



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Council

Monday, 16 December 2013

2.30 pm

Council Chamber, Municipal Offices

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

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Minutes of the meeting held on 18 November 2013	(Pages 1 - 22)
4.	COMMUNICATIONS BY THE MAYOR	
5.	COMMUNICATIONS BY THE LEADER OF THE COUNCIL	
6.	PUBLIC QUESTIONS These must be received no later than 12 noon on Tuesday 10 December	
7.	MEMBER QUESTIONS These must be received no later than 12 noon on Tuesday 10 December	
8.	APPOINTMENT TO CHAIR OF OVERVIEW AND SCRUTINY Report of the Cabinet Member Corporate Services	(Pages 23 - 24)
9.	ADOPTION OF A LATE NIGHT LEVY Report of the Cabinet Member Housing and Safety	(Pages 25 - 48)

10.	REVIEW OF POLLING DISTRICTS PLACES AND STATIONS Report of the Electoral Registration Officer	(Pages 49 - 54)
11.	TREASURY MID TERM REPORT 2013/14 Report of the Cabinet Member Finance	(Pages 55 - 66)
12.	<p>NOTICES OF MOTION</p> <p>These must be received no later than 12 noon on Monday 9 December</p> <p>Motion proposed by Councillor Tim Harman and seconded by Councillor Barbara Driver</p> <p><i>“That this Council formally records its thanks and appreciation to the many people in the Town who give of their time on a voluntary basis to help those in need and to support projects that benefit others.</i></p> <p><i>Cheltenham is very fortunate to be enriched by our volunteers many of whom receive no recognition and who add such value to our Community.”</i></p>	
13.	TO RECEIVE PETITIONS	
14.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION	

Contact Officer: Rosalind Reeves, Democratic Services Manager, 01242 774937
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Andrew North
Chief Executive

Council

Monday, 18th November, 2013

6.00 - 9.35 pm

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

Minutes

1. APOLOGIES

Apologies had been received from Councillor Colin Hay.

2. DECLARATIONS OF INTEREST

Councillors Garnham and McKinlay declared a personal interest in that they were representatives on the Cheltenham Development Task Force.

Councillor Driver declared a personal and prejudicial interest in Agenda item 15-exempt minutes as a board member of CBH.

3. RECORDING OF THE MEETING

The Chief Executive explained that Mr Adam Lillywhite had requested that an audio recording be made of the Council meeting and that this request required Council approval. Government guidance was for councils to accede to such requests where possible in the interests of accessibility and accountability. He noted that many councils already webcast or audio record their meetings. He then explained that arrangements were in place to record this meeting and this would be made available.

The Chief Executive then suggested that if Members would like to consider the feasibility of putting such arrangements in place for future meetings, a scrutiny task group could look further into the issue of recording and webcasting meetings. There would have to be some assessment of cost and resources, public availability after the meeting, archiving and storage, implications for the written minutes and constitutional changes.

Members unanimously supported this proposal. The Chair of Overview and Scrutiny agreed that this would be discussed at the O&S meeting on 25 November.

4. MINUTES OF THE LAST MEETING

Councillor Driver wished to record that she would be abstaining from the approval of the minutes as she did not believe they were an accurate reflection of what happened.

Councillor Garnham wished to record his dissatisfaction that the public minute of agenda item 14 did not record the reason why the item was being brought to Council as an exempt urgent item. He clarified that he had requested that this item be brought to Council as a letter had been received from the Cabinet Office to the effect that within 24 hours Cheltenham Borough Council's access to the Public Service Network (PSN) risked being switched off. He understood that the reason why the item was discussed in exempt session was due to the serious threat to CBC's IT systems.

Councillor Smith asked for an update on the PSN situation as the minutes noted that Councillors would be notified by email and no such communication had been received. In response the Chief Executive explained that CBC was still awaiting confirmation of compliance from the Cabinet Office.

The Leader of the Council invited Councillor Garnham to propose an amendment to the minutes. Councillor Garnham proposed the following amendment to the minutes "Councillor Garnham had brought this as an urgent item to Council because of the urgent nature of the content of the letter from the Cabinet Office dated 19 September 2013 in which it was made clear that Cheltenham Borough Council's access to the PSN network could be switched off within 24 hours of the date of the Council meeting."

On being put to the vote the amendment was carried.

RESOLVED THAT (with 4 abstentions)

The minutes (as amended) of the meeting held on 7 October, be approved and signed as a correct record.

5. COMMUNICATIONS BY THE MAYOR

The Mayor thanked everyone, Councillors and the public, who had attended the Remembrance Day service on 10 November.

The Mayor then announced that this week was Interfaith week and urged Members to get involved in related events.

6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader notified Councillors that Councillor Holliday had been appointed to the Overview & Scrutiny Committee.

7. PUBLIC QUESTIONS

1.	Question from Alice Ross to Cabinet Member Built Environment, Councillor Andy McKinlay
	Is it truly best practice, responsible and good value for Cheltenham Borough Council to be prepared to spend Government, County and

	<p>Borough funding on a scheme shown neither properly to pedestrianise Boots Corner in any literal sense nor satisfactorily or convincingly to plan the management of displaced traffic?</p>
	<p>Response from Cabinet Member</p>
	<p>The Council has been working with the county council for a number of years to produce and implement a forward-looking strategy to manage existing and projected issues with traffic in the Cheltenham town centre area.</p> <p>The Cheltenham Transport Plan and associated initiatives being funded from the government's Local Sustainable Transport Fund, have been designed to help address a range of identified issues, including:-</p> <ol style="list-style-type: none"> 1. Long term predicted growth in traffic 2. Existing poor air quality in a number of highway locations; 3. The increasing need for improved town centre access by more sustainable modes of travel, including walking, cycling and public transport; 4. An uplift in the public realm to help Cheltenham to compete with other centres and to support the local economy; 5. Reducing the severance at Boots' Corner; which essentially cuts the High Street in two 6. Encouraging development and regeneration 7. Reducing traffic speeds and improving accessibility and permeability on other routes around the town centre, by reintroducing two-way working on some sections of the current inner ring road. 8. Providing easier more direct access to car parks 9. A Paramics traffic model has been built for Cheltenham by colleagues at Gloucestershire highways, to predict future traffic movements. This is a computer modelling tool endorsed by the Dept for Transport and which has assisted in the development of the proposals – ranging from removal of some traffic lights, re-synchronising of others, amending traffic flows on certain roads and mapping the flows 10. GCC is currently working with 7,000 households in Cheltenham to encourage viable alternatives to the private motor vehicle. Where this has been carried out elsewhere has proven an effective measure in achieving modal shift. <p>In a supplementary question Alice Ross asked whether there was a time limit for taking up the £4 900 000 Department of Transport grant for the transport scheme. If this was not the case she asked whether it would be more sensible to rework the scheme to find a more satisfactory and less flawed outcome. She gave the example of revising the bus network to give a genuine pedestrian area at Boots corner and designing out the adverse consequences of the other changes.</p> <p>In response the Cabinet Member confirmed that there was a time limit of end of March 2015 for using this funding. He took issue with the assumed consequences of the proposals and disagreed that the proposed scheme was flawed.</p>

2.	Question from Les Thurlow to Cabinet Member
	<p>What conclusions did the planners draw about changes to future traffic flow in the immediate areas around Boots Corner and what plans will be implemented to mitigate any adverse impacts on the these areas, and are these plans represented in the recently submitted new GCC area traffic plan.</p>
	Response from Cabinet Member
	<p>Many of the roads in the areas immediately around Boots Corner are predicted to see a reduction in traffic volume, for example Albion Street, Royal Well Road and Clarence Street. Fairview Road and St Margaret's Road immediately to the North of Boots Corner are expected to see an increase in volume. Gloucestershire County Council have advised that an investigation to optimise the operation of traffic signals along this route will take place prior to scheme implementation.</p>
3.	Question from Jayne Lillywhite to Cabinet Member Built Environment, Councillor Andy McKinlay
	<p>AXA Insurance has created a report on accident rankings for schools around the country. Statistics provided by Gloucestershire Highways show that in Cheltenham the top eight schools ranked by accident levels will receive more traffic as a direct result of the closure of Boots Corner. While out canvassing, (Steve Jordan) said that there is a level of risk of accidents acceptable with development such as the current 'transport plan'. Can I ask for the Council to outline what the increase in level of risk is and why the council prepared to accept the increased risk of accident rates for these schools?</p>
	Response from Cabinet Member
	<p>Although the AXA Local Road Safety Index provides a well intentioned indication of accident frequency around schools it is a general tool that is limited in its usefulness.</p> <p>The AXA index records the total number of accidents within a 500 metre radius of a school, not just those associated with school journeys. The index also gives no data concerning time of year, time of day or factors involved in the accident, all of which are important data for road safety officers when analysing accident causality. It is therefore unsurprising that schools close to the town centre will be in areas where there are a higher number of accidents.</p> <p>Any changes to traffic flow does not automatically equate to greater risk as there are many other factors influencing risk; in fact part of the wider work being undertaken by the LSTF team is focussing upon school travel and critically reducing private vehicle use by parents for the school run, itself a major contributor to the morning traffic volumes.</p>
4.	Question from Andrew Riley to Cabinet Member Built Environment, Councillor Andy McKinlay
	<p>I understand St Margaret's Road is being Traffic calmed to one lane to allow easier crossing for pedestrians just as this major source of additional traffic is being redirected onto it and additional traffic is being generated by the large proposed new supermarket. Given the</p>

	<p>failure to implement the recent traffic trial in this area, how will the council prevent Clarence Square, St Paul's road and other vulnerable roads across town, such as Gloucester Place and Sandford street becoming greater rat runs ?</p>
	<p>Response from Cabinet Member</p>
	<p>As part of the North Place development changes to St Margaret's Road south of the development are planned. The intention is to reduce traffic to one lane in each direction in front of the development but not reduce capacity at the junctions either side of the development. The traffic modelling indicates that the closure of Boots Corner will result in an increase in vehicle volume along this corridor. It is the County Councils intention to undertake investigation and works to optimise the operation of traffic signals on this route before any prohibition of driving at Boots Corner would take place, whilst the associated North Place development will aim to improve pedestrian connectivity in this zone currently characterised by vehicles either at stop or accelerating or worse still ignoring the directional traffic bollards.</p>
5.	<p>Question from Jan Walters to Cabinet Member Built Environment</p>
	<p>Cheltenham Local Plan (2006) commits to protect environmentally sensitive areas (Residential) from increased traffic, but the current proposals will ensure the opposite - pushing traffic and pollution into roads intended to provide local access only. How can the council justify moving levels of NO2 pollution from a transient population in the town centre to a static residential population, whilst, at the same time, converting the potential benefits of "Smarter Choices" into traffic queues and damaged neighbourhoods?</p>
	<p>Response from Cabinet Member</p>
	<p>Traffic flows are predicted to grow across the whole town unless a suitable intervention strategy is enacted. The proposal has at its core a long term reduction in traffic movements through a wide range of activities. These include the smarter choices measures to promote walking, cycling and public transport as well as traffic flow adjustments. The traffic modelling prepared by highways colleagues does not suggest increasing pollution levels as the objective is to reduce the stop/accelerate scenario currently prevalent within the existing set-up.</p>
6.	<p>Question from Sheila Cheeseman to Cabinet Member Built Environment,</p>
	<p>If you leave the back of the Beechwood arcade and wish to cross the road, How would you do this, first cross a line of traffic coming from left to right into the car Park, then watch for the Bus lane, Right to left and then Left to right again on the main flow of traffic coming from three sources, Winchcombe strt times 2 and Albion street all now ungoverned by lights and one of which is now greatly increased as it is the main flow of Traffic diverted from Boots corner! Do you consider this to be an improvement in Traffic safety?"</p>
	<p>Response from Cabinet Member</p>
	<p>From the rear entrance of Beechwood the existing pull-in lane will essentially become redundant so there will only be 2 lanes of traffic – the</p>

	<p>first to cross will be travelling from the East (a bus lane) and then there will be a lane of all vehicles traversing from the West. However the model predicts a fall of 33% in the evening peak and even more in the morning peak but this would be before the Beechwood centre opens for trading. I believe that a significant reduction in traffic associated with traffic light removal will generally slow traffic down rather than having the accelerate/stop process prevalent on the stretch currently. On this basis and subject to any final traffic audits by colleagues at GCC I would expect this arrangement to be an improvement in safety terms.</p>
<p>7.</p>	<p>Question from Carl Friessner-Day to Cabinet Member Built Environment</p>
	<p>The modelling for the Cheltenham Transport Plan considers only permitted developments up until 2016, yet traffic figures shared during public consultation extend into 2026, these figures were used to persuade individuals of the limited negative impact of traffic on Cheltenham and residential areas. On the 5th of September during the Joint Core Strategy meeting and responding to fears of greater traffic caused by the development of 30000+ houses, the Council agreed the impacts of the planned housing on Cheltenham infrastructure were not known and further modelling would be done. In addition the model does not consider increased traffic due to large events with economic benefits on over ¼ of the weeks of the year, nor the increased size of Morrison's on a major arterial route. Based on this, would the Council not agree that this undermines the validity of the support gained from a significant proportion of those that voted in favour of the Transport Scheme and that given the meeting of the 5th, any further progress should be halted until accurate modelling 'future proofed' figures can be obtained and shared with the public otherwise any decision is not truly reflective of public opinion based on ROBUST FACT.</p>
	<p>Response from Cabinet Member</p>
	<p>The funding from the Dept for Transport is predicated on modelling that extends 10 years after the Local Sustainable transport Funds have been implemented, hence 2026.</p> <p>Given that the LSTF bid has certain time limits and that the JCS consultation has only just begun it is not practicable to tie the two together. Should the public consultation support the wider JCS proposals then any approvals will require the individual developer concerned to map the impacts through a traffic impact assessment for each site brought forward.</p> <p>The North Place development was assumed in the plan and the specifics have also been modelled within the Paramics framework in order to secure planning consent. Morrisons has only ever been one size – 5792m² gross external floor space (c 61000 sqft of which c 35,000 sq ft will be shop floor.)</p> <p>Given these facts I believe that the consultation presented as much information as was factually known. Changes to circumstances, such as new developments will be required to be modelled in line with standard planning procedures.</p> <p>In a supplementary question Carl Friessner Day noted that the consultation on the JCS would finish shortly and he asked whether the Council would undertake more transport infrastructure modelling of the</p>

