0</b>	<b>16/04/2013</b>	<b>Revised Guidance</b>
<b>1.2</b>	<b>25/09/2013</b>	<b>Includes amendments following OSC report</b>
<b>1.3</b>	<b>15/10/2013</b>	<b>Cabinet approval</b>

**This document is owned by:**

<b>Name</b>	<b>Job Title</b>	<b>Version</b>
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Pat Pratley	Executive Director	1.2

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All CBC employees, Members, and on the Public website		1.0
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## **Forward:**

This revised guidance reflects two significant legislative changes.

1. **Approval of RIPA Authorisations by a Justice of the Peace:** The amendments in the Protection of Freedoms Act 2012 mean that the authorisations and notices under RIPA for the use of particular covert techniques can only be given effect once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP).
2. **Directed surveillance crime threshold:** Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 means that we can only grant an authorisation under RIPA for the use of directed surveillance when investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

This guidance provides advice on how Cheltenham Borough Council can best approach these changes in law and the new arrangements that need to be put in place to implement them effectively. It is supplementary to the legislation and to the statutory Codes of Practice. If there are any doubts about the guidance then the RIPA coordinator or One Legal should be consulted.

This guidance is intended for investigation officers that may use covert techniques, including Environmental Health, Benefit Fraud Officers and Enforcement Officers. However, it will also be of use to authorising officers and designated persons and to those who oversee the use of investigatory techniques including elected members.

### **Surveillance outside of RIPA**

There may be a necessity for the Council to undertake surveillance which does not meet the criteria to use the RIPA legislation such as in cases of serious disciplinary investigations or for overt operations this guidance provides some advice on the process for those situations.

The Council must still meet its obligations under the Human Rights Act and any surveillance outside of RIPA must still be necessary and proportionate having taken account of the intrusion issues. The decision making process and the management of such surveillance must be well documented

There is a requirement for the Council's Senior Responsible Officer (SRO) to regularly monitor surveillance outside of RIPA. Therefore before any such surveillance takes place advice must be sought from Legal Services.

Cheltenham Borough Council undertakes to use these powers in line with the law, only when necessary and proportionately.

Steve Jordan - Leader  
**Cheltenham Borough Council**

## 1 INTRODUCTION

- 1.1 RIPA presents some difficult judgments which must be made from time to time. Whilst individual services can and do operate their own procedures, this is an issue which affects the Council corporately and staff will never be criticised for seeking advice.
- 1.2 The first point to emphasise is that any person who is unsure about whether to seek authorisation or unsure about whether to issue an authorisation, must seek immediate advice before acting. For those seeking authorisation, advice may initially be sought from their line manager, but it is always appropriate to seek the advice of a member of One Legal. RIPA is a piece of legislation with serious human rights implications whenever it is engaged. The Council is concerned about an individual's rights, but it is also concerned to guard against serious reputational risk.
- 1.3 The purpose of this document is to ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.4 This document provides guidance on the regulation of any covert surveillance that is carried out by council officers. This includes the use of undercover officers, informants and private investigators and other agents of the Council.
- 1.5 Any covert surveillance will have to be authorised and conducted in accordance with RIPA, the [statutory codes of practice](#) and this Guide and shall only be for one of the purposes set out in this Guide and for a purpose which the Council is legally required or empowered to investigate as part of its functions.
- 1.6 Covert surveillance will only be used by the Council where it judges such use to be necessary and proportionate to the seriousness of the crime or matter being investigated,
- 1.7 Before requesting authorisation Investigating Officers will have regard to this document and the statutory Codes of practice issued under section 71 RIPA. The Codes of practice are available from the RIPA Co-ordinator and direct from the Office of Surveillance website at <http://www.surveillancecommissioners.gov.uk/> or the Home Office at <http://security.homeoffice.gov.uk/ripa/>.
- 1.8 Before authorising covert surveillance Authorising Officers will have regard to this Guide and the statutory Codes of Practice. The Codes of Practice are available from the Home Office, CBC RIPA Co-ordinator and direct from the Office of Surveillance [website](#) or the [Home Office](#).
- 1.9 Authorising Officers will have to consider whether it is necessary and proportionate for Investigating Officers to undertake covert surveillance and whether it is possible to obtain the evidence through other means. The role of the authorising officer is covered in greater detail within paragraph 4.2.
- 1.10 Authorising Officers must give detailed consideration to the risk of collateral intrusion i.e. the risk of intruding into the privacy of others while watching someone else. This consideration and how the intrusion should be reduced and managed will need to be recorded within the application form.
- 1.11 There must be no situation where a council officer engages in covert surveillance

without obtaining authorisation in accordance with the procedures set out in this document, the statutory Codes of Practice and from RIPA.

- 1.12 Any queries concerning the content of the document should be addressed to the RIPA Co-ordinator (Governance, Risk and Compliance officer CBC).

## **2 THE REGULATION OF INVESTIGATORY POWERS ACT (RIPA)**

### **2.1 The background to RIPA**

RIPA provides a legal framework for the control and regulation of surveillance and information techniques which public authorities undertake as part of their duties. As was highlighted in the introduction to the Guide the need for such control arose as a result of the Human Rights Act 1998. Article 8 of the European Convention on Human Rights states that:-

*1) Everyone has the right of respect for his private and family life, his home and his correspondence.*

*2) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.*

- 2.1.1 The right under Article 8 is a qualified right and authorities can interfere with this right for the reasons given in paragraph 2 of Article 8. RIPA provides the legal framework for lawful interference.

### **2.2 The scope of this Guide**

- 2.2.1 This Guide intends to cover the surveillance and information gathering techniques which are most likely to be carried out by the Council.

- 2.2.2 Neither RIPA nor this Guide covers the use of any overt surveillance, general observation that forms part of the normal day to day duties of officers, the use of equipment to merely reinforce normal sensory perception such as binoculars or circumstances where members of the public who volunteer information to the Council.

- 2.2.3 RIPA does not normally cover the use of overt CCTV surveillance systems since members of the public are aware that such systems are in place.

- 2.2.4 There may however be times when the Council uses CCTV for a specific investigation or operation. This Guide does not cover in detail the use of surveillance via the Town Centre CCTV system. In such cases authorisation for directed surveillance may be required. If the CCTV is to be used for surveillance, Investigating Officers should consult and adhere to the provisions of RIPA and the Cheltenham Town Centre Closed Circuit Television Operating Procedures and the Cheltenham Town Centre Closed Circuit Television Codes of practice jointly set up by Cheltenham Borough Council and Gloucestershire Constabulary.

- 2.2.5 If an Investigating Officer envisages using any other CCTV system they should contact the RIPA Co-ordinator concerning any clarification on the administrative process or seek legal advice from One Legal before they conduct any surveillance.

## **2.3 Consequences of not following RIPA**

2.3.1 Section 27 of RIPA provides that surveillance shall be lawful for all purposes if authorised and conducted in accordance with an authorisation granted under RIPA.

2.3.2 Lawful surveillance is exempted from civil liability.

2.3.3 Although not obtaining authorisation does not make the authorisation unlawful per se, it does have some consequences: -

- i. Evidence that is gathered may be inadmissible in court;
- ii. The subjects of surveillance can bring their own proceedings or defeat proceedings brought by the Council against them on human rights grounds i.e. we have infringed their rights under Article 8;
- iii. If a challenge under Article 8 is successful the Council could face a claim for financial compensation;
- iv. A complaint could be made to the Office of Surveillance Commissioners; and
- v. The Government has also introduced a system of tribunal. Any person who believes that their rights have been breached can have their complaint dealt with by way of a tribunal.

## **2.4 The Surveillance Commissioner**

2.4.1 The Government has appointed a Surveillance Commissioner to review the way in which public authorities implement the requirements of RIPA. The Commissioner has a wide range of powers of access and investigation. The Council will receive periodic visits from the Office of the Surveillance Commissioners. They will check to see if the Council is complying with RIPA.