	<p>development or whether this would be in the hands of developers. He asked whether the council should be doing everything in its power to make robust decisions based on robust fact.</p> <p>In response the Cabinet Member said that an element of predicting development was conjecture but the robust facts would appear when planning applications had been submitted. At this point any major scheme would go through the planning process including road mitigation and other section 106 issues. This has been taken into account where there are concrete proposals e.g., the North Place development. However, it was too premature to take future developments into account. The plan would however be amended in the light of concrete information coming forward.</p>
8.	Question from John Firth to Cabinet Member Built Environment
	<p>A simple factor analysis of distances, corners, and junctions, looking at the routes people will have to take to cross the town if Boots Corner is closed indicates the doubling of journey times with associated increase in pollution and frustration. There are no new routes provided - just instructions to use narrow residential streets, that are already congested rat runs at rush hours and will become congested arteries all day. I support smarter choices initiative but recognise that it can be implemented without closing Boots Corner. Can the council please identify any routes across Cheltenham that will be shorter after this flawed Transport Plan is implemented and that actually need Boots Corner closed to make it shorter?</p>
	Response from Cabinet Member
	<p>This question supposes that all interventions are based purely upon serving the needs of car drivers, whereas the wider scheme is attempting to balance the needs of car drivers and pedestrians and thus has different responses in different sections of the town, responding to the specific need or focus. E.g. Bath Road proposal primarily safety driven following highway safety concerns; Boots Corner bus and pedestrian focussed; St Margarets Road traffic corridor focus.</p> <p>The closing of Boots corner to general through traffic is not designed to shorten any specific route but improve the attractiveness of the town centre for pedestrians, visitors, shoppers, and traders alike. However other interventions will deliver shortened routes e.g. two way traffic in front of the Town Hall will provide easier, and for many motorists significantly shorter access to the Regent Arcade car park; the largest off street car park in the town.</p> <p>In a supplementary question John Firth asked whether, with the only beneficiaries of this plan being motorists heading into the Regent Arcade, the destruction of the inner town residential neighbourhoods was a justifiable outcome of this plan.</p> <p>In response the Cabinet Member stated that in his view the questioner's assessment was rather bleak. However, the process which had been put in place to analyse the data and identify remedial action should be sufficient for any problems to be addressed should they arise. The idea was not to have an arbitrary scheme but work would be undertaken with residents to find solutions.</p>

9.	Question from Guy Woodcock to Cabinet Member Built Environment
	<p>The consultation leaflet and questionnaire was blatantly misleading in presenting a map of a very small proportion of Cheltenham town centre, <u>specifically excluding all of the affected residential areas</u>, and in so doing and in the absence of further critical information, suggested seemingly benign even reasonable traffic junction changes as being the trade-off for aesthetic improvements to the town centre. In reality therefore, the leaflet was a cynical and dishonest attempt to obfuscate the true implications of the proposals on the residents. The phrasing of the questionnaire moreover was such that if you approved of the Cheltenham Transport Plan <u>but not to the closure of Boots Corner</u>, the only option available on the questionnaire was to vote YES and to insert a written comment. As the findings of the questionnaire were taken on a strictly YES or NO basis, it is entirely wrong of the Council, as they are now doing, to claim that the poll was on the closure of Boots Corner. It was not. Furthermore, only 1400 people completed the questionnaire, of whom two thirds either disapproved or expressed conditions which have not been taken into account. Finally, and critically, adding to the questionnaire results the 1200 petitions of opposition to the Boots Corner transport proposals, which the Council officers have advised the councillors to ignore, the Council clearly has no democratic mandate from Cheltenham residents to implement the traffic junction changes associated with the partial closure of Boots Corner. How do the councillors justify the Council officer's claim of a mandate with these blatant attempts to pervert the course of true democracy, and will they now reconsider the wishes of the petitioning residents.</p>
	Response from Cabinet Member
	<p>The County Council took independent advice over the structure of the consultation document from the Consultation Institute. Exhibitions were undertaken both generally and specifically in areas where residents had expressed concerns. The map used was to highlight the specific physical changes; this would not have been possible on a map of the whole borough.</p> <p>As noted the questionnaire phrasing was subject to independent advice. All comments were treated equally whether a respondent had ticked a yes, yes with reservation or no box. 1496 independently verified responses were received by GCC and two thirds did not disapprove. 44% ticked yes; 28% yes with reservations and 27% no. None of these figures added together equates to two thirds and all comments were considered. Equally many respondents who had reservations did not necessarily make comments solely about the proposed traffic layouts.</p> <p>Unlike the GCC approach the petition was not independently verified, it did not contain 1200 separate signatories and critically like many social media campaigns collected respondents from towns many miles from Cheltenham. The petition began in April whilst GCC did not begin the release of their consultation material until 20th June in readiness for a 1st July start date.</p> <p>What is clear however is that the concerns raised by the petition have also been noted in the report from GCC relating to formal consultation responses, and the petition is subject to a separate debate by CBC.</p>

	<p>In a supplementary question Guy Woodcock questioned the legality of the consultation. In accordance with the Gunning principles the proposal failed as the consultation should have taken place when the proposal was still at a formative stage and not when the decision had already been made, otherwise consultation is unfair if the outcome has been predetermined. The closure of Boots corner had long been decided and when a meeting was held with the MP, residents were informed that it was not up for discussion. In addition, the consultation failed as residents did not have sufficient evidence to make an informed decision. Thirdly, the product of consultation must be conscientiously taken into account. In his view this had unequivocally not been the case in this consultation.</p> <p>In response the Cabinet Member said this was not a referendum but a consultation. This was the fifth consultation with previous consultations undertaken in 2000, 2007, 2008 and 2012. The transport plan had therefore emerged over time and the process had been very robust.</p>
10.	Question from Tony Aburrow to Cabinet Member Built Environment
	<p>If the Council is to meet its obligations to people with disability under the Equality Act, it will need to allow taxis to go through Boots corner during the daytime. This SIGNIFICANTLY undermines the image that the council presented to voters in the consultation - of **a safe, enhanced town centre area and **an attractive public realm space. **. Does the Council think people would have voted in support of the plan if they had realised that both buses AND taxis will be using this space (and so will not be like the Promenade in front of Cavendish House that Jeremy Williamson said it would be), and will the Council return to the residents to vote on this new -- and significant -- change to the Plan?"</p>
	Response from Cabinet Member
	<p>Thanks to the sterling work by Councillor Driver a working group has been established to ensure that concerns from specific groups are considered in any remodelling of Boots Corner, should the wider proposals be implemented. Access for buses was always envisaged and was shown on the images. The issue of hackney carriages and private hire vehicles is still subject to further consideration.</p>
11.	Question from Bob Hughes to Cabinet Member Built Environment
	<p>Cheltenham is renowned for its poor one way system, to the extent that many potential visitors are put off by it. This Plan will make it worse by doubling journey times through the town centre. How has the Council modelled the impact on the numerous events at the racecourse and the conferences at the Centaur, which brings additional traffic to our roads and will further exasperate traffic issues at great cost to, the welfare and safety of its residents, just to persuade a reluctant landlord, the NFU Mutual to sanitise and homogenize the lower higher street which is thriving and a great seedbed for new businesses? That is apart from the shops 'Woodys' which have been evicted for the development to commence. Of course!</p>
	Response from Cabinet Member
	I concur with the remark concerning the one-way system. We have a

	<p>problem that will not resolve itself. Seasonal traffic flows are part of the model but in reality the real solution for avoiding raceday traffic concerns would be to create a 4 way junction at J10 of the M5 which CBC has been, and will continue to advocate with GCC and the Gloucestershire Local Enterprise partnership. The Brewery phase 2 is a major development for Cheltenham and like many investors, the owners perceive the existing Boots Corner situation as severing the town. The interest from the development industry in response to this scheme and other plans demonstrates that changes such as these can promote investment and regeneration for the town. For information I understand that Woody's have not been evicted – they took a short term lease at very preferential rates in full knowledge that a redevelopment was imminent – a calculated risk from astute business people.</p>
<p>12.</p>	<p>Question from Christine Saunders to Cabinet Member Built Environment</p>
	<p>There is too little consideration of impact to residents, on alternate routes, Individual impact of a single journey likely to be more than twice as great as, twice as long and going through narrow residential streets not purpose built one way with very few residents. Consider the noise, pollution, Health and safety impact and loss of amenity these houses. It is inconceivable that this apparent usurping of democracy would not result in legal review which would not be brought by the residents of the hundreds of properties affected, when there is clearly no mandate from the population. Do the council believe that a decision to claim a mandate is necessary or reasonable given that so little effort appears to have been made to explore other means to satisfy the condition for the owners to proceed with the development of the Brewery Phase 2.</p>
	<p>Response from Cabinet Member</p>
	<p>The purpose of the consultation was to garner views from residents and as a consequence identify whether alternatives can assist in addressing the challenges of the existing system and the predicted long term growth in traffic if nothing is done. For this reason the consultation document encouraged individuals to express their views. Any mandate arises from the totality of views from the full consultation exercise, but equally the benefit of consultation is that it allows for views and concerns to be expressed; it was not a simple yes/no referendum. Having received those views CBC and GCC can now consider whether the concerns are valid and if so how to best deal with them. The operators of the Brewery made representation along with many other interested parties including Regent Arcade, Supergroup, Stagecoach, English Heritage, the Civic Society, Chamber of Commerce and Disability Forum – all of which are documented within the report.</p> <p>In a supplementary question Christine Saunders asked whether it would be considered reasonable to keep Boots Corner closed to traffic at night when residents would be trying to sleep and traffic is diverted into the narrow streets past their windows.</p> <p>In response the Cabinet Member said that by having variable traffic regulation changes at various times of the day was a recipe for disaster.</p>

13.	Question from Angela Hodgkinson to Cabinet Member Built Environment
	<p>After the closure of Boots corner and once traffic junction changes take place, there is likely to be an increase in traffic using Rodney Road as the shortest alternative south-north route. The area of the High street into which Rodney Road enters – just beyond “Thomas Cook” corner – is a fairly relaxed and pleasant area. This will now have a constant and steady flow of cars. This both increases town centre traffic AND danger to pedestrians. If the consultation document is to be believed it creates a barrier to pedestrian wishing to visit the Beechwood Arcade and the Strand area. Maybe you agree with Martin Horwood that the High street is too long anyway? This ‘barrier’ also has to be crossed to get from the ‘now to be used’ main parking area for the town, Grosvenor street and terrace, the Beechwood and Sherborne streets .What form of crossing is to be implemented in this area and why is this issue not included in the CTP or made clear in the consultation?</p>
	Response from Cabinet Member
	<p>It is recognised that there is a risk that traffic flows through Rodney Road may increase and this will be monitored as part of the overall traffic management should the scheme proceed. If additional works are required to maintain the priority of pedestrians through the High Street section, then GCC have budgetary allowances for such amendments.</p>
14.	Question from Mike Huysinga to Cabinet Member Built Environment
	<p>I am concerned about what happens to the East end of the High Street. What sort of impression will visitors to the town have when they are directed to the Grosvenor Street Terrace and Beechwood Arcade car parks and then have to cross the major route meandering through town emerging from Rodney Road destroying, what is currently, an enjoyable space. A crossing is not indicated on the consultation map but would be required. If the consultation document is to be believed then the barrier which is being only partially removed from Boots Corner will be dropped across the High Street further up, creating exactly the same problems over again. Do the councillors believe the High Street is too long and what provision is being made for the loss of pedestrian traffic which is being diverted to the lower High Street?</p>
	Response from Cabinet Member
	<p>It is recognised that there is a risk that traffic flows through Rodney Road may increase and this will be monitored as part of the overall traffic management should the scheme proceed. If additional works are required to maintain the priority of pedestrians through the High Street section, then GCC have budgetary allowances for such amendments. The length of the High Street is essentially determined by market forces, and clearly it would be preferential to have a reduced length of vibrant trading High Street as opposed to one that is much longer but peppered with vacant units. The response from commercial investors and operators to both the transport consultation and other developments is that these will be good for the long term economic performance of the town centre.</p>

	<p>In a supplementary question Mike Huysinga said that the answer provided mentioned that High Street success was determined by market forces and that commercial investors and operators were supportive of the consultation. However, residents were aware that one hotel deal had fallen through due to the Council policy on development. He asked what message this gave to lenders and investors in the town.</p> <p>In response the Cabinet Member explained that on the whole this was a positive message in that the Council had recognized the problem and was preparing to address it. Cheltenham was a good place to invest and the council was not sitting on its laurels waiting for things to go wrong.</p>
<p>15.</p>	<p>Question from Geoffrey Bloxsom to Cabinet Member Built Environment</p>
	<p>The economic model used to support the case for closing Boots Corner and developing Brewery 2 is the creation of 450 jobs. This figure is based on vacant retail space and the national average employment level in such space. The economic model does not take into consideration the additional retail spend of £20-30m needed to create 450 'sustainable retail jobs', nor the loss of jobs elsewhere in the town due to the creation of this new site including those already employed in the shops being removed from the lower high street as a result. The research developed by the 'Retail Research Council' which points to a reduction in the high street of 22% by 2018 due to the closing of NATIONAL RETAIL COMPANIES out of the control of local dynamic, and therefore the need to make the high street smaller and less dependent on retail schemes has been adopted by other Councils already in the UK wanting to protect prosperity. Given the flawed economic facts underwriting this scheme and the most up to date research, should the Council not be focusing their attention on what we have rather than what we have not got?</p>
	<p>Response from Cabinet Member</p>
	<p>The independent analysis undertaken by DCResearch in line with Treasury guidance identified the potential for 420 direct jobs as a result of the Brewery phase 2 scheme. The estimate focussed upon the nature of retail and commercial units that could be created in a new build, notably larger floor plates that are difficult to deliver in many existing building structures due to listing and conservation concerns.</p> <p>That study notes that</p> <p>“traffic management and improvements in the public realm would encourage further investment in more isolated town centre areas, adding to pedestrian links and improving the environmental quality.”</p> <p>“LSTF funding and the proposal to limit vehicular access at Boots Corner to improve access for buses, cycling and walking represents an opportunity for these issues of town centre linkages, and issues concerning investment uncertainty in the area around The Brewery to be addressed in Cheltenham.”</p> <p>The interest in the Western part of the High Street by retailers, in anticipation of the Brewery scheme is best demonstrated by recent lease transactions, which would suggest that Cheltenham is bucking the national trend or that it will be more peripheral areas of the High Street that will suffer voids.</p>