2.4.2 It is important that the Council can show it complies with this Guide and with the provisions of RIPA.

## **3 COVERT SURVEILLANCE**

There are three categories of covert surveillance: -

1. Directed Surveillance;
2. Covert Human Intelligence Sources; and
3. Intrusive surveillance (Local Authorities are not permitted to carry out intrusive surveillance but the information is included in this procedural guide to avoid inadvertent use of intrusive surveillance. Intrusive surveillance is defined in RIPA as surveillance in respect of anything taking place on residential premises or in a private vehicle, involving the presence of an investigator on those premises/vehicles or carried out through a surveillance device.

### **3.1 Directed Surveillance (DS)**

3.1.2 The majority of covert surveillance that will be undertaken by the Council will fall under the heading of Directed Surveillance (DS).

3.1.3 DS is defined as surveillance which is covert, but not intrusive, and is undertaken:

- a) For the purpose of a specific investigation or operation
- b) In such a manner as it is likely to result in obtaining private information about a person (whether or not that person is the target of the investigation or operation) and
- c) In a planned manner and not by way of an immediate response, whereby it would not be reasonably practicable to obtain an authorisation prior to the surveillance being carried out.

3.1.4 Any car park where Automated Number Plate Recognition (ANPR) is installed for either payment or enforcement purposes or it is intended to use that equipment to monitor a particular vehicle or person beyond that purpose then the use of RIPA legislation should be considered.

3.1.5 It is irrelevant where the subject of the DS is being observed.

If you intend to instruct an agent to carry out the DS the agent must complete and sign the form marked "agent's agreement form" contained in Appendix C. The agent will be subject to RIPA in the same way as any employee of the Council would be. They may also be inspected by the OSC in respect of that particular operation. This should be pointed out during the instruction and contract stage. If advice is required please contact One Legal.

3.1.6 The flow chart in Appendix D provides guidance on the council's procedure for making an application to a Justice of the Peace (JP) seeking an order to approve the grant of a RIPA authorisation or Notice.

### **3.2 Covert Human Intelligence Sources (CHIS)**

This involves the establishment or maintenance of a personal or other relationship with a person for the covert purpose of obtaining or disclosing private information. A CHIS is a person who: -

- a) S/He establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c);
- b) S/He covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- c) S/He covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

3.2.1 A relationship is established or maintained for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

3.2.2 A relationship is used covertly, and information obtained is disclosed covertly, if and only if the relationship is used or the information is disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

3.2.3 Covert human intelligence sources may only be authorised if the following arrangements are in place:

- that there will at all times be an officer within the council who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security, (the handler) the investigation officer
- that there will at all times be another officer within the council who will have general oversight of the use made of the source; (controller) i.e. the responsible line manager.
- that there will at all times be an officer within the council who has responsibility for maintaining a record of the use made of the source; and
- that the records relating to the source maintained by the council will always contain particulars as laid down by the Covert Human Intelligence Sources codes of practice

- 3.2.4 Legal advice should always be sought where consideration is given to the use of CHIS.
- 3.2.5 Special consideration must be given to the use of vulnerable individuals for CHIS. A 'vulnerable individual' is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive (or, in his absence, the Deputy Chief Executive).
- 3.2.6 Before you undertake any surveillance involving a vulnerable individual (CHIS) you must consult One Legal before authorisation is sought.
- 3.2.7 Special safeguards also apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him.
- 3.2.8 In other cases, authorisations should not be granted unless the special provisions contained within The Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied. Authorisations for juvenile sources should be granted by Chief Officers. Before you undertake any surveillance involving a juvenile you **must** consult the RIPA Co-ordinator concerning any clarification on the administrative process or seek legal advice from One Legal.
- 3.2.9 If you intend to instruct an agent to be the CHIS, the agent must complete and sign the form marked "agent's agreement form" contained in Appendix C. The agent will be subject to RIPA in the same way as any employee of the Council would be. They may also be inspected by the OSC in respect of that particular operation. This should be pointed out during the instruction and contract stage. If advice is required please contact either the RIPA Co-ordinator or One Legal.

- 3.2.10 The flow chart in Table 1 below provides guidance on the council's procedure for making an application to a Justice of the Peace seeking an order to approve the grant of a RIPA authorisation or Notice.

Table 2 is a copy of the guidance provided to JP/Magistrates on the process for dealing with an application from the council.

Appendix E provides additional information about the process the RIPA application and authorisation process by a JP/Magistrate

Table 1:



LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE

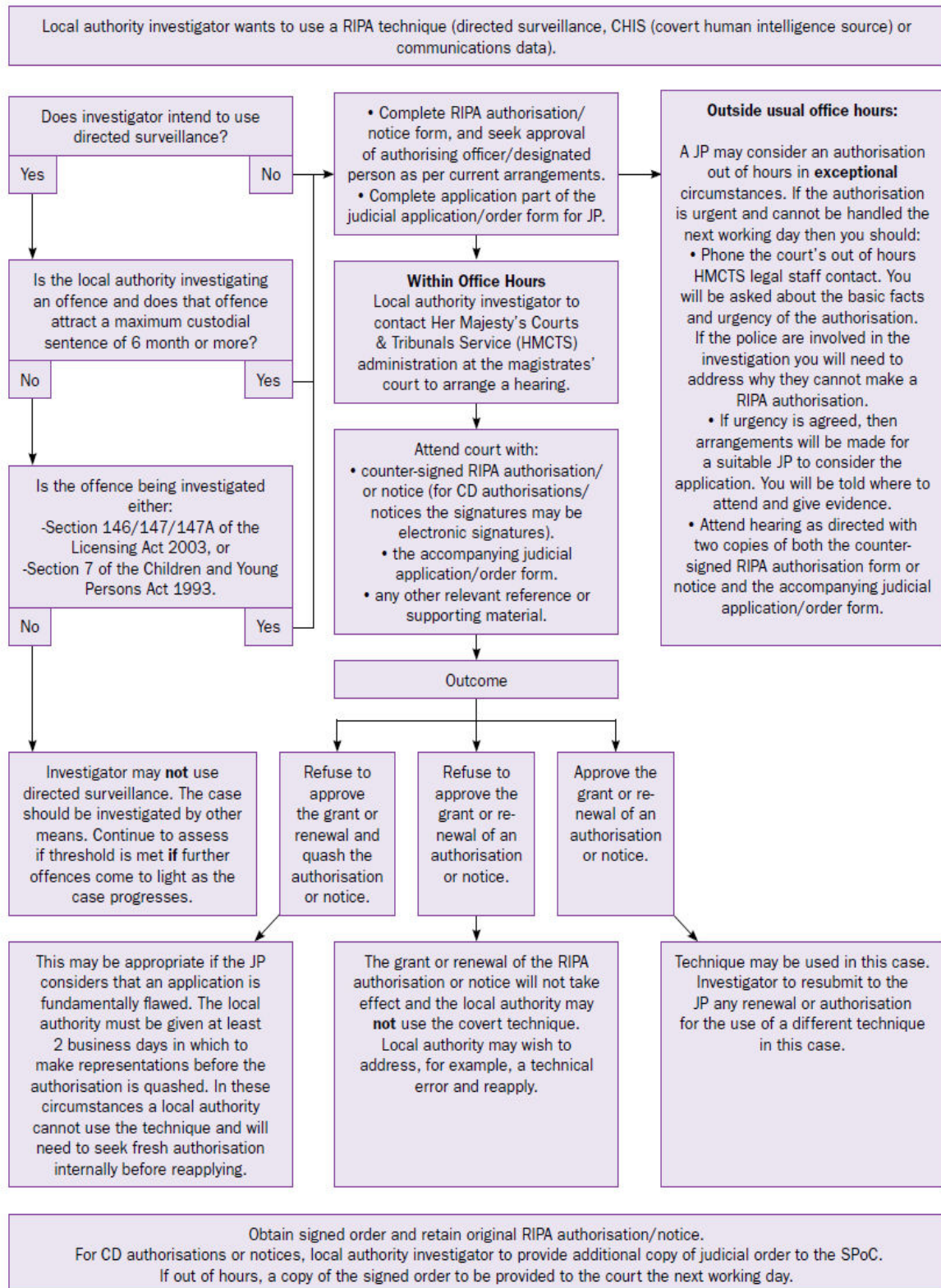
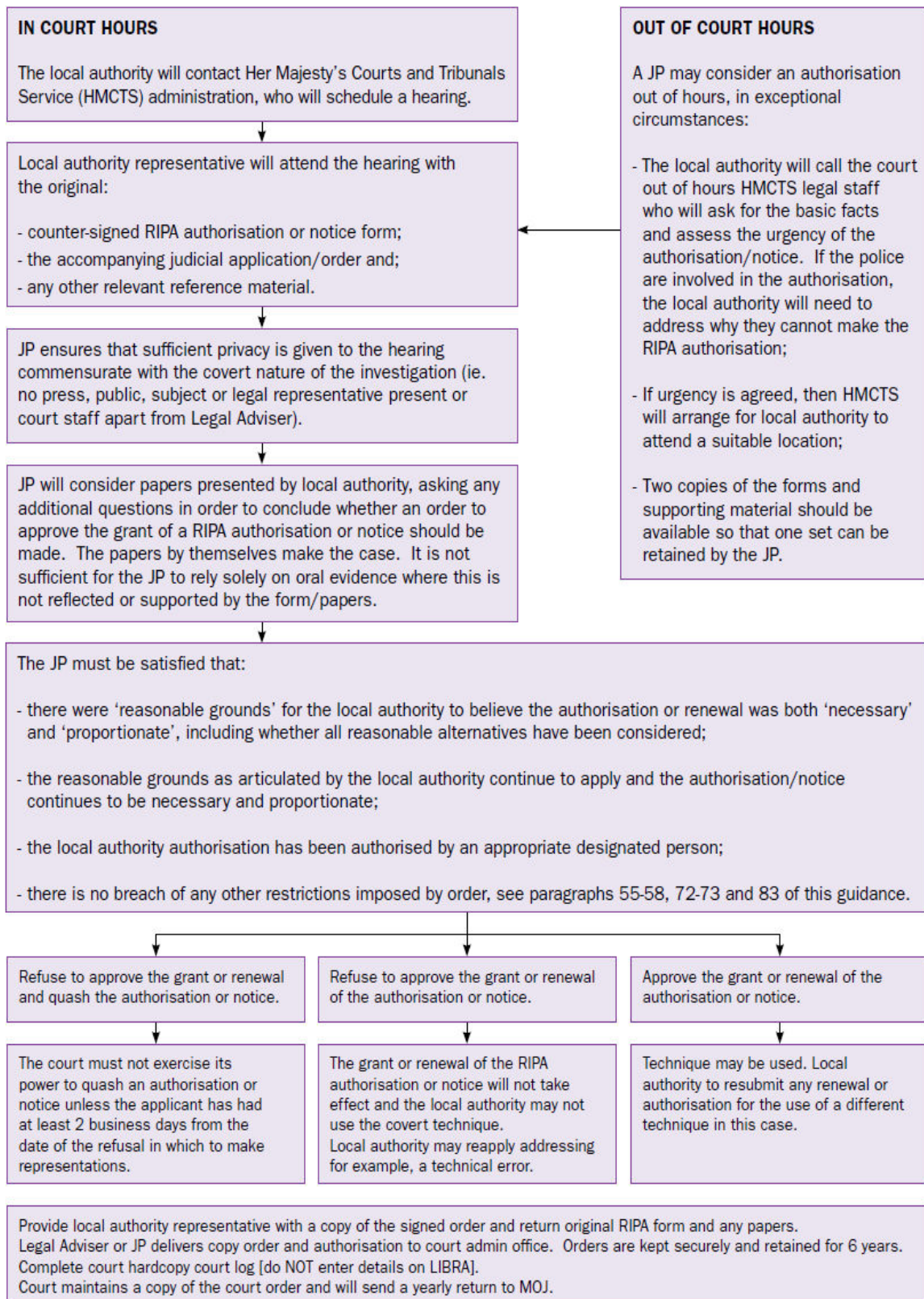


Table 2

PROCEDURE: LOCAL AUTHORITY APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



3.3 Intrusive surveillance

Intrusive surveillance is defined as covert surveillance that: -

- a) is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- b) involves the presence of any individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- c) If the device is not located on the premises or in the vehicle, it is not intrusive surveillance unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. Operatives will need to be aware of using high powered zoom lenses or CCTV that may fall into this category.

3.3.1 *Local authorities are not authorised to conduct intrusive surveillance*

3.3.2 If you are considering conducting surveillance and the surveillance might fall within the scope of intrusive surveillance you **must** contact the RIPA Co-ordinator concerning any clarification on the administrative process or seek legal advice from One Legal before you undertake any surveillance.

## **4 PROCEDURE FOR OBTAINING AUTHORISATIONS**

### **4.1 The Senior Responsible Officer:-**

Role:

- 4.1.1 The nominated Executive Director is the Senior Responsible Officer (SRO) with responsibilities for:
- 4.1.2
  - (a) ensuring the integrity of the Council's RIPA processes;
  - (b) ensuring compliance with RIPA legislation and the Home Office RIPA Codes of practice;
  - (c) engaging with the OSC when its inspector conducts an inspection;
  - (d) overseeing the implementation of any post – inspection plans;
  - (e) ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations made by the OSC inspection reports;
  - (f) ensuring that concerns are addressed, where OSC inspection reports highlight
  - (g) concerns about the standards of Authorising Officers.
  - (h) must regularly monitor covert surveillance activity which takes place outside of RIPA as mentioned in the OSC Procedures and Guidance document.

### **4.2 Authorising Officers**

- 4.2.1 The role of the Authorising Officers is to authorise, review, renew and cancel directed surveillance.
- 4.2.2 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved. Where an Authorising Officer authorises such an investigation or operation the Central Record of Authorisations should highlight this and it should be brought to the attention of a Commissioner or Inspector during their next inspection.
- 4.2.3 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for local authorities the Authorising Officer shall be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation.
- 4.2.4 A designated Authorising Officer must qualify **both** by rank and by competence. Officers who wish to be designated must have been trained to an appropriate level so as to have an understanding of the Act and the requirements that must be satisfied before an authorisation can be granted.

Appendix A lists the officers within the Council who can grant authorisations all of which are at Strategic or Director level.

- 4.2.5 Authorisations must be given in writing by the Authorising Officer. They must complete the relevant section on the application form. They must believe the surveillance is **proportionate** to what it seeks to achieve, taking into account the **collateral intrusion** issues, and that the level of the surveillance is appropriate to achieve the objectives.
- 4.2.6 If any equipment such as covert cameras, video cameras is to be used, the Authorising Officer should know the capability of the equipment before Authorising its use. This will have an impact on collateral intrusion, necessity and proportionality. They should not rubber-stamp a request. It is important that they consider all the facts to justify their decision. They may be required to justify their actions in a court of law or some other tribunal.
- 4.2.7 Authorising Officers are also responsible for carrying out regular reviews of applications which they have authorised and also for the cancellation of authorisations.
- 4.2.8 Authorised Officers must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA and the latest Procedures and Guidance from the Office of Surveillance Commissioner (OSC). This latter document details their latest guidance to be followed and Authorising Officers are required to hold their own copy.

#### **4.3 Authorising Officers – What you need to do before authorising surveillance**

- 4.3.1 Before giving authorisation an Authorising Officer **must** be satisfied that the reason for the request is for the **prevention and detection of crime and that** the crime attracts a custodial sentence of a maximum of 6 months or more (Appendix D Flowchart, or is an offence relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933. one of the permitted reasons under the Act and permitted under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 i.e.

- the desired result of the covert surveillance cannot reasonably be achieved by other means
- the risks of collateral intrusion have been properly considered, whether the reason for the surveillance is balanced proportionately against the risk of collateral intrusion
- there must also be consideration given to the possibility of collecting confidential personal information. If there is a possibility of collecting personal information the matter should be passed to the Chief Officer for consideration

4.3.2 An Authorising Officer **must** also be satisfied the surveillance in each case is **necessary and proportionate in those particular circumstances**.

This is defined as:

#### **Necessity**

- Obtaining an authorisation under the 2000 Act, the 1997 Act and 1994 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. The 2000 Act first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds in section 28(3) of the 2000 Act for directed surveillance and in section 32(3) of the 2000 Act for intrusive surveillance.
- The applicant and Authorising Officers must also be able to demonstrate that there were no other means of obtaining the same information in a less intrusive method.

#### **Proportionality**

- Then, if the activities are necessary, the person granting the authorisation must believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

4.3.3 The codes provide guidance relating to proportionality which should be considered by both applicants and Authorising Officers:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

4.3.4 When the Authorising Officer has considered if the surveillance is necessary and proportionate they must complete the relevant section of the form explaining why in his/her opinion the surveillance is necessary and proportionate.

- 4.3.5 The applicant will now be required to complete the relevant forms and attend Magistrates' Court to seek a JP's approval (see Appendices D,E or G on the RIPA Application and Authorisation Process)  
Appendix I provides the contact details for Her Majesty's Courts and Tribunal Service

#### **4.4 Investigating Officers – What you need to do before applying for authorisation**

- 4.4.1 Investigating Officers should think about the need to undertake DS or CHIS before they seek authorisation. Investigating Officers need to consider whether they can obtain the information by using techniques other than covert surveillance. There is nothing that prevents an Investigating Officer discussing the issue of surveillance beforehand.
- 4.4.2 Appendix E provides guidance on the procedure for making an application to a Justice of the Peace seeking an order to approve the grant of a RIPA authorisation or Notice.
- 4.4.3 The person seeking the authorisation should complete the application form having regard to the guidance given in this Guide and the statutory Codes of Practice.
- 4.4.4 The form should then be submitted to the Authorising Officer for authorisation.

### **5 DURATION, REVIEW, RENEWAL AND CANCELLATION OF AUTHORISATIONS**

#### **5.1 Duration**

- 5.1.1 Directed Surveillance (DS) authorisations will cease to have effect after three months from the date of approval unless renewed or cancelled.
- 5.1.2 Authorisations should be given for the maximum duration but reviewed on a regular basis and formally cancelled when no longer needed.
- 5.1.3 CHIS authorisations will cease to have effect after twelve months from the date of approval.
- 5.1.4 Investigating Officers should indicate within the application the period of time that they estimate is required to carry the surveillance, this will be proportionate to the objectives of the investigation and give due consideration to collateral intrusion
- 5.1.5 For CHIS authorisations, legal advice must be sought, particularly those that involve the use of juveniles (for which the duration of such an authorisation is one month instead of twelve months).
- 5.1.6 It is the responsibility of the Investigating Officer to make sure that the authorisation is still valid when they undertake surveillance.

#### **5.2 Review**

- 5.2.1 An Investigating Officer must carry out a regular review of authorisations. If an authorisation is no longer required or considered to be no longer *necessary* or *proportionate* it **must** be cancelled.
- 5.2.2 The results of any review must be included on the review form Appendix B
- 5.2.3 The Authorising Officer also has a duty to review authorisations that have been granted when it is necessary or practicable to do so. Particular attention should be given to authorisations involving collateral intrusion or confidential material.
- 5.2.4 The Authorising Officer should keep a copy of the review form and a copy should be given to the Investigating Officer. The original copy of the review form must also be sent to the RIPA Co-ordinator.

### **5.3 Renewals**

- 5.3.1 An Investigating Officer must ask an Authorising Officer to grant a renewal of an authorisation before it would cease to have effect. The approval of a Justice of the Peace (JP) is required prior to undertaking any covert activity as detailed within the renewal form (Appendix B) authorised by the Authorising Officer for a renewal to take effect.
- 5.3.2 Applications for renewals should not be made until shortly before the original authorisation period is due to expire but the applicant must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant Authorising Officer and a JP to consider the application).
- 5.3.3 Applications for renewal must not be made more than 3 working days before the authorisation is due to expire.
- 5.3.4 A renewal can last for up to three months, effective from the date that the previous authorisation would cease to have effect.
- 5.3.5 An Authorising Officer can grant more than one renewal as long as the request for authorisation still meets the requirements for authorisation. An Authorising Officer must still consider all of the issues that are required for a first application before a renewal can be granted. Each renewal will need the approval of a JP.
- 5.3.6 If the reason for requiring authorisation has changed from its original purpose it will not be appropriate to treat the application as a renewal. The original authorisation should be cancelled and a new authorisation should be granted.
- 5.3.7 An application for a renewal must be completed on the appropriate form.  
Appendix B
- 5.3.8 The Authorising Officer and applicant should retain a copy of the renewal and the judicial application / order form. A copy of the original renewal form and the judicial application/order form must also be sent to the RIPA Co-ordinator for the Central Register

### **5.4 Cancellations**

- 5.4.1 If the reason for requiring the authorisation no longer exists, the authorisation **must** be cancelled and in any event as soon as the operation for which an authorisation was sought ceases to be necessary or proportionate. This applies to both original applications and renewals.

- 5.4.2 Authorisations **must** also be cancelled if the surveillance has been carried out and the original aim has been achieved.
- 5.4.3 As soon as the decision is taken that directed surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form Appendix B. The date and time when such an instruction was given should also be recorded in the central record of authorisations.
- 5.4.4 The Investigating Officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and what if any images were obtained and any images containing third parties. The Authorising Officer should then take this into account and issues instructions regarding the management and disposal of the images etc.
- 5.4.5 Authorisations **must** also be cancelled if the surveillance has been carried out and the original aim has been achieved. Authorising Officers will ensure that authorisations are either cancelled or renewed at the end of the appropriate statutory period.
- 5.4.3 An authorisation must be cancelled by using the form in Appendix B. An Investigating Officer should complete the details required on the first page, sections 1 and 2 of the cancellation form. The form should then be submitted to the Authorising Officer who will complete sections 3, 4 and 5.
- 5.4.4 It is the responsibility of the Investigating and Authorising Officers to monitor their authorisations and cancel them where appropriate.
- 5.4.5 The Authorising Officer should keep a copy of the cancellation form and a copy should be given to the Investigating Officer. A copy of the original cancellation form must also be sent to the RIPA Co-ordinator.
- 5.4.6 Authorising Officers must review upon cancellation of an application whether or not the objectives were achieved. Any issues identified by the review will be reported to the senior responsible officer.

## 5.5 Review of Policy and Procedure

- i The Audit Committee will receive reports following the use of RIPA. Those reports will contain information on;
- Where and when the powers had been used
  - The objective
  - The authorisation process
  - The job title of the Authorising Officer
  - The outcome including any legal court case
  - Any costs
- ii The Corporate Governance Group will review any use of RIPA and report to Audit Committee on an annual basis.



**6 THE RIPA CO-ORDINATOR**

**6.1 Role**

6.1.1 All original applications for authorisations and renewals including those that have been refused must be passed to the RIPA Co-ordinator as soon as possible after their completion with copies retained by the Authorising Officer and the Applicant.

6.1.2 All cancellations must also be passed to the RIPA Co-ordinator.

6.1.3 The RIPA Co-ordinator will: -

- i.. Keep the copies of the forms for a period of at least 3 years;
- ii.. Keep a register of all of the authorisations, renewals and cancellations; and Issue the unique reference number.
- iii.. Keep a database for identifying and monitoring expiry dates and renewal dates.
- iv. Along with, Directors, Service Managers, Authorising Officers, and the Investigating Officers must ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with the Councils Information Management policies, departmental retention schedules and the Data Protection Act 1998. (DPA)
- v. Provide administrative support and guidance on the processes involved.
- vi. Not provide legal guidance or advice.
- vii.. Monitor the authorisations, renewals and cancellations so as to ensure consistency throughout the Council;
- viii.. Monitor each department's compliance and act on any cases of non compliance;
- ix.. Provide training and further guidance on and awareness of RIPA and the provisions of this Guide; and
- x.. Review the contents of the Guide.