	<p>In a supplementary question Geoffrey Bloxsom asked whether the Council believed it was appropriate to disrupt the lives of thousands of citizens and devalue their homes by an ill conceived rerouting of traffic in the town in order for the council to use taxpayers money to subsidise a private company's development designed to salvage their existing underperforming leisure service.</p> <p>In response the Cabinet Member did not accept the premise on which the question was put. It was right to make the town more attractive to everyone- residents, investors and visitors. It was important to recognise that this created change but where the problems arose it was important to address them.</p>
16.	Question from Helen Bailey to Cabinet Member Built Environment
	<p>Given that journeys are likely to be so much longer due to all the diverted traffic, and that cars will now be stationary for longer in residential areas, with increased noise and traffic throughout the night, please explain what consideration and value has been placed on the loss of residential amenity, health, well being, and safety of the adults and children that live in the hundreds of houses affected by this and attend one of the eight schools which are already so high on the Axa insurance traffic risk table?</p>
	Response from Cabinet Member
	<p>It is recognised that two way traffic flows generally provide shorter journeys by creating options. An oft quoted route is for strangers to Cheltenham who finding themselves at the Quadrangle are forced to drive 1,999m through 13 sets of traffic lights to arrive at Rodney Road and access Regent Arcade whereas the direct route from the Quadrangle is 173m to Rodney Road.</p> <p>The traffic modelling focuses upon morning and evening peak journeys as these times have the greatest number of vehicle flows. There is no evidence to suggest that there will be greater traffic movements outside of core times. In fact the model predicts an overall reduction in traffic vehicle numbers.</p> <p>All finalised amendments to the road network will be subject to detailed risk assessments by GCC prior to being implemented.</p> <p>Although the AXA Local Road Safety Index provides a well-intentioned indication of accident frequency around schools it is a general tool that is limited in its usefulness.</p> <p>In a supplementary question Helen Bailey asked whether the assurance given during the consultation process that there would be no loss of parking to those living in residential areas was still valid.</p> <p>In response the Cabinet Member said this could not be confirmed at this time but a formal reply would be provided in writing by the relevant county council officers to the questioner.</p>

8. MEMBER QUESTIONS

None.

9. PETITION RECEIVED ON THE CHELTENHAM TRANSPORT PLAN

Mr Adam Lillywhite was invited to address Council. He explained that he was representing a group of residents who understood the implications of closing Boots Corner. The group questioned the economic drivers as they believed that much of the claimed benefit would be negated by the predictable outcome. In their view, traffic would not simply 'disappear' without major implications for the town, the modelling was negligent and the plan failed to understand or mitigate its own impact. More sensitive economic, environmental and social solutions existed and needed exploring.

Mr Lillywhite explained that factor analysis showed that the four shortest alternate routes on average more than doubled journey length and complexity. This meant that twice as many cars, congestion, pollution and danger to the public, all of which would be moved out of the purpose built one way system to car lined narrow residential streets where the impact would be far greater. The model used did not include the 26% increase in households (outlined in the JCS) or allow for a vast new supermarket generating 1000 plus extra journeys an hour around the town centre at busy times.

Mr Lillywhite believed that the principle stakeholders had not been involved in this plan and early efforts to engage in the process had been rebuffed. The refusal to discuss issues meant that potentially crucial options remained unexplored. He also stated that the pre-determination of this decision was clear from letters, and an early meeting with the local MP and the re-location of traders so that work could commence. This pre-determination had driven the optimistic bias of the consultation which did not identify negative impact, used inadequate maps, and exaggerated the benefit. The leaflet misled respondents and left them unable to make an informed and reasoned judgement as legally required by the Gunnings principle. Given the ambiguity of the response options and interpretation, given that 'Closure' was not mentioned on the entire response form, residents therefore believed that this could not be considered a mandate. Two and half times as many people have explicitly requested that Boot Corner remains open, not closed.

Mr Lillywhite made reference to Protocol 1 of the Human rights act which states, "that a person has the right to the peaceful enjoyment of all their possessions, which includes not only the home but also the surroundings." He believed that this had been totally ignored.

In summing up Mr Lillywhite said that the failure to appropriately weigh the aforementioned risks had led the petitioners to believe that, like the electorate, Councillors have not been made fully aware of the consequences of closing Boots Corner. He believed there were better alternatives such as shared space and timed options which would achieve the desired outcome without the economic, environmental and social costs. He therefore urged the Council to implement smarter choices and seek alternatives to the closure of Boots Corner.

Councillor McKinlay thanked Mr Lillywhite for his petition which he welcomed as this was an important issue and it was right that concerns had been brought to the attention of the Council. He did however take issue with the claim that the Council did not have a mandate. He clarified that this was a consultation not a referendum and the inference from the petitioners was that they had a better

feel for public opinion than the consultation. He acknowledged the considerable work that had been undertaken to collect signatures for the petition which was not an easy exercise. In terms of fact the written petition had received 910 signatures and 217 by email giving a total of 1127. He used this data to match data from the GCC consultation to see how it compared. 813 petitioners were from Cheltenham and he plotted these against the map in Appendix B. There were 226 from the east, 178 from the south (91 of whom resided in St Lukes/College Road), 162 in the West, 41 in the North and 72 in central Cheltenham. 84 signatories were not located. When comparing these figures to GCC there were 293 from the east, 111 from the south, 137 from the west, 58 from the north and 72 from central with 161 not known. This totalled 832. This suggested that those in St Luke's who had signed the petition had not responded to the consultation. If both sets of data were compared the number of respondents were identical and the respondents were the same with the exception of the south. In conclusion therefore there was a high percentage response to the petition and the same people had responded to the consultation. The petition and the consultation were therefore similar although at least a third of the petitioners did not respond to the consultation and say no.

Councillor Garnham proposed two additional recommendations to the resolution. These were seconded by Councillor Smith.

- 1) Irrespective of the outcome of agenda item 10 this council establishes a liaison group with the residents of St Luke's to address present traffic issues and future concerns in relation to the Cheltenham Transport Plan
- 2) That £50 000 of New Homes Bonus be allocated for spending on any mitigation works arising out of the implementation, if it occurs, of the Cheltenham Transport Plan. This money would be in addition to GCC's £100 000.

In proposing the amendment Councillor Garnham acknowledged the valued views of the residents of St Luke's. The petition had raised awareness of the issues. The Council had to ensure it was listening to the views that had been expressed and a working group involving local residents and disabled groups in the town should address many of the fears. He made reference to the £100 000 which had been allocated for mitigation measures which he felt was insufficient bearing in mind the cost of implementation. The amendment proposed that New Homes Bonus money was used for its true purpose, i.e. to mitigate against the effects of extra development and in this case traffic.

In discussing the amendment Members paid tribute to the hard work of residents who had put together the petition. Concern was expressed that residents felt they had been ignored throughout the process. It was therefore high time to talk to residents prior to the implementation of the scheme and the proposed amendment to incorporate the views of residents was welcomed. Some Members recognised the impact the Cheltenham Transport Plan would have on residents in the St Luke's area and that the displacement of traffic in to the St Paul's and other areas in the town was also of concern. It was important that the proposed liaison group could include interested parties from other areas of the town. It was suggested that the hospital be included in the proposed liaison group as major employers with high numbers of patient visitors.

The Leader clarified that the £100 000 already allocated for mitigation measures came from the Local Sustainable Transport Fund. He acknowledged the need to work with residents.

As seconder of the amendment Councillor Smith had hoped that there would be an apology from the Cabinet Member to residents that their concerns had not been listened to. It was now time to rebuild and reengage constructively with residents.

On being put to the vote it was :

RESOLVED THAT

- 1. the concerns of certain sections of the public be noted and that these be considered within the context of the Cheltenham Transport Plan Consultation Report.**
- 2. Irrespective of the outcome of Agenda Item 10 a liaison group with the residents of St Luke's be established to address present traffic issues and future concerns in relation to the Cheltenham Transport Plan**
- 3. £50 000 of New Homes Bonus be allocated for spending on any mitigation works arising out of the implementation, if it occurs, of the Cheltenham Transport Plan. This money would be in addition to the £100 000 from Gloucestershire Council**

Voting : For : 33, Against : 1, Abstentions : 4

10. CHELTENHAM TRANSPORT PLAN-CONSULTATION REPORT

Councillor McKinlay, Cabinet Member Built Environment, introduced the report on the Cheltenham Transport Plan consultation. He told Members that the current one way system had been built around an 18th century townscape and it was never going to work effectively. He reminded Members that the proposals to review the traffic flows in Cheltenham had a long history starting back in 2001 with the Latham Report, public consultation in 2007, followed by consultation on Civic Pride and the traffic management plan in 2008.

The key elements of the plan included two way travel down some current one way systems, redesigning 13 junctions and the removal of 5 sets of traffic lights in addition to the closure of Boots Corner to through traffic. The current traffic management system was a barrier to the town, and the proposals would help increase the attractiveness of the town centre and bolster the town's economy. Traffic volumes would decrease in certain areas and this would assist with air quality. The proposals would also assist the access to town centre car parking, and the improved safety measures would assist in encouraging more cycling and walking.

He drew attention to appendix A of the report which set out the details of the consultation exercise undertaken, and to the wide range of concerns which had been identified by the public, and which were set out on pages 27-48 of the agenda pack. He was pleased with the level of response and that the public had engaged with the process.

The proposals would address a number of long standing existing problems with traffic movements around the town and also address the predicted increase in traffic over the coming years. Tourism and commerce would be boosted by the proposals and it would encourage a more sustainable transport system. He believed it was good for town and the people of Cheltenham and he wished to recommend it to Council.

The Cabinet Member referred Members to the amended resolutions that had been circulated at the start of the meeting and proposed the following recommendations which were seconded by Councillor Jordan.

That Council

- i) Considers the Cheltenham Transport Plan Consultation Report produced on behalf of GCC for CBC, along with the initial suggestions for dealing with the concerns raised; and*
- ii) Confirms its support for the Cheltenham Transport Plan and recommends that Cabinet requests that GCC undertakes the enabling statutory Traffic Regulation Order (TRO) process to facilitate delivery of the Cheltenham Transport Plan*
- iii) Cabinet be recommended, subject to the outcome of the TRO process, to request GCC to either:
 - a) progress the delivery of the Cheltenham Transport Plan, and monitor it for an evaluation period of several months, with a view to identifying any appropriate mitigation measures, using the £100 000 LSTF monies specifically allocated for this purpose; or*
 - b) reconsider the options for delivering or otherwise the Cheltenham Transport Plan in liaison with CBC and the Cheltenham Development Taskforce**

The Mayor then asked Members for any questions on the report before moving into the main debate and Richard Cornell, LSTF Programme Manager, Gloucestershire County Council (GCC) was asked to support the Cabinet lead on any technical issues. The following responses were given:

- The area for the traffic modelling had extended to Gloucester Road in the west, Old Bath Road and Hales Road in the East, Pittville Park to the north, and the A40/Suffolk Road, Thirlestaine Road in the south.
- In response to a question as to what measures would be in place to encourage walking and cycling, and what evidence there was that the traffic problems would be solved for the next 15 years, the Cabinet Member acknowledged that there was no perfect solution. However he said that changes to signage, bus and cycle priority routes plus a package of measures to change behaviours would all improve the current traffic situation and that the programme as it developed would be flexible to ensure that improvements were successful.
- The £150k which was set aside for mitigating actions would be used to create a package of measures, some to be implemented (if practical and appropriate and following consultation) ahead of any changes and some afterwards once the full effects were known. It was acknowledged that

consultation with residents could commence in advance of the scheme to ensure there was resident engagement.

- The concerns of Stagecoach were noted but the impact of buses crossing the pedestrian area had been researched and other towns and cities have such operation without any safety issues. Indeed the current High Street already works on this basis.
- The contribution that community transport makes to the elderly and disabled is valued and discussions are already taking place with such operators regarding dropping off points. Consideration was also being given as to how they could access the area closed to vehicles and reassurance was given to Members that these discussions were ongoing.
- In response to a question as to whether there were alternative proposals and concerns that if the proposed changes were ineffective then over future years further changes would have to be made, it was noted that there were no alternative proposals and that the modelling demonstrated that the proposals would work. The funding from central government runs until March 2015 and would be lost if not taken up.
- The Head of Legal Services confirmed that he had given legal advice on the wording of the recommendations so that they took account of executive functions and decisions. However he said that this did not prevent the Cabinet from liaising with and referring matters to Council prior to them making a decision.
- Clarification was given that the only buses and cycles would be able to go through Boots Corner during the core hours i.e. during the working day and that outside of these core hours, hackney carriages and delivery vehicles would be permitted. It was unlikely that private hire vehicles would be permitted due to practicalities of them being unregistered.
- It was noted that useful meetings had been held with disabled groups to discuss the plans and that in future GCC needed to attend.
- In response as to why the Council had been requested to debate the matter by GCC, and whether this was a sign that they were unhappy with the proposals, confirmation was given that the GCC had been involved in the preparation of the Local Sustainable Transport Funding (LSTF) bid, that they had worked with CBC and the Cheltenham Development Task Force (CDTF) by providing advice and looking at the impacts of the scheme and that they had also worked with the council to develop the final proposals. Under the spirit of localism the decision as to whether to proceed rested with the borough council. The scheme had been initiated by CBC, and GCC were partners within the CDTF and have a statutory role for highways, and it was acknowledged that the scheme was not being imposed by GCC.