6.1.4 It is however the responsibility of the Investigating Officer, the Authorising Officer and the Senior Responsible Officer to ensure that: -

- i. Authorisations are only sought and given where appropriate;
- ii. Authorisations are only sought and renewed where appropriate;
- iii. Authorisations are cancelled where appropriate; and
- iv. They act in accordance with the provisions of RIPA.

**7.0 Legal advice**

- i One Legal will provide legal advice to staff making, renewing or cancelling authorisations

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- ii Requests for legal advice will be in writing and copied to the RIPA Co-ordinator to keep on file
- iii Responses to requests for legal advice will be in writing and copied to the RIPA coordinator to keep on file.

**APPENDIX A**

**Designated Officers**

The following officers are the Senior Responsible Officer and the Authorising Officers for the purposes of RIPA

**Senior Responsible Officer**

Executive Director - Pat Pratley

**Authorising Officers**

Chief Executive - Andrew North, Executive Director - Grahame Lewis,  
Director of Resources - Mark Sheldon

Where the guidance states the Senior Responsible Officer but they are unavailable then the Chief Executive will undertake the duties of the Senior Responsible Officer.

There may be occasions where the SRO is nominated as a Authorising Officer, these occasions will only be in exceptional circumstances.

**RIPA Co-ordinator**

Corporate Governance, Risk and Compliance Officer - Bryan Parsons

## APPENDIX B

### AUTHORISATION FORMS

All of the forms necessary for RIPA are available from the Home Office website these forms are a mandatory part of the process and must be used in line with the guidance.

All decisions about using regulated investigatory powers must be recorded as they are taken on the required form.

This is the case for:

- applicants seeking authority to undertake regulated conduct
- Authorising Officers and designated persons who consider and decide whether to grant authority or give notice for that conduct

**Select the form that you require from the hyperlinked lists below;**

#### *Directed Surveillance*

1. [Application for the use of directed surveillance](#)
2. [Renewal of directed surveillance](#)
3. [Review of the use of directed surveillance](#)
4. [Cancellation of the use of directed surveillance](#)

#### *Covert Human Intelligence Sources*

5. [Application for the use of covert human intelligence sources](#)
6. [Renewal of authorisation to use covert human intelligence sources](#)
7. [Reviewing the use of covert human intelligence sources](#)
8. [Cancellation of covert human intelligence sources](#)

#### *Reporting errors to the IOCCO*

9. [Reporting an error by a CSP to the IOCCO](#)
10. [Reporting an error by a public authority to the IOCCO](#)

APPENDIX C

REGULATION OF INVESTIGATORY POWERS ACT 2000

AGENT'S AGREEMENT FORM

I .....(insert Agent's name) of .....  
.....(address) confirm that  
in relation to .....  
.....  
.....  
.....  
.....  
.....  
.....

.....(name or description of the surveillance) I  
agree to comply with the Regulation of Investigatory Powers Act 2000, with all statutory  
provisions, statutory Codes of practice and with Cheltenham Borough Council's Procedural  
Guide when undertaking any and all surveillance authorised by Cheltenham Borough  
Council under the Regulation of Investigatory Powers Act 2000. I acknowledge receipt of a  
copy of the Council's Authorisation Form reference number .....dated the  
..... and I agree not to carry out any surveillance that is contrary this  
authorisation.

Signed.....

Dated.....

**APPENDIX D**

**Particulars to be contained in records when a COVERT HUMAN INTELLIGENCE SOURCE (CHIS) is used.**

The following matters are specified for the purposes of paragraph (d) of section 29(5) of the 2000 Act (which must be included in the records relating to each CHIS):

- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the authority maintaining the records;
- (d) the means by which the source is referred to within each relevant investigating authority;
- (e) any other significant information connected with the security and welfare of the source;
- (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- (g) the date when, and the circumstances in which, the source was recruited;
- (h) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c);
- (i) the periods during which those persons have discharged those responsibilities;
- (j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- (j) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- (k) the information obtained by each relevant investigating authority by the conduct or use of the source;
- (l) any dissemination by that authority of information obtained in that way; and
- (m) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

In addition, records or copies of the following, as appropriate, should be kept by the relevant authority:

- (a) a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- (b) a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- (c) the reason why the person renewing an authorisation considered it necessary to do so;
- (d) any authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- (e) any risk assessment made in relation to the source;
- (f) the circumstances in which tasks were given to the source;
- (g) the value of the source to the investigating authority;
- (h) a record of the results of any reviews of the authorisation;
- (i) the reasons, if any, for not renewing an authorisation;
- (j) the reasons for cancelling an authorisation.
- (k) the date and time when any instruction was given by the Authorising Officer to cease using a source.

The records kept by public authorities should be maintained in such a way as to preserve the confidentiality of the source and the information provided by that source. There should, at all times, be a designated person within the relevant public authority who will have responsibility for maintaining a record of the use made of the source.

APPENDIX E

**RIPA Application and Authorisation Process**

As from 1 November 2012 two significant changes came into force that effects how local authorities use RIPA.

- **Approval of Authorisations under RIPA by a Justice of the Peace:** The amendments in the Protection of Freedoms Act 2012 mean that the council's authorisations under RIPA for the use of Directed Surveillance or use of Covert Human Intelligence sources (CHIS) can only be given effect once an order approving the authorisation has been granted by a Justice of the Peace (JP). **This applies to applications and renewals only, not reviews and cancellations.**
- **Directed surveillance crime threshold:** Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 ("the 2010 Order") mean that the council can now only grant an authorisation under RIPA for the use of Directed Surveillance where the council is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.
- This crime threshold, as mentioned, is only for Directed Surveillance.

**Application, Review, Renewal and Cancellation Forms**

No covert activity covered by RIPA or the use of a CHIS should be undertaken at any time unless it meets the legal criteria (see above) and has been authorised by an Authorising Officer and approved by a JP/Magistrate as mentioned above. The activity conducted must be in strict accordance with the terms of the authorisation.

The effect of the above legislation means that all applications and renewals for covert RIPA activity will have to have a JP's approval. It does not apply to Reviews and Cancellations which will still be carried out internally.

The procedure is as follows;

All applications and renewals for Directed Surveillance and use of a CHIS will be required to have a JP's approval.

The applicant will complete the relevant application form ensuring compliance with the statutory provisions shown above. The application form will be submitted to an Authorising Officer for consideration. If authorised, the applicant will also complete the required section of the judicial application/order form (Appendix D Flow Chart)

Although this form requires the applicant to provide a brief summary of the circumstances of the case on the judicial application form, this is supplementary to and does not replace the need to supply the original RIPA authorisation as well. All applications need to be made in consultation with One Legal.

It will then be necessary within Office hours to arrange with Her Majesty's Courts & Tribunals Service (HMCTS) administration at the Magistrates' Court to arrange a hearing. The hearing will be in private and heard by a single JP.



Officers who may present the application at these proceedings will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or provide information as required by the JP. If in doubt as to whether you are able to present the application seek advice from One Legal

Upon attending the hearing, the officer must present to the JP the partially completed judicial application/order form, a copy of the RIPA application/authorisation form, together with any supporting documents setting out the case, and the original application/authorisation form.

The original RIPA application/authorisation should be shown to the JP but will be retained by the council so that it is available for inspection by the Commissioners' offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).

The JP will read and consider the RIPA application/ authorisation and the judicial application/order form Appendix H. They may have questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the application form. **However the forms and supporting papers must by themselves make the case. It is not sufficient for the council to provide oral evidence where this is not reflected or supported in the papers provided.**

The JP will consider whether he or she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. They will also consider whether there continues to be reasonable grounds. In addition they must be satisfied that the person who granted the authorisation or gave the notice was an appropriate designated person within the council and the authorisation was made in accordance with any applicable legal restrictions, for example that the crime threshold for directed surveillance has been met.

The JP may decide to:

### **Approve the Grant or renewal of an authorisation**

The grant or renewal of the RIPA authorisation will then take effect and the council may proceed to use the technique in that particular case.

### **Refuse to approve the grant or renewal of an authorisation**

The RIPA authorisation will not take effect and the council may **not** use the technique in that case.

Where an application has been refused the applicant may wish to consider the reasons for that refusal. If more information was required by the JP to determine whether the application/authorisation has met the tests, and this is the reason for refusal the officer should consider whether they can reapply, for example, if there was information to support the application which was available to the council, but not included in the papers provided at the hearing.

For, a technical error (as defined by the JP/Magistrate ), the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.

### **Refuse to approve the grant or renewal and quash the authorisation or notice**

This applies where the JP refuses to approve the application/authorisation or renew the application/authorisation and decides to quash the original authorisation or notice. However the court must not exercise its power to quash the application/authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations. If this is the case the officer will inform the One Legal who will consider whether to make any representations.

Whatever the decision the JP will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the council's RIPA application and authorisation form and the judicial application/order form. The officer will retain the original application/authorisation and a copy of the judicial application/order form.

If approved by the JP, the date of the approval becomes the commencement date and the three months duration will commence on this date, the officers are now allowed to undertake the activity.

The original application and the copy of the judicial application/order form should be forwarded to the Central Register and a copy retained by the applicant and if necessary by the Authorising Officer.

The council may only appeal a JP decision on a point of law by judicial review. If such a concern arises, One Legal will decide what action if any should be taken.

All the relevant forms for authorisation through to cancellation must be in writing using the standard forms which are available from the Intranet site, but officers must ensure that the circumstances of each case are accurately recorded on the application form.

If it is intended to undertake both directed surveillance and the use of a CHIS on the same surveillance subject, the respective applications forms and procedures should be followed and both activities should be considered separately on their own merits.

An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference. The Authorising Officer will take this into account, particularly when considering the proportionality of the directed surveillance or the use of a CHIS.

### **Applications**

All the relevant sections on an application form must be completed with sufficient information for the Authorising Officer to consider Necessity, Proportionality and the Collateral Intrusion issues. Risk assessments should take place prior to the completion of the application form. Each application should be completed on its own merits of the case. **Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**

All applications will be submitted to the Authorising Officer via the Line Manager of the appropriate enforcement team in order that they are aware of the activities being undertaken by the staff. The Line Manager will perform an initial quality check of the application. However they should not be involved in the sanctioning of the authorisation. Completed application forms are to be initialed by Line Managers to show that the quality check has been completed. The form should then be submitted to the Authorising Officer.

Applications whether authorised or refused will be issued with a unique number (obtained from the RIPA Coordinator) by the Authorising Officer, taken from the next available number in the Central Record of Authorisations which is held by the RIPA Coordinator.

If authorised the applicant will then complete the relevant section of the judicial application/order form and follow the procedure above by arranging and attending the Magistrates' Court to seek a JP's approval. (See procedure above RIPA application and authorisation process)

## Duration of Applications

- Directed Surveillance 3 Months
- Renewal 3 Months
- Covert Human Intelligence Source 12 Months
- Juvenile Sources 1 Month
- Renewal 12 months

All Authorisations must be cancelled by completing a cancellation form. They must not be left to simply expire. (See cancellations page 16)

## Reviews

When an application has been authorised regular reviews must be undertaken to assess the need for the surveillance to continue. The results of a review should be recorded on the central record of authorisations. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion.

The reviews are dealt with internally by submitting the review form (which is available through the link in appendix B) to the Authorising Officer. There is no requirement for a review form to be submitted to a JP.

In each case the Authorising Officer should determine how often a review should take place. This should be as frequently as is considered necessary and practicable and they will record when they are to take place on the application form. This decision will be based on the circumstances of each application. However reviews will be conducted on a monthly or less basis to ensure that the activity is managed. It will be important for the Authorising Officer to be aware of when reviews are required following an authorisation to ensure that the applicants submit the review form on time.

Applicants should submit a review form by the review date set by the Authorising Officer. They should also use a review form for changes in circumstances to the original application so that the need to continue the activity can be reassessed. However if the circumstances or the objectives have changed considerably, or the techniques to be used are now different a new application form should be submitted and will be required to follow the process again and be approved by a JP. The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.

Service managers of applicants should also make themselves aware of when the reviews are required to ensure that the relevant forms are completed on time.

## Renewal

A renewal form is to be completed by the applicant when the original authorisation period is about to expire but directed surveillance is still required

Should it be necessary to renew a Directed Surveillance or CHIS application/authorisation this must be approved by a JP. The renewal forms can be found by following the links in appendix B

Applications for renewals should not be made until shortly before the original authorisation period is due to expire but the applicant must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant Authorising Officer and a JP to consider the application).

The applicant should complete all the sections within the renewal form and submit the form to the Authorising Officer.

Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusions issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.

If the Authorising Officer refuses to renew the application the cancellation process should be completed. If the AO authorises the renewal of the activity the same process is to be followed as mentioned earlier for the initial application.

A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

### **Cancellation**

The cancellation form Appendix B is to be submitted by the applicant or another investigator in their absence. The Authorising Officer who granted or last renewed the authorisation must cancel it if they are satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer

As soon as the decision is taken that directed surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the central record of authorisations..

The Investigating Officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and what if any images were obtained and any images containing third parties. The Authorising Officer should then take this into account and issues instructions regarding the management and disposal of the images etc.

The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what they stated was necessary in the application form. This check will form part of the oversight function. Where issues are identified they will be brought to the attention of the line manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight.

Appendix F

**Application for judicial approval for authorisation to obtain or disclose communications data, to use a Covert Human Intelligence Source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.**

Local authority:.....

Local authority department:.....

Offence under investigation:.....

Address of premises or identity of subject:.....  
.....  
.....  
.....

Covert technique requested: (tick one and specify details)

- Communications Data**
- Covert Human Intelligence Source**
- Directed Surveillance**

**Summary of details**

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**Note:** this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....  
.....

Authorising Officer/Designated Person:.....

Officer(s) appearing before JP:.....

Address of applicant

department:.....  
.....  
.....

Contact telephone  
number:.....

Contact email address  
(optional):.....

Local authority  
reference:.....

Number of  
pages:.....  
.....

**Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.**

Magistrates'  
court:.....  
.....

Having considered the application, (tick one):

I am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.

I refuse to approve the grant or renewal of the authorisation/notice.

I refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

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Reasons

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Signed:

Date:

Time:

Full name:

Address of magistrates' court:

**Appendix G**

**Contact details for Her Majesty's Courts and Tribunal Service (HMCTS)  
Gloucestershire**

During normal office hours, the court support section should be contacted either by phone or email. Their number is 01452 420174 and email is [gs-glosmcaadmin@hmcts.gsi.gov.uk](mailto:gs-glosmcaadmin@hmcts.gsi.gov.uk).

The police have lists of those legal advisers that are contactable out of hours, and in the unlikely situation when an application needs to be made urgently, details can be obtained from the custody suites at Cheltenham and Gloucester and also the control room at Waterwells.



Appendix H

Non RIPA Surveillance Application Form

<b>Public Authority</b> <i>(including full address)</i>		<b>Unique NO.</b>	
------------------------------------------------------------	--	-------------------	--

<b>Name of Applicant</b>		<b>Department</b>	
--------------------------	--	-------------------	--

<b>Contact Details</b>	
<b>Investigation/Operation Name (if applicable)</b>	
<b>Investigating Officer (if a person other than the applicant)</b>	

**1. DETAILS OF APPLICATION**

Describe the purpose of the specific operation or investigation e.g. Internal Disciplinary Investigation. Provide details of the investigation and intelligence case to date to include enquiries already undertaken and their result.

**2. DETAILS OF SURVEILLANCE**

Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, video recording equipment) that may be used.

Explain the information that it is desired to obtain as a result of the directed surveillance.

**3. SUBJECT OF SURVEILLANCE**

The identities, where known, of those to be subject of the directed surveillance. Should include where known name, address, D.O.B. or approximate age. If persons unknown please provide any description's or other information that may be known.