As there were no further questions the Mayor moved to the substantive debate.

Several Members made reference to the improvements that two way traffic would make to the town. There was recognition by many Members who spoke that the current one way system was not effective. It was noted that the road was a barrier and often difficult for car users to understand how to access parts of the town.

Concern was expressed about the impact of the proposals on air quality given that in some parts of the town levels were already near to EU limits. A Member reminded that the council had over the last few decades encouraged people to live in the town centre. It now had a thriving town centre population who would now be impacted from noxious fumes given the redistribution of traffic to residential streets. Another Member noted that the proposals should reduce air pollution in some of these known hotspots.

Several Members expressed their concerns about the public consultation exercise and the validity of the results. Others welcomed the participation by the public and the issues that they had raised and felt that overall there was public support. A few Members felt that there had been conflicting messages and they still felt that they and the public did not understand fully what was being proposed. Moving forward there needed to be better communication and engagement. A Member felt that the delay in consultation until after the elections in May, had caused confusion for some residents but could understand GCC's reasons for delaying the consultation. One Member felt that nothing in the plan had changed following the consultation.

Some Members questioned whether the scheme could be introduced on a phased or trial basis to assess the impacts before the scheme was finalised. There were also some comments and concerns about the length of time assigned to evaluating the schemes and implementing the mitigating actions. It was noted that the £150k allocated for mitigation should assist in dealing with any issues which arose and that residents should be engaged at an early stage. It was agreed that there needed to be a clear timescale for reviewing the scheme once implemented and taking remedial and mitigating actions.

The benefits of the scheme were debated, including the improvements to the environment around Boots Corner for pedestrians. It was also recognised that some journeys would be shorter whilst others may take longer, but taking out traffic lights and improving junctions would improve journey times. The proposals also included a package of measures to get residents to change their travelling habits which was recognised by a Member when supporting the scheme.

Although most Members were supportive of the scheme and felt that it had many positive aspects many stated that they had reservations and would want the concerns that they raised to be considered as the scheme was implemented. One Member stated that although they wanted to see the town improve they recognised the deep disquiet from residents and rather than have a scheme predicated on opportunistic funding they wanted to see more due diligence undertaken on the proposals before it was taken forward.

Several Members talked about the once in a generation opportunity and also reminded Members of previous changes to the road system (which at the time had been controversial) but which had improved the town such as removing vehicles from parts of the Promenade and the High Street. It was also noted that the proposals put forward this evening had arisen from an

evolutionary process starting back in 2001. A Member said that it was one of the most important decisions that the Council would take and that they needed to be bold and have the vision to improve the town. Other Members said that the town needed to keep pace with other towns across the country and if nothing was done then the traffic congestion would increase. A Member felt that by looking back to the past one could see the opportunity for the future by returning the town centre back to the elegant avenues of the past.

There was recognition that the removal of the pelican crossing by the bus station may cause difficulties for the elderly and disabled. Many Members held the general view that the project team should think carefully about the impacts on the elderly, disabled and parents with prams when implementing the scheme.

Councillor Lansley indicated that he would be abstaining when it came to the vote due to many of the concerns already raised by Members such as communication, engagement and impacts on the town, and although supportive in principle the scheme should not be introduced at any cost. As Councillor for a ward which would be impacted by the proposals he felt that the Council should take time to reflect on the consultation and consider amending the proposals.

There were some comments about the location of a bus station within the town and also the safety of cycling within the town centre. Some Members also mentioned their concern that unless implemented carefully there may be safety issues for pedestrians if buses were still using the area at Boots Corner.

One Member made reference to the car parking charges and that other towns did not have such high charges.

The validity of the traffic modelling was questioned as it made assumptions about the way in which drivers behave and also only covered the main town centre area. Members were reminded that traffic modelling was only a prediction and had failed in the past and a Member gave an example from their own ward where traffic flows were not as predicted once the new Battledown development was completed.

Many Members made reference to the benefits that the scheme would bring to the economy of Cheltenham, although one Member felt that this was overstated as the dispersed traffic may impact unfavourably on businesses outside of the core town centre. Others spoke of the difficulties that would arise if the council did nothing and the potential for the town to stagnate and not move forward. The town was attractive and the plans would enhance this and make Cheltenham an attractive place to visit, shop and work which benefits the overall economy.

One Member stated that his reservations about the proposals did not mean that he lacked vision or did not care about the town, but was using his own judgement and beliefs to protect the residents from the consequences of a scheme which if implemented would impact on generations to come.

The proposals included enhancements to the physical environment and a Member requested that it was important that whatever was put in place was able to be maintained effectively, for example being able to replace broken paving slabs.

A few Members questioned whether there was any plan B, as they had reservations about the proposals, and also made reference to the need to go further in looking at the opportunity for an outer ring road. They felt that with the increasing traffic and development proposed through the JCS process that the scheme may not be sufficient and they were unsure as to how traffic volumes would disperse around the town.

The Traffic Regulation Order was a GCC responsibility but it was noted that it would come back to Cabinet before finalising. It was felt that there needed to be some engagement with Members.

Councillor Chard proposed an amendment that the TRO should come back formally to Council. This was seconded by Councillor Driver.

There was some concern as to what message this might give to GCC as they were looking for a clear steer from the Council as to their support for the scheme. A member said that GCC's legal responsibilities with regards to TRO's should be recognised and the Head of Legal Services confirmed that GCC had ultimate responsibility for local transport planning and TROs.

Following a ten minute recess the Cabinet Member Built Environment proposed to revise recommendation (iii) to include "subject to consultation with Council" and Councillor Chard who had proposed the original amendment agreed to it being withdrawn.

In summing up the debate Councillor Mckinlay said that many of the concerns raised by Members were similar to those raised in the consultation listed on pages 27-48 which also listed the mitigating actions. He recognised that some Members may not agree with the proposed solutions but he was confident that the matters had been addressed. He was happy to consult with Council colleagues at appropriate stages and also to engage with residents, and explore with them appropriate mitigating actions. He had listened carefully to all of the comments that had been made by those in favour of the scheme and those against. He advised that there is no Plan B and that if Members could not see the advantage of the proposals then they should vote against it, but he believed that it was a 1 in 25 years opportunity to do something and the only chance to address the traffic issues impacting on the town.

RESOLVED THAT

Having considered the "Cheltenham Transport Plan Consultation Report" produced on behalf of GCC for CBC, along with the initial suggestions for dealing with the concerns raised:

- i) the Cheltenham Transport Plan be supported and Cabinet be recommended to request GCC to undertake the enabling statutory**

Traffic Regulation Order (TRO) process to facilitate delivery of the Cheltenham Transport Plan

ii) Cabinet be recommended, after consultation with Council, and subject to the outcome of the TRO process, to request GCC to either:

a) progress the delivery of the Cheltenham Transport Plan, and monitor it for an evaluation period of several months, with a view to identifying any appropriate mitigation measures, using the £100 000 LSTF monies specifically allocated for this purpose; or

b) reconsider the options for delivering or otherwise the Cheltenham Transport Plan in liaison with CBC and the Cheltenham Development Taskforce

Voting : For : 26, Against: 9; Abstentions: 3

11. NOTICES OF MOTION

There were none.

12. TO RECEIVE PETITIONS

There were none.

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

None.

14. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION

15. EXEMPT MINUTES

The exempt minutes of the meeting held on 7 October 2013 were approved and signed as a correct record.

Wendy Flynn
Chair

Cheltenham Borough Council

Council – 16 December 2013

Appointment to Chair of Overview and Scrutiny Committee

Accountable member	Cabinet Member Corporate Services, Councillor Jon Walklett
Accountable officer	Chief Executive, Andrew North
Accountable scrutiny committee	Overview and Scrutiny Committee
Ward(s) affected	All
Significant Decision	No
Executive summary	<p>At Selection Council on 14 May 2012, Council resolved that all nominations for chairs and vice-chairs of committees should be made at that Council meeting rather than separate meetings of those committees immediately following Council which had been done in previous years.</p> <p>Councillor Duncan Smith was duly elected as chair.</p> <p>Councillor Garnham, as leader of the Conservative group, advised the Chief Executive and other group leaders that Councillor Duncan Smith would be standing down as chair of O&S and Councillor Barbara Driver was the Conservative nomination to replace him. This was confirmed by Councillor Smith at the O&S meeting on 25 November when he indicated that the meeting on 9 January would be his last meeting as chair.</p> <p>Members are reminded of rule 4 Appointment of Chairman and Vice-Chairman in Part 4D of the Council’s constitution where rule 4.2 states that “the chairman shall not be a Member of the Political Group which forms the Cabinet”.</p> <p>As these appointments were made by Council it now falls to Council to appoint the new chair. .</p>
Recommendations	<p>Council is asked to RESOLVE that</p> <p style="text-align: center;">Councillor Barbara Driver be appointed as Chair of Overview and Scrutiny Committee following the conclusion of the O&S meeting on 9 January 2014.</p>

Financial implications	<p>No financial implications.</p> <p>Contact officer: Paul Jones, Head of Finance</p> <p>Paul.jones@cheltenham.gov.uk, 01242 775154</p>
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Legal implications	<p>The rules for appointment of committee chairman and vice-chairman are set out in Rule 4 of Part 4D – Overview and Scrutiny rules in the Council’s constitution.</p> <p>Contact officer: sara.freckelton@teWKesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>There are no HR implications associated with this report.</p> <p>Contact officer: Julie McCarthy , Human Resources Manager West Julie.mccarthy@cheltenham.gov.uk, 01242 26 4355</p>
Key risks	<p>None identified</p>
Corporate and community plan Implications	<p>Strengthening our communities</p>
Environmental and climate change implications	<p>There are no sustainability implications arising directly from this report.</p>
Report author	<p>Contact officer: Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937</p>
Appendices	<p>None</p>
Background information	<p>None</p>

Cheltenham Borough Council Council – 16 December 2013 Adoption of Late Night Levy

Accountable member	Councillor Peter Jeffries – Cabinet Member for Housing & Safety
Accountable officer	Grahame Lewis – Executive Director
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>Part 2 of the Police Reform and Social Responsibility Act 2011 introduced a new discretionary power for Licensing Authorities to introduce a late night levy.</p> <p>The levy can be charged to persons who are licensed to sell alcohol between midnight and 6am as a means of raising a contribution towards the costs of policing the late-night economy.</p> <p>On the 21st of May 2013 Cabinet made a proposal to adopt the levy in Cheltenham. Following the proposal, a 12 week consultation was undertaken between June and August.</p> <p>Council is asked to consider the consultation feedback and decide if it wants to adopt the levy, and if so, determine the design of the levy.</p>
Recommendations	<p>Council is recommended to;</p> <ol style="list-style-type: none"> 1. Note and consider the consultation feedback. 2. Pursuant to section 125(2) of the Police Reform and Social Responsibility Act 2011 (“2011 Act”) resolve that the late night levy is to apply in Cheltenham; 3. Pursuant to section 132(1) of the 2011 Act:- <ol style="list-style-type: none"> a) that the 1st of April 2014 be the date on which the late night levy requirement is first to apply; and b) for the first levy year and, subject to section 133 of the 2011 Act, each subsequent levy year; <ol style="list-style-type: none"> i) that the late night supply period be set from 00:01 to 06:00; ii) that the following permitted exemption categories as defined in regulation 4 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 are to apply:- <p style="margin-left: 20px;">(1) regulation 4(i) – premises authorised to supply alcohol for on consumption only between midnight and 6 am on 1 January.</p> iii) that the following permitted exemption category as defined

in regulation 4 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 is not to apply:-

(1) regulation 4(a) – hotels etc. supplying alcohol for on-consumption by resident patrons;

(2) regulation 4(b) – theatres supplying alcohol for on-consumption to ticket holders, performers, guests at private events;

(3) regulation 4(c) – cinemas supplying alcohol for on-consumption to ticket holders, guests at private events;

(4) regulation 4(d) – bingo halls where the playing of non-remote bingo is the primary activity;

(5) regulation 4(e) – registered community amateur sports clubs;

(6) regulation 4(f) – community premises like church halls and village halls, etc. that are subject to the alternative licence condition;

(7) regulation 4(g) – single country village pubs in designated rural settlements which receive rate relief; and

(8) regulation 4(h) – premises liable for the Business Improvement District levy.

iv) that the following permitted reduction category as defined in regulation 5 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 is to apply:-

(1) regulation 5(1)(a) – members of business-led best practice schemes.

v) that the following permitted reduction category as defined in regulation 5 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 is not to apply:-

(1) regulation 5(1)(b) – certain premises authorised to supply alcohol for on-consumption which receive small business rate relief.

vi) that the proportion of the net amount of levy payments that is to be paid to the relevant local policing body under section 131 of the 2011 Act is 70 per cent.

4. That the Deputy Chief Executive, in consultation with the Cabinet Member Housing and Safety, shall have delegated powers to do all things necessary to implement these decisions, including:-

a) power to publish notice of the decisions in accordance with regulation 9(1)(b) of the Late Night Levy (Application and Administration) Regulations 2012;

- b) power to determine whether the holders of any relevant late night authorisations fall within any permitted exemption or reduction categories;
- c) power to determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the 2011 Act;
- d) power to publish annual notices under section 130(5) of the 2011 Act relating to anticipated expenses and the net amount of the levy payments;
- e) power to make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012;
- f) power to determine from time to time when and for what purposes the Council will apply the non-specified proportion of the net amount of the levy payments; and
- g) to enter into an agreement with the Police and Crime Commissioner regarding the use of the net amount of levy payments as a single programme and the establishment of a Late Night Levy Advisory Group to facilitate a single programme.