**4. MISDEMEANOR UNDER INVESTIGATION**

Provide details of what offences or malpractice is under investigation, e.g.. Gross Misconduct against. Disciplinary Regulations.

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**5. INTRUSION AND PRIVACY ISSUES**

Detail whether Confidential Information such as information relating to legal privilege, health, spiritual counselling or other sensitive information is likely to be obtained against any person as a result of the surveillance activity.

Supply details of any Collateral Intrusion.

Why the intrusion is unavoidable.

Describe precautions you will take to minimise and manage the collateral intrusion.

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**6. NECESSITY AND PROPORTIONALITY**

Explain why it is necessary to use the covert methods applied for, can the evidence be obtained by less intrusive methods and explain why this surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means?

--

**7. APPLICANTS DETAILS**

Name (print)		Tel No:	
Grade/Position		Date Submitted	
Signature			

**AUTHORISATION SECTION**

**8. AUTHORISED YES OR NO? (see below)**

If rejected detail the reason why.

If authorised state exactly what activity is being authorised by whom and if necessary what equipment they are authorised to use and in what circumstances. This should include any specific instructions such as the management of any images which may be obtained. Cover who, what, where, when and how.

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**9. NECESSITY AND PROPORTIONALITY**

Explain why you believe the surveillance is necessary and proportionate to what is sought to be achieved by carrying out the covert activity.

--

**10. CONFIDENTIAL INFORMATION**

**If confidential information is likely to be obtained (see box 5) state how the information will be managed and disposed of. (Seek advice from legal section and data controller if required). May require a higher level of authority.**

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**11. DATE OF FIRST REVIEW**

**Set a review date taking into account all the circumstances. The review date should be no longer than a month to demonstrate that the process is being managed effectively**

<b>Date</b>	
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**12. AUTHORISING OFFICER DETAILS**

<b>Name (Print)</b>		<b>Grade/Position</b>	
<b>Signature</b>		<b>Time and Date</b>	

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**Cheltenham Borough Council**

**Cabinet– 15<sup>th</sup> October 2013**

**3<sup>rd</sup> Sector Assessment for the Gardens Gallery CIC**

**Proscenium Building, Montpellier**

<b>Accountable member</b>	<b>Councillor John Rawson</b>
<b>Accountable officer</b>	<b>David Roberts</b>
<b>Ward(s) affected</b>	<b>Lansdown</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	The Gardens Gallery is a Community Interest Company which provides art education and exhibition opportunities to the residents of Cheltenham and further afield
<b>Recommendations</b>	<p><b>It is recommended that Cabinet:</b></p> <ul style="list-style-type: none"> <li>• <b>Approves the grant of a Lease to the Gardens Gallery Community Interest Company for a term of 25 years at market rent and delegates authority to the Head of Property and Asset Management, in consultation with the Director of Resources and Borough Solicitor to negotiate such other terms of the lease as he considers necessary or advisable</b></li> <li>• <b>Approves the 100% rental discount in accordance with the content of the 3<sup>rd</sup> Sector report attached as appendix 1</b></li> </ul>
<b>Financial implications</b>	<p>Market rent is currently subsidised by a grant in accordance with the council's third sector policy. Should this continue there would be no financial impact on the General Fund. Vacant property costs would be incurred should the recommendations not be agreed.</p> <p><b>Contact officer: Nina Philippidis, nina.philippidis@cheltenham.gov.uk, 01242 775221</b></p>

<p><b>Legal implications</b></p>	<p>The Council has to advertise the intended lease of the building in order to consider any objections to the proposal. This has been done and no objections have been received.</p> <p>Where the Council is disposing of land by way of lease for more than 7 years, it has to do so at the best consideration that can reasonably be obtained, although (subject to conditions) there is an exception to this where the Council considers the disposal to be for the economic, social or environmental well-being of its area or the inhabitants of it. It is proposed that the Lease be prepared on the basis of a full market rent, but a rebate will be awarded (if and so far as approved by Cabinet, and for so long as the tenant qualifies)</p> <p><b>Contact officer: Rose Gemmell, <a href="mailto:rose.gemmell@tewkesbury.gov.uk">rose.gemmell@tewkesbury.gov.uk</a>, 01684 272014</b></p>
<p><b>HR implications (including learning and organisational development)</b></p>	<p>None associated with this report</p> <p><b>Contact officer: <a href="mailto:Julie.mccarthy@cheltenham.gov.uk">Julie.mccarthy@cheltenham.gov.uk</a>, 01242 264355</b></p>
<p><b>Key risks</b></p>	<p><b>If Cabinet does not approve the conclusion of the 3<sup>rd</sup> Sector report the Gardens Gallery may have to reconsider its occupation of the Proscenium Building leaving the Council with the liability of an unoccupied building</b></p>
<p><b>Corporate and community plan Implications</b></p>	<p>Leasing the premises to the gardens Gallery supports the Council's objective of community involvement.</p>
<p><b>Environmental and climate change implications</b></p>	

**1. Background**

- 1.1 On 1<sup>st</sup> June 2007, The Gardens Gallery CIC was granted a lease of the Proscenium Building for a term of three years. The lease permitted the organisation to use the building as an art gallery and exhibition venue. The organisation was presented a grant by the council which in effect netted off the rent for the property, so no payments of grant or rent were ever made or received. The Gardens Gallery CIC has been holding over on the lease since 31st May 2010
- 1.2 The use of the building has thus-far proved successful and the organisation has made a successful bid to Gloucestershire Environmental Trust for the installation of air-source heat pumps; a green energy solution that will reduce energy usage at the building. As part of the structure of the grant is that the Gardens Gallery be granted a lease of the premises for a further term of 15 years, it is recommended that the Council offer the tenant a term of 25 years at market rent, subject to a tenant break clause at year 15. Reviews of the 3<sup>rd</sup> Sector undertaking shall be taken in line with the rent review provisions of the lease; namely every 5 years.

**2. Reasons for recommendations**

- 2.1 The Gardens Gallery CIC provide a valued service to the people from Cheltenham and further a-field. The 3<sup>rd</sup> Sector summary which is attached to this report at Appendix 2 outlines the objectives the council expects from its 3<sup>rd</sup> sector tenants and the report highlights that the Gardens Gallery suitably fulfils these.

**3. Alternative options considered**

- 3.1 The Proscenium building had remained vacant and unused for some considerable time, refusing to agree the continuation of occupation by Gardens Gallery would result in the building becoming vacant, possibly for some considerable time, resulting in maintenance and repair costs, upkeep and commercial rates payments.

**4. Consultation and feedback**

- 4.1 Ward members have been appraised of the proposed renewal of the lease and no objections to the proposal were received. The statutory advertisement has appeared in the local press for two consecutive weeks and no objections were received.

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

<b>Report author</b>	<b>Contact officer: <a href="mailto:chris.finch@cheltenham.gov.uk">chris.finch@cheltenham.gov.uk</a>, 01242 775148</b>
<b>Appendices</b>	1. Risk Assessment 2. 3 <sup>rd</sup> Sector Assessment
<b>Background information</b>	1.

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
	Rent abatement is rejected			5	1	5	Accept	No provision of rent abatement could result in the building being vacated, exposing the council to on-costs		DR	
	The tenant could fail to comply with its obligations under the lease.			3	1	3	Accept	The Council would require the tenant to comply with the lease or it could risk forfeiture		DR	
	The tenant could fail to maintain its compliance with the terms of the 3 <sup>rd</sup> Sector submission			4	1	4	Accept	The Council would seek to ensure that the tenant continued to offer a service commensurate with its obligations		DR	
	If the tenant fails to comply with the 3 <sup>rd</sup> sector assessment or support is withdrawn by the Council, the tenant would become liable for rent			5	1	5	Accept	If rent arrears were to accrue, the Council would be required to seek possession of the premises.		DR	

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**Explanatory notes**

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

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

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

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

**Guidance**

Types of risks could include the following:



- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

### **Risk ref**

If the risk is already recorded, note either the corporate risk register or TEN reference

### **Risk Description**

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

### **Risk owner**

Please identify the lead officer who has identified the risk and will be responsible for it.