Financial implications	As detailed in the report. The net levy income retainable by the Council will be ring fenced and used to fund future initiatives that tackle alcohol related crime and disorder within the borough of Cheltenham. Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 26 4125
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<p>Legal implications</p>	<p>On 21 May 2013 Cabinet considered made a proposal to adopt the Late Night Levy. As required by regulation there has been a 12 week consultation period. On 1 October 2013 regulations were brought into force that amended the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to specify that the functions relating to the introduction of the Late Night Levy are not to be the responsibility of a Local Authority's Executive. The decision regarding whether or not the Late Night Levy should be introduced is a matter for Council to determine.</p> <p>The Council is not required under law to adopt the Late Night Levy. Members are required to consider all of the responses that have been received both for and against the introduction of the Late Night Levy.</p> <p>If Council decides to adopt the Late Night Levy it will need to be satisfied, in order to withstand any potential judicial challenge, there is sufficient evidence to justify the introduction of the Late Night Levy.</p> <p>If Council decides to adopt the Late Night Levy consideration will need to be given to the form it should take when it is introduced. There will need to be sufficient evidence to justify the imposition of the Late Night Levy on different types of premises where there is discretion as to whether or not to impose the Late Night Levy on those premises.</p> <p>If Council decides not to adopt the Late Night Levy, where the police have indicated in their view justification for introducing the Late Night Levy, it will need to have sufficient reasons for not introducing the Late Night Levy.</p> <p>The process for considering whether or not to introduce the Late Night Levy is a statutory process which needs to be followed. If the Authority does not follow the correct process this could result in a legal challenge and, if successful, the refund of any levy paid (plus interest) as well as legal costs.</p> <p>Although there is no appeal against the introduction of a Late Night Levy any decision regarding the Late Night Levy could be subject to challenge by way of judicial review. Unless the hearing is expedited, it is likely to take many months before a decision is made.</p> <p>In a number of representations reference is made to the lack of information with regard to the cost of policing the late night economy and reasons for starting the process for considering whether or not to introduce the Late Night Levy. This information was not required at the consultation stage according to section 1.8 of the guidance. The regulations require consultation only on the proposed levy. The consultation process provided the police the opportunity to demonstrate the relevant figures and for any person to provide a response to the question or whether or not the Late Night Levy should be introduced and if it is introduced the form it should take.</p> <p>Contact officer: Sarah Farooqi, sarah.farooqi@teWKesbury.gov.uk, 01684 27 2693</p>
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<p>HR implications (including learning and organisational development)</p>	<p>While there are few direct HR implications for the potential implementation of the late night levy, consideration will need to be given to ensure that any additional workload created by the levy is effectively resourced, especially if there are specific timelines to adhere to (e.g. Additional license change requests prior to implementation.)</p> <p>Staff welfare needs to be considered as there may be adverse feedback to individuals from those being charged the levy especially if they feel it is unfair or inappropriate.</p> <p>Contact officer: Richard Hall, richard.hall@cheltenham.gov.uk, 01594 812634</p>
<p>Key risks</p>	<p>As Identified in Appendix 1</p>
<p>Corporate and community plan Implications</p>	<p>Cheltenham has a strong and sustainable economy</p> <p>Communities feel safe and are safe.</p> <p>Our residents enjoy a strong sense of community and involved in resolving local issues.</p>

1. Background

- 1.1 Cheltenham has a vibrant night-time economy that far exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities making it a destination attracting usually high numbers of visitors some travelling considerable distances to enjoy what the late night economy has to offer.
- 1.1 The town also hosts a number of internationally renowned festivals throughout the year including one of the biggest race festivals in the UK, the 'National Hunt Festival', attracting hundreds of thousands of visitors to the town, at times, many of whom also enjoy the vibrant night time economy.
- 1.2 Although the vast majority of people visiting the town do so safely and responsibly, an active night-time economy nonetheless demands additional resource and cost for the council, police and other partners to deal with associated crime, disorder and other anti-social behaviour.
- 1.3 Part 2 of the Police Reform and Social Responsibility Act 2011 ("2011 Act" hereafter) introduced a new discretionary power for Licensing Authorities to introduce a late night levy ("the levy" hereafter) to apply in their districts.
- 1.4 The new discretionary power, if adopted by the Council, enables the Authority to charge a levy from persons who are licensed to sell alcohol late at night, as a means of raising a contribution towards the costs of policing the late-night economy. It is important to note that the rationale is not to restrict the extent of the late night economy but to ensure a contribution towards the consequential costs.

2. Introduction of the Levy - Statutory Criteria

- 2.1 The Council must consider the desirability of introducing a levy in relation to the matters described in section 125(3) of the Police Reform and Social Responsibility Act 2011. These are the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am.
- 2.2 Prior to making a proposal to adopt the levy, the Authority should discuss the need for a levy with the relevant PCC and the relevant Chief Officer of Police. The Authority has had discussions with the relevant PCC and relevant Chief Officer of Police and both have indicated their support of the introduction of a late night levy.
- 2.3 If the Council resolves to make a proposal to adopt the levy, it must consult on its proposal with residents, the PCC, the Chief Constable and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol during the late night supply period.
- 2.4 Following consultation, if the Council resolves to adopt the levy, it must notify the Chief Officer of Police, the PCC and all licence holders in relation to premises which permit the supply of alcohol within the late night supply period ("relevant late-night authorisations"). Holders of relevant late-night authorisations must be given three months' notice of the implementation date to permit those premises not wishing to pay the levy to apply for a free variation of their licence. The cost of processing free variations will be a deductible expense from the levy receipts.
- 2.5 The levy, if adopted, will apply indefinitely until the Council decides that it will cease to apply. It is recommended that the Council may wish to review the requirements for the levy at appropriate intervals but a decision that the levy should cease to apply can only be made at the end of a levy year.

3. Characteristics of the Levy

- 3.1 Subject to exemptions that may be applied (see paragraph 4), the levy must have effect in the whole borough.
- 3.2 The levy will be payable by the holders of a premises licence or club premises certificate which authorise the sale or supply of alcohol on at least one day during a period (the “late night supply period”) beginning on or after midnight and ending at or before 6am regardless of whether the premises are actually operating during the period.
- 3.3 The late night supply period can be for any length between midnight and 6am but must be the same every day. The Council can decide that it would be appropriate that certain types of premises should not pay the levy and can set the late night supply period to suit the opening times of premises in their local area.
- 3.4 The levy will not apply to Temporary Event Notices (TENs) that authorise the sale of alcohol during the late night supply period.

4. Permitted Exemptions & Reductions

- 4.1 The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 prescribe a number of permitted exemption categories from the levy. These exemption categories are discretionary and the Council can decide which, if any, should apply.
- 4.2 Permitted exemption categories are:

Premises with overnight accommodation: This exemption is not applicable to any premises which serve alcohol to members of the public who are not staying overnight at the premises, such as a hotel bar which can be accessed by the general public.

Theatres and cinemas: Premises in this category must ensure that, during the late night supply period, the sale of alcohol is only made for consumption on the premises to ticket holders, participants in the production or invited guests to a private event at the premises.

Bingo halls: Premises in this category must be licensed and regulated under the Gambling Act 2005.

Community Amateur Sports Clubs: Premises in this category must have relief from business rates (Section 658 of the Corporation Tax Act 2010).

Community premises: Premises in this category must have successfully applied for the removal of the mandatory designated premises supervisor (“DPS”) requirement and demonstrated that they operate responsibly.

Country village pubs: In England, premises in this category must be the sole pub situated within a designated rural settlement with a population of less than 3,000.

New Year’s Eve: Premises which have a relevant late-night authorisation by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year.

Business Improvement Districts (BIDs): Licensing authorities can offer an exemption from the levy for premises which participate in BIDs that operate in the night-time economy and have a satisfactory crime and disorder focus.

- 4.3 Members are to note that not all the above permitted exemption apply to Cheltenham. For the avoidance of doubt, there are currently no Business Improvement Districts in Cheltenham and due to the nature of the borough we do not have any country village pubs. Notwithstanding the aforementioned, Members must also decide whether these exemption categories should be

exempted or not along with the ones that do apply to Cheltenham.

4.4 In addition to permitted exemption categories, the Council may decide to use the levy to promote and support participation by premises in business-led best practice schemes by deciding to apply a 30% reduction for premises that participate in such schemes. The 30% reduction is a flat rate and there are no cumulative discounts applicable, for example, where a premises participates in more than one best practice scheme.

4.5 Qualifying best practice schemes are schemes that have:

- a) a clear rationale as to why the scheme’s objectives and activities will, or are likely to, result in a reduction of alcohol-related crime and disorder,
- b) a requirement for active participation in the scheme by members, and
- c) a mechanism to identify and remove in a timely manner those members who do not participate appropriately.

4.6 The Council has the discretion to determine how best practice schemes can demonstrate that they meet these benchmarks.

4.7 Finally, the Council can also offer a reduction to holders in relation to on-trade premises that are in receipt of Small Business Rate Relief and have a rateable value of £12,000 or less.

5. The Levy Charge and Collection

5.1 The amount of the levy is prescribed nationally and based on the current licence fee system under the Licensing Act 2003, with holders being placed in bands based on their premises rateable value. The annual charges for the levy will be:

Rateable Value Bands (based on the existing fee bands)	A No rateable value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	E £125,001 and above	D x 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	E x 3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

5.2 Put in context, charges range from 82p to £12.16 per day.

5.3 Members are to note that premises will pay the levy when their normal annual fee becomes due during the year. As a result, the full income of the levy payments will not fully be collected until 12 months after the implementation date, i.e. 1st April 2015 if the agreed date is set as 1st April 2014.

5.4 Any payment of the levy which is owed can be recovered as a debt due to the Authority. Non-payment of the levy will result in suspension of a premises licence or suspension of a club premises certificate.

6. Levy Revenue

6.1 Section 131(4) of the 2011 Act stipulates that the Authority must pay at least 70% of the net income of the levy to Police and Crime Commissioner (“PCC” hereafter). The Authority will be able to retain up to 30% of the net levy revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. These activities must have regard to the connection with the supply of alcohol during the late night supply period and related to arrangements for:

- a) the reduction or prevention of crime and disorder;
- b) the promotion of public safety;
- c) the reduction or prevention of public nuisance; and/or
- d) the cleaning of any relevant highway or relevant land in its area.

6.2 Members are to note that whilst the regulations and guidance prescribe what the Authority must spend its portion of the levy on, it does not place similar spending restrictions on PCC other than to say they should "...be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised." However, to give assurance to Members, the PCC has given an undertaking, in his consultation response, that any monies received from the levy will be used to fund initiatives that tackle alcohol related crime and disorder within the borough of Cheltenham.

6.3 The Authority can deduct the costs it incurs in connection with the introduction (or variation), administration, collection and enforcement of the levy, prior to the levy revenue being apportioned. The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 describe relevant expenses as expenses incurred by the Council in connection with:

- a) the preparation and publication of the consultation document, including publishing it online and sending details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol after midnight on any day;
- b) the collection of payments of the late night levy;
- c) the enforcement of the late night levy requirement;
- d) its application of the net amount of levy payments in accordance with section 131(2) of the Act, (the cost of processing applications for a variation in relation to the introduction of the levy);
- e) its publication of a statement in accordance with section 130(5) of the Act.

6.4 The Authority is required to publish on its website an estimate of the costs it will deduct from the levy revenue each year.

7. The Local Picture¹

7.1 Assuming the late night supply period starts at the proposed 00:01, approximately 218 licensed premises would be affected. Not taking into account any exemptions, reductions, licence variations and deductible expenses, the gross income based on the aforementioned will be approximately £199,000.

Fee Band	# of premises	Levy	Gross Revenue
A	11	£299	£3,289
B	120	£768	£92,160
C	41	£1259	£51,619
D	13	£1365	£17,745
E	23	£1493	£34,339
		Total (Gross)	£199,152

7.2 The current proposal is for the late night supply period to start at 00:01. Members can decide to set the late night supply period to start at a later time between midnight and 06:00.

7.3 For the information of Members, 00:01 was deliberate because there are a number of premises where the terminal hour is midnight and if the late night supply period were to start at midnight,

¹ Members are to note that due to the constant changes to licences it is not possible to give exact figures as these are likely to be out of date by the time this report is being published. As a consequence, the figures above are intended to give Members a general indication of the likely gross income. It is not anticipated that there will be a substantial variance in terms of the total gross income however.

those premises would technically be subject to the levy for the one minute between 00:00 to 00:01. It is considered unreasonable to include these premises particularly because they are all likely to apply for a free variation which will place undue costs on the levy because the Authority will be able to recover the costs it incurs administering free applications from the gross income.

- 7.4** It is proposed that premises authorised to supply alcohol for on consumption only between midnight and 6 am on 1 January be exempt from liability to pay the levy. The proposal is based on the fact that:
1. There was significant support for this exemption in the consultation feedback; and
 2. The authority recognises that the majority of premises eligible for this exemption would only be open for the one day in the year.
- 7.5** The net levy income will be reduced by approximately £23,000 if Members approve the reduction for best practice schemes and approximately £16,000 if premises eligible for small business rate relief are also in receipt of the eligible reduction.
- 7.6** The guidance makes it very clear that the Council must take in to account any financial risk, such as lower than expected revenue, prior to making a decision to adopt the levy. If Members were to adopt the levy and set the night supply period to start later than the proposed 00:01, apply the 30% reduction and approve any permitted exemptions, consideration will have to be given to the financial viability of adopting the levy. Whilst there is no threshold of when the reduction in the levy income would become financially unviable, the policy aim of reducing late night crime and disorder might be defeated if there are insufficient funds raised to make a noticeable difference to the management of the late night economy.

8. Cabinet Proposal & Consultation

- 8.1** On the 21st of May 2013 Cabinet made a proposal to adopt the levy in Cheltenham.
- 8.2** The Cabinet proposal is set out below:
- a) To adopt the levy in Cheltenham;
 - b) Set the late night supply period from 00:01 to 6am;
 - c) Not to exempt any premises;
 - d) To apply the 30% reduction to qualifying best practice schemes, in Cheltenham's case Best Bar None and Night Safe;
 - e) Not to apply the 30% reduction to holders in relation to on-trade premises that are in receipt of Small Business Rate Relief and have a rateable value of £12,000 or less;
 - f) To set the proposed implementation date as 1st of April 2014; and
 - g) To use of the net amount of levy payments as a single programme in conjunction with the PCC.
- 8.3** Following the proposal, a 12 week consultation was undertaken between June and August.
- 8.4** Subsequent to the proposal by Cabinet in May, the relevant functions and responsibility regulations were amended to formalise the intention that a decision to adopt the levy must be made by full Council.

Response

- 8.5** In total, 47 responses were received. Attached at **appendix 2** is a list of consultation

respondents.

- 8.6 To facilitate an informed debate and decision making, a breakdown of the feedback received and officer comment is attached at **appendix 3**.

Statutory Criteria

- 8.7 In making a decision whether to adopt the levy, by law the Council must consider:
1. the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am, and
 2. having regard to those costs, the desirability of raising revenue.

Costs of policing and other arrangements

- 8.8 In relation to the costs of policing and other arrangements for the reduction or prevention of crime and disorder, the consultation response submitted by the Chief Constable and PCC outlines these costs.
- 8.9 Their report indicates that the total annual cost to the constabulary for policing the night time economy in Cheltenham is £542,113. This comprises of £128,960 for Mondays, £140,899 for Fridays and £188,872 for Saturdays. These are annual costs not per night.
- 8.10 In addition, the constabulary has also identified twenty "hot spot nights" such as New Year's Eve, Bank Holidays, weekends, Mondays, Exam days etc. which adds another £83,382.00 to the above total.
- 8.11 Finally, the police have also identified that other measures for the reduction or prevention of crime and disorder also include the work of street pastors (£14,500 annually) and the Student 'Superstars Extra' initiative (£4,398 annually).

Desirability of raising revenue

- 8.12 Having regards to the above costs, the Council must consider the desirability of raising revenue.
- 8.13 Whilst it goes without saying that the Council must comply with this requirement, the scope of what it can take into consideration is less clear and nothing in the 2011 Act or the guidance provides clarification.
- 8.14 It would not seem right that "desirability" of the levy is only relevant as a means of defraying those costs because that would mean that the Council could not have regard to the many of the other issues that have been raised in the consultation. It is therefore not considered that the Council is prohibited from considering other issues relevant to a decision to adopt the levy.

9. Policy, Corporate, and Police & Crime Plan Considerations

Licensing Act 2003 Licensing Policy Statement

- 9.1 The Council's Licensing Act 2003 Policy Statement sets out an intention to discharge its licensing responsibilities by linking to and supporting Government and other Council strategies. In addition to specific strategies, the policy also sets out the Council's intention to continue to develop appropriate partnership arrangements in meeting the licensing objectives – these being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Corporate Strategy

- 9.2** The corporate strategy sets out a commitment to ensure that communities feel safe and are safe through, amongst others, the Council working in partnership with the police to reduce incidents of anti-social behaviour and alcohol-related violence and the harm these cause to communities. The adoption of the levy in Cheltenham would promote the Council's commitment to making our communities feel safe and be safe.

Police & Crime Plan

- 9.3** Although the proposal is to apportion the funds 70:30 between the PCC and the Authority, the aim will be to have closely coordinated spend of the funds in order to achieve jointly agreed outcomes. The jointly agreed outcomes will, from the PCC side, take account of the Police and Crime Plan, and the Authority's will make any additions necessary to take account of the Authority's desired outcomes and corporate strategy.
- 9.4** A core principle is that the money should not be used by either the PCC or the Authority simply to replace existing public funding for mainstream services. It is important that the levy is seen to be used in a way which is additive to existing services.

Licensing Act 2003

- 9.5** Under the Licensing Act 2003, the Council is required to promote the licensing objectives when discharging its function under the Act, which have equal importance:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 9.6** The adoption of the levy can assist in the achievement of these policy and objectives by providing additional funds.

10. Late Night Levy Advisory Group

- 10.1** It is proposed that agreement be reached with the PCC regarding the use of the net amount of levy payments as a single programme and the establishment of a Late Night Levy Advisory Group to facilitate a single programme.
- 10.2** It is a fundamental principle that, should the levy be adopted, any funds raised should be spent in Cheltenham. In order to achieve fully coordinated management of the fund, it is proposed that the principle will be to achieve sign off for decisions on funding from the levy income jointly by the PCC and by the relevant Cabinet Member (currently Housing and Safety).
- 10.3** It is further proposed that a Late Night Levy Advisory Group be created that will inform the sign-off process by making recommendations to the PCC and relevant Cabinet Member. Membership of the advisory group would include representatives of the licensed trade and appropriate stakeholders who provide support in handling issues from the night time economy.

11. Outcomes

- 11.1** The policy aim of the levy is to raise a contribution towards the costs of policing the late-night economy. Below are 'indicative' outcomes that could be achieved by the levy if adopted:
- a) Reduce vulnerability caused by excessive consumption of alcohol.
 - b) Raise awareness and support responsibility.
 - c) Develop an approach in partnership with the trade and other stakeholders that recognises

and reduces vulnerability.

- d) Promote greater diversity in the night time economy.
- e) Support a mixed offer that is not solely focused on alcohol.
- f) Encourage a wider number and mix of people coming into Cheltenham’s night time economy.
- g) Support better management of licensed premises and public spaces.
- h) Engender a one team approach to policing the night time economy.
- i) Create a raft of measures that supports safe movement through the night time economy.

12. How will success be measured?

- 12.1 If adopted, a levy will apply indefinitely until the Council decides that it will cease to apply. The guidance suggests that the Council should review the requirements for the levy at appropriate intervals. A decision that the levy should cease to apply can only be made at the end of a levy year.
- 12.2 The intention of the levy is to raise funds to contribute towards the costs of policing the late-night economy. Success will therefore be shown if the net income produced by the levy results in a sum that enables the Council and Police to develop and support initiatives which will improve the late night experience for residents and visitors in Cheltenham.
- 12.3 The Council’s Policy Statement seeks to promote a diverse cultural and entertainment value that attracts people of all ages to Cheltenham. Adoption of a levy will assist in further reducing crime, disorder and anti-social behaviour linked to the late night economy. This will promote confidence in Cheltenham as a safe place to live and visit. This will be measured by crime, anti-social behaviour and confidence statistics.

13. Accountability & Transparency

- 13.1 The Late Night Levy (Application and Administration) Regulations 2012 specify what the Authority must spend its portion of the levy on but the same does not apply for the PCC. There has been some concern by some Members and the trade that the lack of spending requirements on the PCC may result in the monies raised could be spend elsewhere.
- 13.2 Members will however note that the PCC’s response outlines a commitment that any monies raised in Cheltenham will be spent in the borough.
- 13.3 Furthermore, there is a statutory requirement that the Authority publish:
 - At the beginning of each levy year, an estimate of the Authority’s deductions from the gross income of the levy; and
 - At the end of each levy year, a statement showing the total net income from the levy and the actual expenses deducted from the levy.

14. Proposed Timetable For Implementation

26 August 2013	End of Statutory Consultation, Consideration of Outcome of Consultation and Finalisation of Proposals [Further Consultation, if necessary]
December 2013	Report to full Council
January 2014	Notification of Decision
January 2014 – March 2014	Determination of Minor Amendments to Vary Hours
April 2014	Implementation and Start First Levy Year

Report author	Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 77 5004
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. List of Respondents 3. Consultation Responses Breakdown and Officer Comments
Background information	<ol style="list-style-type: none"> 1. Consultation Responses (these are available on the website and a full set is in the Members Room for Councillors) 2. Police Reform and Social Responsibility Act 2011, Part 2, Chapter 3. The Late Night Levy (Application and Administration) Regulations 2012 4. The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 5. The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013 6. Licensing Act 2003 "Amended Guidance on The Late Night Levy", December 2012, Home Office 7. Cheltenham Borough Council's Licensing Act 2003 Licensing Policy Statement, Approved by Council 10th of February 2012 8. Cheltenham Borough Council's Corporate Strategy 9. Cabinet Report and Minutes, 21st of May 2013 10. Consultation Document

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
	There is a financial risk to the Council if the actual levy income is considerably less than the estimated net income.	Licensing & Business Support Team Leader	16/12/13	3	3	9	Accept	- Close budget monitoring. - Ensure levy income is ring fenced. - Ensure the levy spend is properly considered & directed to address identified issues.		Louis Krog	
	There is a risk that there will be an adverse effect on the late night economy in the borough which could have a further effect on employment and other late night economy such as taxis, late night takeaways etc.	Licensing & Business Support Team Leader	16/12/13	2	3	6	Accept			Louis Krog	
	There is a risk that premises affected by the levy may apply to close earlier which could have a further economic impact on the individual businesses and wider economy.	Licensing & Business Support Team Leader	16/12/13	2	3	6	Accept			Louis Krog	
	There is a risk that the imposition of the levy could adversely affect investment in the borough if businesses do not want to pay the additional operating costs.	Licensing & Business Support Team Leader	16/12/13	2	3	6	Accept			Louis Krog	

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Responses were received from:

- Residents of Cheltenham (13)
- Gloucestershire Constabulary and Police & Crime Commissioner (1)
- Individual Cheltenham Borough Council Elected Members (4)
- Cheltenham Borough Council's Licensing Committee
- Trade:
 - Inventive Leisure Services Ltd (Revolution Vodka Bar)
 - J D Wetherspoon
 - Punch Taverns
 - Marston's PLC
 - Whitbread Group PLC
 - Greene King
 - Wadworth
 - Stonegate Pub Company
 - G's Bar
 - Beaumont House Hotel
 - Town & Country Inns PLC
 - The Retreat
 - Cheltenham Bowling Club
 - The Royal Oak Inn
 - Clarence Court Hotel
 - Cheltenham Service Station
 - Cheltenham College
 - Swindon Village Hall
- Trade Representatives:
 - British Hospitality Association
 - The Association of Licensed Multiple Retailers
 - British Beer and Pub Association
- Other (4)
- Parish Council:
 - Swindon Parish Council

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Consultation Responses

Support for the Late Night Levy being introduced in Cheltenham

40% (19) of respondents supported the proposal to adopt the levy whilst 45% (21) opposed it. (15% (7) no answer/did not know)

Of the 40% of respondents who supported the proposal, 16.5% were licence holders, 56% residents, 16.5% Members (including the licensing committee) and 11% were other respondents.

Of the 45% who opposed it, 14% were residents, 5% Members, 10% were other respondents and 71% were trade or trade bodies.

Other Comments:

In addition to the specific questions mentioned above, respondents have also submitted other comments to the Council in relation to its proposal. These are summarised below and Members are encouraged to refer to the actual submissions for more information and context.

1. The levy is too indiscriminate and inflexible because it makes no distinction between good and bad premises thus unfairly affecting well run establishments.
2. The scope of the levy is too narrow only penalising late night premises when lots of other business/premises, not licensed past midnight, also make a significant contribution – particularly the availability of cheap alcohol at supermarkets leading to preloading.
3. Licensed premises already pay high business rates, the income from which should be used to pay for policing the late night economy.
4. The additional financial burden could have an adverse effect on the town because, whilst the bigger national operator can absorb the additional costs, smaller more independent retailers may not which will limit choice, reducing the town's attractiveness as a place to live, visit and invest.
5. The levy will result in a number of premises varying their licence to close at midnight which will result in a high number of people being ejected all at the same time which will require additional policing resources. Another implication would be larger crowds of people queuing to get into premises that have opted to stay open past midnight.
6. Premises, particularly smaller ones, will have to find new ways to get people through the doors to raise additional revenue to pay the levy. This could lead to an increase in drinks promotions to entice more customers.
7. The levy will place additional and unjustified financial burdens on licensed premises.
8. The charging structure and fees are excessive, unreasonable and too inflexible particularly if liability to pay is based on just one night a year (i.e. only open over New Year) or premises who only sell/supply alcohol as an ancillary part of their business.

9. It has also been noted that the charging structure and fees are unfair because it is based on the rateable value not capacity. Therefore, a premises with a much lower capacity, those at the lower end of a rateable value banding, could fall within the same charging bracket as a premises with a much higher capacity at the top end of a rateable value band. Whilst both premises would be charged the same amount, the premises with the lower capacity would not have the benefit of the higher income (despite paying the same) and would impact less on the need to manage the night time economy.
10. Some premises have also said that they do not charge an entry fee whilst others do. The ones that do not are normally smaller premises but by not charging an entry fee they again do not have the benefit of the additional income to cover the additional expense that the levy might place on them. They also report that they do not have the option to introduce an entry charge as most people will prefer to pay to enter elsewhere.
11. A proposal was submitted that the Council should adopt a "sliding scale" of payments that more fairly reflects the trading hours.
12. Late night crime and disorder in Cheltenham has consistently fallen which makes the imposition of the levy unjustified. There are sufficient powers available to the Council and Police to deal with the "residual" crime and disorder.
13. Mr Gary Patterson from G's Bar has submitted, as part of his response, a petition signed by 990 people.
14. General feeling that there is too much late night drinking in the town that requires policing and concern that the drinking culture in Cheltenham is adversely affecting the reputation and character of the town.
15. A lot of resources are required to manage the night time economy and the businesses who contribute to the need to police it should contribute. Policing of the night time economy should not be paid for by the tax payer.
16. Concern and perception that some areas of the town have become no go areas.

Officer Comments

1. Members will note that there has not been an overwhelming response either in favour or against the adoption of the levy.
2. In relation particularly to the licensed trade, of the 210 licence holders who will be affected if the levy were to be adopted, only 36 licence holders, representing 17% of the affected licensed trade, responded. Members are to note that of the aforementioned trade responses, 3 did not oppose the adoption of the levy in principle including Mr Patterson from G's Bar who submitted the petition.
3. National trade associations were predominantly opposed to the adoption of the levy in Cheltenham.
4. If the Council were to adopt the levy, it must apply to the entire Borough and to all premises with a relevant late night authorisation. There is no discretion to apply it to certain location(s) of the borough or to certain types of premises.