### **Risk score**

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

### **Control**

Either: Reduce / Accept / Transfer to 3rd party / Close

### **Action**

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

### **Responsible officer**

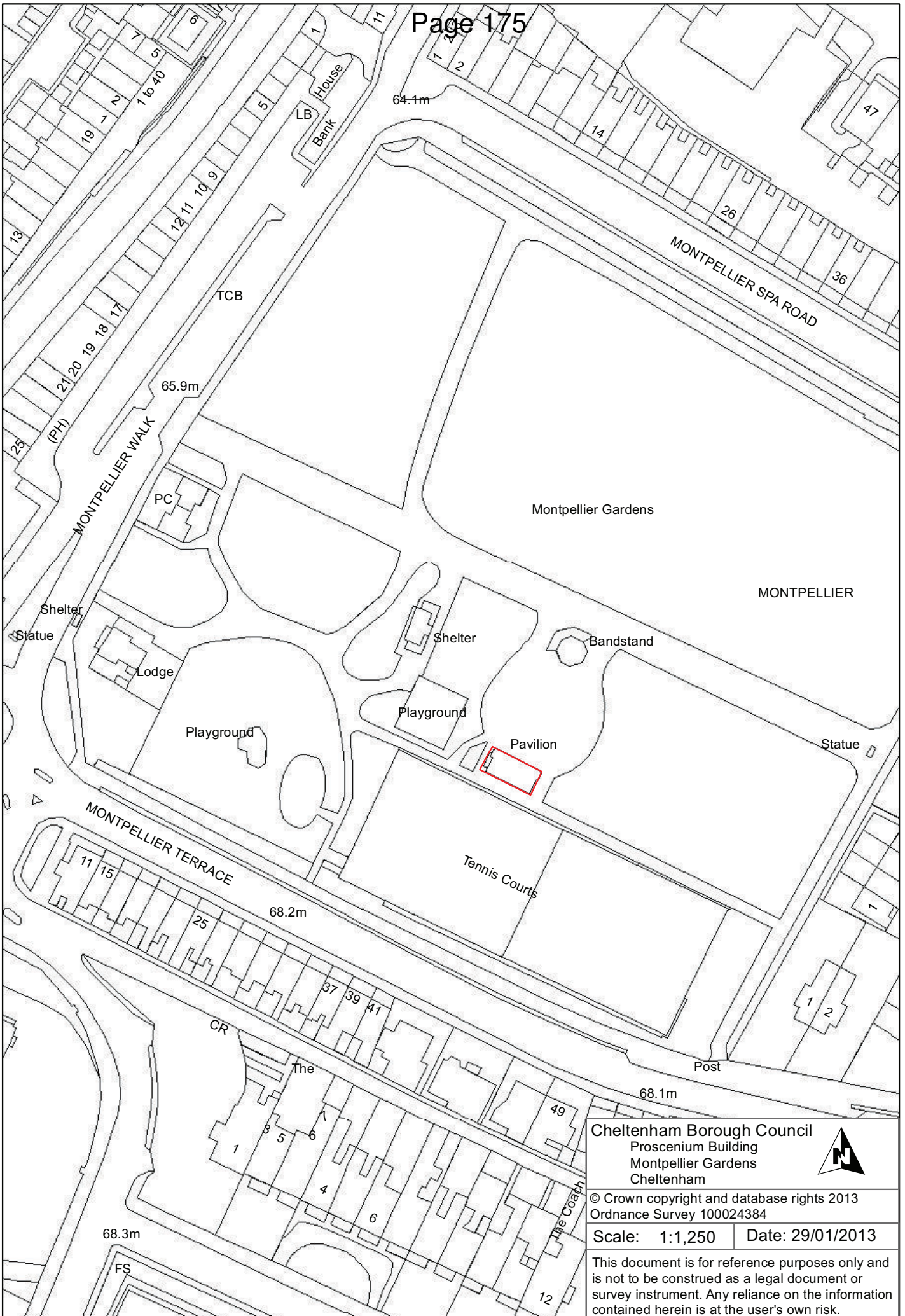
Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

### **Transferred to risk register**

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on

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Cheltenham Borough Council  
 Proscenium Building  
 Montpellier Gardens  
 Cheltenham

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 Ordnance Survey 100024384

Scale: 1:1,250    Date: 29/01/2013

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**Application for rent discount under the council's property lettings and disposals to the third sector, voluntary and community groups' policy**

Assessment carried out on 26 July 2013 by:

- Des Knight – Finance
- Richard Gibson – Strategy and Engagement
- Helen Down - Strategy and Engagement

<b>Name of Organisation:</b>	Gardens Gallery Community Interest Company
<b>Is this a third sector, voluntary or community group?</b>	Yes
<b>Does the organisation have a paying membership?</b>	No
<b>Name /address of property</b>	The Gardens Gallery Montpellier Gardens Cheltenham
<b>Current Rent</b>	£3,500; currently covered by matching grant

<b>Based on their Business Plan, what contribution does this organisation make to the Council's Corporate Strategy and/or Cheltenham's Sustainable Community Strategy?</b>	<b>Which objectives does the Organisation significantly contribute towards?  (Tick and give reasons where appropriate)</b>	<b>Does the business plan show how these activities are sustainable?</b>	<b>% subsidy awarded</b>
Objective 1: Enhancing & protecting our environment (includes investing in environmental quality, investing in travel and transport and promoting sustainable living)	Yes – The Gardens Gallery is making a good contribution to the quality of the environment; in January 2013, the Gallery completed an Energy Reduction Project with the aim of decreasing the building's carbon footprint by reducing the electricity consumption by 50%. In addition, having the Gardens Gallery as tenant in the building has helped create a safer park by providing activities, footfall and overlooking the area within Montpellier Gardens.	Yes, whilst not having significant reserves, the Gardens Gallery has means to generate income from the hire of the gallery space which is charged at the rate of £250/week except in the case of hire by students and charities which have a 50% discount.	20%
Objective 2: Strengthening our economy	Yes – The Gardens Gallery make a contribution to the economic well-being of the town through promoting the value of arts and culture and being a tourist destination in its own right.	as above	20%
Objective 3: Strengthening our communities (includes promoting community safety, promoting housing choice, building healthier communities and supporting older people)	Yes – The Gardens Gallery is required to provide exclusive use of the building to the Borough Council, without charge, for 4 weeks/year. During these weeks the Cheltenham Art Gallery and Museum	as above	20%

	organise children, family, education and learning events in the gallery as part of their Community Outreach programme. In addition the Gallery offers a 50% discount on the hire fee to local charities which hold exhibitions at the gallery in aid of their cause		
Objective 4: Enhancing the provision of arts and culture	Yes – The Gardens Gallery host around 40 exhibitions/year involving between 100-150 artists/year and the shows are currently being visited by 28,000 members of the public/year including 3,000 school aged children.	as above	20%
Objective 5: A focus on children and young people i.e. where One or all of the following outcomes for children and young people are met: -Be healthy -Stay safe -Enjoy & Achieve -Making a positive contribution - Achieving economic well-being	Yes – The Gardens Gallery hosts children’s art workshops which are arranged by Cheltenham Art Gallery and Museum for several of the weeks they use the gallery each year as part of their Community Outreach programme. Arrangements are also made for students at the University of Gloucestershire to have work experience opportunities at the gallery as part of their professional development during the period September – Easter each year.	as above	20%

<b>State Aid avoidance checklist:</b>	
<b>Is the proposed tenant a not for profit organisation?</b>	<b>Yes</b>
<b>Is the use of the building for a community purpose?</b>	<b>Yes</b>
<b>Are the activities carried out by the organisation of local interest only?</b>	<b>Yes</b>

**Recommendation:**

**That Gardens Gallery Community Interest Company, be awarded a 100% rental discount on the Gardens Gallery property in Montpellier Gardens**

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