5. The levy fees and charging structure is prescribed in regulations and is something that the Council has no discretion over. The relevance of a proposal to adopt a sliding scale is therefore limited only to a decision of whether the charging structure of the proposed levy is fair or not and therefore whether the levy is fair or not. The proposal would not be relevant if Members decide to adopt the levy because it cannot change the way it must be charged.
6. Prior to the consultation, there was no indication of how many premises would apply for a free variation of their licence and even after the consultation only a few premises have indicated that they are likely to do so. It is not possible at this stage to determine a definitive number of how many premises will apply to vary their licence. It is anticipated that the majority of premises who may apply to vary their licences are those currently licensed between midnight and 1am. However, it is not expected that every premises, or even a significant amount, currently licensed between midnight and 1am will apply to change their licence.
7. A number of respondents stated that since they already pay high business rates, this should pay for policing. Members are to note that business rates collected by the Council do not contribute towards to policing and therefore comments relating to business rates are irrelevant in reference to the levy.
8. Members will note from the response submitted by Gloucestershire Constabulary and the PCC that violent crime has fallen. However, it is also worth noting that this fall is attributable to good partnership work between the Council, Police, trade and other voluntary schemes and organisations such as street pastors, University of Gloucestershire, taxi marshalls etc. The reality is this work requires funding. For example, Members will note also from the police response, that whilst street pastors are entirely voluntary, the scheme still requires funding to operate. The reality is without additional funding these schemes could very well cease to operate as funding runs out which in itself will have an adverse affect on the town and its ability to effectively manage its night time economy.

Date from which the late night levy requirement is first to apply

38% (13) of respondents agree with the proposed implementation date of 1 April 2014. 30% (14) did not and 32% (20) did not indicate a view either way.

Officer Comments

1. Members are to note that those who disagreed with the proposed implementation date mainly did so not because they disagreed with the date per se but because they objected to the levy as a whole and therefore also any proposed implementation date.
2. A number of respondents indicated that a date sooner than 1st of April 2014 should be set. Members are to note that due to a statutory process that must be followed it will not be possible, or indeed lawful, to set a date sooner than 1st of April 2014.
3. For information, the 1st of April 2014 was chosen to coincide with the financial year and allowed sufficient time to comply with the prescribed statutory lead time.

Late night supply period

30% (14) of respondents supported the proposal that the late night supply period should be 00:01 to 06:00. 43% (20) disagreed and 27% (13) did not answer or did not know.

Officer Comments

4. Members are to note that whilst more than 50% of respondents disagreed with the proposed late night supply period, it is mostly attributable to the fact that they objected to the levy as a whole and therefore also to the proposed late night supply period.
5. 9 respondents proposed that the late night supply period should start at 1am or later. If Members are minded to set the late night supply period at a later time, Members should be mindful of the financial implications set out in paragraph 7.6 of the report.
6. Members are to note that the Police have indicated in their consultation response that alcohol related incidents have increased between 00:00 and 05:00 hours with the peak time being between 0300 and 0400 hrs. The data indicates that over the past 12 months the numbers of incidents have risen from 653 to 686 between 00:01 and 06:00 hours. They therefore support the proposed late night supply period.

Exemptions

28% (13) of respondents agreed with the Council's proposal not to exempt any premises whilst 47% (22) said some exemptions should be applied. The remaining 25% (12) did not indicate either way.

Officer Comments

1. The permitted exemption categories are outlined in paragraph 4.2 of the report. Members are to note that not all the permitted exemption categories will apply to Cheltenham. Nonetheless Members must also decide whether these exemption categories should be exempted or not along with the ones that do apply to Cheltenham.
2. The PCC and Chief Constable have taken the view that no premises should be exempted from paying the levy because it would maximise the revenue and keep the scheme as simple as possible to administer.
3. There was significant support for premises with overnight accommodation (40%) and premises open for New Year's Eve (42%) to be exempted from paying the levy.
4. Clearly any decision to exempt certain premises, and not others, should be based on sound rationale. When giving consideration as to whether and which premises the Council may wish to exempt, the guidance states the following:

"Licensing authorities may consider that there are some types of premises in relation to which the holder should not make a contribution towards the cost of policing the night-time economy through the levy. This is a local decision – the licensing authority should make its decision based on its knowledge of the night-time economy in the area, including information gathered through the consultation process." (para 1.23)

“Licensing authorities are not able to choose a category of premises for an exemption from the levy, if it is not prescribed in regulations. Likewise, licensing authorities are not able to exempt specific premises from the requirement to pay the levy.” (para 1.24)

5. For the avoidance of doubt, community premises only qualify where they have successfully applied for the removal of the mandatory designated premises supervisor (DPS). Only community premises that can satisfy the Council and Police that they operate responsibly are granted the DPS exemption.

Reductions

Qualifying Best Practice Schemes

55% (26) of respondents agreed that qualifying best practice schemes should be eligible to receive a reduction. Only 15% (7) disagreed and 30% (14) did not indicate either way.

Officer Comments

1. Paragraph 4.4 of the report sets out the requirements for qualifying best practice schemes. There are currently two best practice schemes that would qualify for the permitted reduction, these being Night Safe and Best Bar None.
2. Members should be mindful of the financial implications set out in paragraph 7.6 of the report.

Small Business Rate Relief (SBRR)

38% (18) of respondents said premises in receipt of SBRR should also be eligible to a reduction whilst 26% (12) said they should not. 36% (16) did not indicate either way.

Officer Comments

1. Members are to note that 22 premises that are eligible for SBRR will be affected by the adoption of the levy. Four of these premises are also members of a qualifying best practice scheme and will therefore already be eligible for the reduction.
2. The Council is eager to encourage premises to actively participate in schemes that actively work to reduce crime and disorder in the late night economy therefore applying the reduction to best practice schemes and not SBRR will encourage take up.

Levy Portion

There was overwhelming support (57%) for the development of a single programme delivered in partnership between the Council and the PCC instead of seeing the levy revenue split between two separate programmes. 13% opposed such a proposal and 30% did not indicate either way.

There was no overwhelming view in terms of the proposed revenue split. 28% of respondents agreed that a 70:30 (Police:Council) revenue split is appropriate with

only 15% of respondents saying the PCC should receive more as opposed to 57% saying he should not.

**Cheltenham Borough Council
Council – 16 December, 2013**

Review of Polling Districts, Places and Stations in Charlton Park Ward

Report of the Electoral Registration Officer (ERO)

Accountable member	Cabinet Member for Corporate Services, Councillor Jon Walklett
Accountable officer	Chief Executive, Andrew North
Ward(s) affected	Charlton Park
Key Decision	No
Executive summary	<p>The council has a duty to ensure that all electors have such reasonable facilities for voting as are practicable and to ensure that the polling stations are accessible to all electors including those with special needs.</p> <p>A consultation exercise has been completed for Charlton Park Ward and consideration has been given to the views put forward.</p>
Recommendations	<p>That all electors in the current polling district EA continue to vote at Sacred Hearts Parish Hall, Moorend Road. These arrangements will be considered further as part of the full review of polling districts, polling places and polling stations to be carried out during summer 2014 and any changes that are agreed will be implemented before the Parliamentary election in May 2015.</p>

Financial implications	<p>There are no financial implications.</p> <p>Contact officer: Des Knight, des.knight@cheltenham.gov.uk, 01242 264124</p>
Legal implications	<p>This review has been carried out in accordance with the Representation of the People Act 1983 and the Electoral Commission Guidance. A compulsory review of polling districts, polling places and polling stations will be carried out in 2014 as required by the Electoral Registration and Administration Act 2013.</p> <p>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>There are no HR implications.</p> <p>Contact officer: Richard Hall, Richard.hall@cheltenham.gcsx.gov.uk, 01594 812462</p>

<p>Key risks</p>	<p>There is a risk that some electors living in the far north of polling district EA may be unhappy that the polling place and polling station has not changed.</p>
<p>Corporate and community plan Implications</p>	<p>There are no community and corporate plan implications</p>
<p>Environmental and climate change implications</p>	
<p>Property/Asset Implications</p>	<p>Contact officer: David Roberts@cheltenham.gov.uk</p>

1. Background

- 1.1 Following a request from Councillor Klara Sudbury an interim review was undertaken to ensure that all electors in the Charlton Park Ward have reasonable facilities for voting as are practicable and to ensure that the polling stations are accessible to all electors, including those with special needs. Councillor Sudbury suggested that the electors in polling district EA be moved from voting at Sacred Hearts Parish Hall, Moorend Road to voting at the Church of Jesus Christ of Latter-day Saints in Thirlestaine Road.
- 1.2 A full review of all polling districts, places and stations within the Borough will be undertaken during the summer in 2014.

2. Responses from interested parties

- 2.1 Following the closing date for the review, as well as the Acting Returning Officer's formal comments, correspondence was received from two other sources.
- 2.2 The first correspondence was from an elector in polling district EA who strongly objected to the proposed change and requested that the current arrangements are maintained.
- 2.3 The second correspondence was from an elector in polling district EA who thought the proposal to designate a new polling district sound, but was concerned that the proposal to vote at Church of Jesus Christ Latter-day Saints in Thirlestaine Road was not. The elector suggested that the new proposed polling district of EA vote at a portakabin in the car park at Sandford Park Lido (see paragraph 6 below).

3. Response from the Acting Returning Officer (ARO)

- 3.1 **Polling District EA** – Sacred Hearts Parish Hall, Moorend Road has been used as a fully accessible polling station for a number of years. Although I have not received complaints from electors, concerns have been raised by Councillor Sudbury regarding the distance electors living to the north of the ward have to travel to cast their vote.
- 3.2 The Church of Jesus Christ of Latter-day Saints, Thirlestaine Road for the electors living to the north of the ward is more than adequate to house a polling station. It has very good disabled access and the church also has its own parking. This would require the polling district to be split.
- 3.3 Those electors living in the roads listed below would continue to vote at Sacred Hearts Parish Hall, Moorend:-
 - Charlton Gardens
 - Charlton Lane
 - Cirencester Road
 - Evelyn Close
 - Greatfield Drive
 - Greenhills Close
 - Moorend Road
 - Sandy Lane
 - The Avenue

A new polling district for these electors would be created.

4. Reasons for recommendations

- 4.1 Having considered the correspondence, there seems to be no strong support for the proposed change.
- 4.2 There are a number of bus routes that would enable electors to the north of the polling district to travel to Sacred Hearts polling station.
- 4.3 The facility to vote by post exists for those who have difficulty accessing the polling station.
- 4.4 There is a large car park at Sacred Hearts Parish Hall.
- 4.5 The Elections Office has no record of any complaints from electors in this polling district with regard to the location of the current polling station. Electors in the far north of the existing polling district EA have been voting at Sacred Hearts Parish Hall since 2002.
- 4.6 The percentage turnout for EA in 2011 and 2013 was higher than the average turnout for Cheltenham (figures in brackets). The percentage turnout at the polling station for current polling district EA at the 2011 Referendum was 44% (41%), at the 2012 Borough Council elections was 30% (31%) and at the 2013 County Council elections was 34% (31%).
- 4.7 A full review of all polling districts, polling places, and polling stations will be undertaken during the summer of 2014.

5. Alternative options considered

- 5.1 The siting of a portakabin in the car park of Sandford Park Lido was investigated and the following costs would be incurred.

To site a portakabin	£65.00
Hire of portakabin	£360.00
Installation of ramp	£117.50
Delivery and Collection of portakabin	£240.00
Connection to and disconnection from power supply	£146.50
Poll Clerk	£150.00
Total	£1079.00

- 5.2 This would be a second portakabin sited in the car park, reducing the number of available car parking spaces. The car park is pay and display, it is also used by people visiting / attending the hospital.
- 5.3 A further review of the polling district would be required.

6. Consultation and feedback

- 6.1 A consultation exercise was carried out and proposals and comments on the review were requested. Views were requested from the following:
 - MP for Cheltenham
 - Borough Councillors for Charlton Park Ward

- County Councillor for Charlton Park Ward
- Party Election Agents
- Charlton Kings Parish Council
- Cheltenham and District Carers and Families

7. Performance management – monitoring and review

7.1 The Electoral team always undertake an informal review of polling stations after each election to identify any issues which may arise from time to time.

Report author	Contact officer: Kim Smith, kim.smith@cheltenham.gov.uk, 01242 774948
Appendices	1. Risk Assessment

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 polling station changes, elector unsure of location of polling station	Director of Commissioning	27 November	1	1	2	A	Poll Card with note highlighting Polling Station location may have changed. Helpline and contact details on poll card	Next election	Electoral Registration Manager	Divisional risk register
	If the polling station changes electors who have always voted at Sacred Hearts Parish Hall may be unhappy with change	Director of Commissioning	27 November	1	1	2	A	All comments will be considered when full review is undertaken during Summer 2014.	December 2014	Electoral Registration Manager	Divisional risk register
	Electors in the far north of polling district EA may be unhappy that their polling station has not changed	Director of Commissioning	27 November	1	1	2	A	All comments will be considered when full review is undertaken during Summer 2014. Continue to seek more convenient location for polling place	December 2014	Electoral Registration Manager	Divisional risk register

**Cheltenham Borough Council
Cabinet – 10 December 2013
Council – 16 December 2013
Treasury Mid-Term Report 2013/14**

Accountable member	Finance & Community Development , John Rawson
Accountable officer	Director Resources , Mark Sheldon
Accountable scrutiny committee	Overview and Scrutiny
Ward(s) affected	None
Key Decision	Yes
Executive summary	The Treasury Management Strategy for 2013/14 has been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009 (revised 2011), which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year. The Code also recommends that members are informed of Treasury Management activities at least twice a year. This report therefore ensures this authority has adopted the code and complies with its requirements.
Consultation	The Treasury Management Panel considered this report on 27th November 2013.
Recommendations	Council approve the following recommendation : 1. Note the contents of the summary report of the treasury management activity during the first six months of 2013/14.

Financial implications	All financial implications are detailed throughout the report Contact officer: Andrew Sherbourne, andrew.sherbourne@cheltenham.gov.uk, 01242 264337
Legal implications	None specific arising from the report recommendations. Contact officer: Peter Lewis, peter.lewis@teWKesbury.gov.uk, 01242 264216
HR implications (including learning and organisational development)	No direct HR implications arising from this report Contact officer: Julie McCarthy, Julie.McCarthy@cheltenham.gov.uk. 01242 264355
Key risks	see appendix 2

Corporate and community plan Implications	None
Environmental and climate change implications	None

1. Background

1.1 The Treasury Management Strategy for 2013/14 has been developed by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009 (revised 2011), which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year. The Code also recommends that members are informed of Treasury Management activities at least twice a year. This report therefore ensures this authority has adopted the code and complies with its requirements, one of which is the provision of a Mid-year report to Members.

2. Economic update for the first six months

2.1 The following key points have been provided by the councils Treasury Advisors, Capita Asset Services.

2.2 During 2013/14 economic indicators suggested that the economy is recovering, albeit from a low level. After avoiding recession in the first quarter of 2013, with a 0.3% quarterly expansion the economy grew 0.7% in Q2. There have been signs of renewed vigour in household spending in the summer, with a further pick-up in retail sales, mortgages, house prices and new car registrations.

2.3 The strengthening in economic growth appears to have supported the labour market, with employment rising at a modest pace and strong enough to reduce the level of unemployment further. Pay growth also rebounded strongly in April, though this was mostly driven by high earners delaying bonuses until after April's cut in the top rate of income tax. Excluding bonuses, earnings rose by just 1.0% y/y, well below the rate of inflation at 2.7% in August, causing continuing pressure on household's disposable income.

2.4 The Bank of England extended its Funding for Lending Scheme (FLS) into 2015 and sharpened the incentives for banks to extend more business funding, particularly to small and medium size enterprises. To date, the mortgage market still appears to have been the biggest beneficiary from the scheme, with mortgage interest rates falling further to new lows. Together with the Government's Help to Buy scheme, which provides equity loans to credit-constrained borrowers, this is helping to boost demand in the housing market. Mortgage approvals by high street banks have risen as have house prices, although they are still well down from the boom years pre 2008.

2.5 Turning to the fiscal situation, the public borrowing figures continued to be distorted by a number of one-off factors. On an underlying basis, borrowing in Q2 started to come down, but only slowly, as Government expenditure cuts took effect and economic growth started to show through in a small increase in tax receipts. The 2013 Spending Review, covering only 2015/16, made no changes to the headline Government spending plan, and monetary policy was unchanged in advance of the new Bank of England Governor, Mark Carney, arriving. Bank Rate remained at 0.5% and quantitative easing also stayed at £375bn. In August, the MPC provided forward guidance that Bank Rate is unlikely to change until unemployment first falls to 7%, which was not

expected until mid 2016. However, 7% is only a point at which the MPC will review Bank Rate, not necessarily take action to change it. The three month to July average rate was 7.7%. CPI inflation (MPC target of 2.0%), fell marginally from a peak of 2.9% in June to 2.7% in August. The Bank of England expects inflation to fall back to 2.0% in 2015.

3. Portfolio position 1/4/2013 to 30/9/2013

Movements in the Council's borrowing during the first six months of 2013/14 financial year can be seen in the table below. Long term loans are deemed to be those repayable over a period of more than one year.

Source of Loan	Balance at 1 April 2013 £	Raised during Apr-Sept £	Repaid during Apr-Sept £	Balance at 30 Sept 2013 £
Temporary Borrowing				
- Local Authorities	2,000,000	4,100,000	6,100,000	0
Temporary Investment	20,000	0	0	20,000
Total Short Term Borrowing	2,020,000	4,100,000	6,100,000	20,000
Long Term Borrowing				
- Public Works Loan Board	40,778,000	1,200,000	82,140	41,895,860
- Market Loans	15,900,000	0	0	15,900,000
Long Term Borrowing	56,678,000	1,200,000	82,140	57,795,860
Total External Borrowing	58,698,000	5,300,000	6,182,140	57,815,860

3.1 In February 2013 the Council's borrowing costs for 2013/14 was set to be £2,019,300. This is now forecast to come under by approximately £6,000 against budget. Average temporary borrowing of £430k at an average interest rate of 0.29% has occurred between 1st April and 30th September 2013 to meet temporary cash flow shortfalls against a forecasted rate of 0.32% on an average temporary borrowing balance of £1.3m. Of the £57.8m borrowing outstanding as at 30th September 2013, the HRA share of this is £44.7m, leaving the General Fund with £13.1m.

3.2 The PWLB remains an attractive source of borrowing for the Council as it offers flexibility and control. Due to downward moves in gilt yields in the first quarter, this resulted in PWLB rates falling across all maturities. In May 2013 a loan of £1.2m was taken out with the PWLB for ten years at a rate of 1.80% on behalf of Gloucestershire Airport Ltd. The loan is cost neutral for the Council as the Airport are repaying the Council in line with the repayment schedule.

4. Investments

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

Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy for 2012/13 approved by Council on the 8th February 2013. This restricted new investments to the following

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

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

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

4.1 It is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the 0.50% Bank Rate. Indeed, the introduction of the Funding for Lending scheme has reduced market investment rates even further. The potential for a prolonging of the Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk and short term strategy. As agreed as part of the 2013/14 Treasury Management Strategy investments were only to be made to UK based banks/building society which met the lending criteria set, and up to a maximum period of one year. Treasury officers have kept to this strategy for the period reported on. Given this risk environment, investment returns are likely to remain low.

4.2 Investments - Movements in the Council's investment portfolio during the first six months of 2013/14 can be seen in the table below.

Source of Loan	Balance at 1 April 2013 £	Raised during Apr-Sept £	Repaid during Apr-Sept £	Balance at 30 Sept 2013 £
Short term Lending				

Bank – Term Deposit	0	5,000,000	4,000,000	1,000,000
Bank of Scotland Call A/C	3,830,000	48,801,000	50,711,000	1,920,000
Santander Uk Call A/C	0	17,930,000	15,180,000	2,750,000
Glos Airport Ltd	350,000	0	35,000	315,000
Total Short Term Lending	4,180,000	71,731,000	69,926,000	5,985,000
Icelandic Banks in administration	Balance at 1 April 2013 £	Raised during Apr-Sept £	Repaid during the year £	Balance at 30 Sept 2013 £
- Kaupthing Singer & Friedlander	720,000	0	90,000	630,000
- Glitnir	572,400	0	0	572,400
- Landsbanki	2,550,000	0	126,480	2,423,520
Total Icelandic Banks	3,842,400	0	216,480	3,625,920
Total External Investments	8,022,400	71,731,000	70,142,480	9,610,920

- 4.3** In February 2013 the Council's Investment income for 2013/14 was budgeted to be £24,400. The average cash balances representing the council's reserves and working balances, was £7.5m during the period this report covers. The Council anticipates an investment outturn of £37,600 at a rate of 0.64% for the whole year. Security of capital has remained the Council's main investment objective. This has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2013/14.
- 4.4** Included within the investments of £9.61m as at 30th September 2013, the Council has £3.626m deposited in the collapsed Icelandic banks.
- 4.5** Glitnir's Winding – up - Board made a distribution to priority creditors back in March 2012, which amounted to 78p in the pound. The remaining balance is held in an escrow account in Iceland. The Central Bank of Iceland is controlling the movement of Icelandic Krona's, so the Council has been unable to gain access to these funds. The Council is working with the Local Government Association (LGA) and Bevan Brittan (appointed solicitors) to recover the remaining amount. 100% is expected to be recovered
- 4.6** Landsbanki Winding – up - Board made a fourth distribution over the 12th & 13th of September 2013 which takes the repayments made to just under 55p in the pound. Further distributions are expected in the near future. 100% is expected to be recovered.

- 4.7 Kaupthing Singer & Friedlander administrators have made distributions of 79p in the pound to date. Administrators currently estimate a total return of 85p-86.5p in the pound.

5. Prudential Indicators

- 5.1 During the financial year to date the Council has operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Policy Statement and Annual Treasury Strategy Statement. Appendix 1 attached highlights the major indicators.

6. Outlook

- 6.1 Economic forecasting remains difficult with so many external influences weighing on the UK. Volatility in bond yields is likely during 2013/14 as investor fears and confidence ebb and flow between favouring more risky assets i.e. equities and safer bonds. The overall balance of risks to economic recovery in the UK is now weighted to the upside after five months of robust good news on the economy. However, only time will tell just how long this period of strong economic growth will last, and it remains exposed to vulnerabilities in a number of key areas.
- 6.2 Expectations for the first change in Bank Rate in the UK are now dependent on how to forecast when unemployment is likely to fall to 7%. Financial markets have taken a very contrary view to the MPC and have aggressively raised short term interest rates and gilt yields due to their view that the strength of economic recovery is now so rapid that unemployment will fall much faster than the Bank of England forecasts. They therefore expect the first increase in Bank Rate to be in quarter 4 of 2014. There is much leeway to disagree with this view as the economic downturn since 2008 was remarkable for the way in which unemployment did not rise to anywhere near the extent likely, unlike in previous recessions. This meant that labour was retained, productivity fell and now, as the MPC expects, there is major potential for unemployment to fall only slowly as existing labour levels are worked more intensively and productivity rises back up again. The size of the work force is also expected to increase relatively rapidly and there are many currently self employed or part time employed workers who are seeking full time employment. Capita Asset Services take the view that the unemployment rate is not likely to come down as quickly as the financial markets are currently expecting and that the MPC view is more realistic. The prospects for any increase in Bank Rate before 2016 are therefore seen as being limited. However, some forecasters are forecasting that even the Bank of England forecast is too optimistic as to when the 7% level will be reached and so do not expect the first increase in Bank Rate until spring 2017.

	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17
Bank rate	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%
5yr PWLB rate	2.50%	2.50%	2.50%	2.60%	2.70%	2.70%	2.80%	2.80%	2.90%	3.00%	3.20%	3.30%	3.50%	3.60%	3.70%
10yr PWLB rate	3.70%	3.70%	3.70%	3.70%	3.80%	3.80%	3.90%	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.60%
25yr PWLB rate	4.40%	4.40%	4.40%	4.40%	4.50%	4.50%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.10%	5.10%	5.20%
50yr PWLB rate	4.50%	4.40%	4.40%	4.40%	4.50%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.20%	5.20%	5.20%	5.30%

7. Performance management

- 7.1 In compliance with the requirements of the Treasury Management CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during the first six months of 2013/14. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and

liquidity over yield.

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Appendices	Prudential Indicators Appendix 1 Risk Appendix 2
Background information	Treasury Management Strategy, Council 8th February 2013

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The Council's Capital Position (Prudential Indicators)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

Prudential Indicator for Capital Expenditure

This table shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget.

Capital Expenditure by Service	2013/14 Original Estimate	Current Position As at 30th Sept 2013	2013/14 Revised Estimate
	£m	£m	£m
General Fund	4.236	3.865	4.236
HRA	6.472	1.565	7.075
Total	10.708	5.430	11.311

Changes to the Financing of the Capital Programme

The table below draws together the main strategy elements of the capital expenditure plans (above), highlighting the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure. The borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

Capital Expenditure	2013/14 Original Estimate	Current Position As at 30th Sept 2013	2013/14 Revised Estimate
	£m	£m	£m
Financed by:			
Capital receipts	0.100	3.121	0.264
Capital grants	0.366	0.32	0.366
Capital reserves	6.677	0.789	7.184
Revenue	3.565	1.200	3.497
Total financing	10.708	5.458	11.311
Borrowing need	0	0	0

Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and the Operational Boundary

The table shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period. This is termed the Operational Boundary.

Prudential Indicator – Capital Financing Requirement

We are on target to achieve the original forecast Capital Financing Requirement

Prudential Indicator – External Debt / the Operational Boundary

	2013/14 Original Estimate	Current Position As at 30 th Sept 2013	2013/14 Revised Estimate
	£m	£m	£m
Prudential Indicator – Capital Financing Requirement			
CFR – non housing	29.125	14.563	29.125
CFR – housing	44.750	22.375	44.750
Total CFR	73.875	36.938	73.875
Net movement in CFR	-		-
Prudential Indicator – External Debt / the Operational Boundary			
Borrowing	99.800	57.816	99.800
Other long term liabilities*	0	0	0
Total debt 31 March	99.800	57.816	99.800

Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2013/14 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

	2013/14 Original Estimate	Current Position As at 30 th Sept 2013	2013/14 Revised Estimate
	£m	£m	£m
Gross borrowing	69.044	48.205	69.044
CFR* (year end position)	73.050	73.050	73.050

The Director of Finance reports that no difficulties are envisaged for the current or future years in complying with this prudential indicator.

A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised limit for external debt	2013/14 Original Indicator £m	Current Position As at 30 th Sept 2013 £m	2013/14 Revised Indicator £m
Borrowing	109.800	57.816	109.800
Other long term liabilities*	0	0	0
Total	109.800	57.816	109.800

The risk		Original risk score (impact x likelihood)			Managing risk						
Risk ref.	Risk description	Risk Owner	Date raised	L	I	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>LOBO Loans - If £7m of these loans is recalled by the banks if they choose to exercise their option then we would need to have the resources on the day to repay. Alternative borrowing arrangements at today's current rates would be favourable for the Council</p>	<p>Director for Resources Mark Sheldon</p>	<p>24th January 2012</p>	<p>2</p>	<p>1</p>	<p>2</p>	<p>Accept</p>	<p>If the loans are recalled the council could take out temporary borrowing which is currently much lower than the rates on these loans. Any capital receipts available could also be used to repay debt.</p>	<p>March 2014</p>	<p>Section 151 Officer Mark Sheldon</p>	

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