



CHELTENHAM

BOROUGH COUNCIL

**Notice of a meeting of
Cabinet
Tuesday, 17 March 2015
6.00 pm
Municipal Offices, Promenade, Cheltenham, GL50 9SA**

Membership	
Councillors:	Steve Jordan, John Rawson, Rowena Hay, Peter Jeffries, Andrew McKinlay, Jon Walklett and Chris Coleman

Agenda

SECTION 1 : PROCEDURAL MATTERS			
1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		MINUTES OF THE LAST MEETING Minutes of the meeting held on 10 February 2015	(Pages 3 - 12)
4.		PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
		SECTION 2 : THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
		SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
		SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
		SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
5.		SURRENDER AND RE-GRANT OF LEASE TO CHELTENHAM SARACENS RUGBY FOOTBALL CLUB Report of the Cabinet Member Finance	(Pages 13 - 20)
6.		TEMPORARY BUSINESS RATE RELIEF SCHEMES Report of the Cabinet Member Finance	(Pages 21 - 34)

7.	CHELTENHAM BOROUGH HOMES - MANAGEMENT AGREEMENT Report of the Leader	(Pages 35 - 48)
8.	HOUSING REVENUE ACCOUNT NEW BUILD Report of the Cabinet Member Housing (Please note that Appendix 2 of this report is exempt under paragraph 3 Schedule 12 A of the Local Government Act 1972 and members will be required to pass a resolution to enter into closed session should this be discussed)	(Pages 49 - 58)
9.	PRIVATE RENTED SECTOR HOUSE CONDITION AND MANAGEMENT SURVEY TENDER & FUNDING Report of the Cabinet Member Housing	(Pages 59 - 68)
10.	PROPOSED IMPLEMENTATION OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 Report of the Cabinet Member Development and Safety	(Pages 69 - 94)
11.	INFORMATION SECURITY POLICY Report of the Cabinet Member Corporate Services	(Pages 95 - 128)
12.	SCRUTINY TASK GROUP REVIEW - PUBLIC ART PANEL-CABINET MEMBER RESPONSE Report of the Cabinet Member Healthy Lifestyles	(Pages 129 - 148)
13.	WRITE OFF OF OBSOLETE TRADING STOCK Report of the Cabinet Member Finance	(Pages 149 - 150)
14.	CORPORATE STRATEGY 2015-2016 Report of the Leader	(Pages 151 - 176)
15.	ASSET MANAGEMENT PLAN Report of the Cabinet Member Finance TO FOLLOW	
16.	GLOUCESTERSHIRE AIRPORT BUSINESS PLAN AND VISION Report of the Leader	(Pages 177 - 194)
	SECTION 6 : BRIEFING SESSION • Leader and Cabinet Members	
17.	BRIEFING FROM CABINET MEMBERS	
	SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
	SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	

Contact Officer: Rosalind Reeves, Democratic Services Manager, 01242 774937

Cabinet

**Tuesday, 10th February, 2015
6.00 - 6.45 pm**

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Rowena Hay (Cabinet Member Healthy Lifestyles), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety), Jon Walklett (Cabinet Member Corporate Services) and Chris Coleman (Cabinet Member Clean and Green Environment)
Also in attendance:	Councillor Matt Babbage, Councillor Tim Harman, Councillor John Payne and Councillor Diggory Seacome

Minutes

1. **APOLOGIES**
Councillor John Rawson

2. **DECLARATIONS OF INTEREST**
There were no declarations of interest.

3. **MINUTES OF THE LAST MEETING**
The minutes of the meeting held on 13 January were approved and signed as a correct record.

4. **PUBLIC AND MEMBER QUESTIONS AND PETITIONS**
None

5. **SCRUTINY TASK GROUP PUBLIC ART PANEL**
The Chair of Overview and Scrutiny introduced the report which set out the findings and recommendations of the scrutiny members which had reviewed the governance of the Public Art Panel (PAP). This report had been discussed at the Overview and Scrutiny Committee on 12 January and was positively received. Councillor Payne added that he and Councillor Ryder had attended a meeting of the PAP and were given the opportunity to ask questions with regard to the process of commissioning public art. He explained that the PAP comprised only 2 elected members with the rest of the group representing a range of organisations. He explained that the recommendations focussed on a framework for understanding the decision making process which was key to comprehending the details of project management and he hoped the details would evolve over the next 12-18 months.

In response the Cabinet Member Healthy Lifestyles thanked the members for their input and believed the revised terms of reference for the Public Art Panel gave clarity and transparency. She now wished to give Cabinet the opportunity to discuss the recommendations in more detail and in particular recommendations 5 and 8. She reported that changes had already been made

with regard to making the decision making process more transparent. The Cabinet Member also wished to thank the Public Art Panel for meeting with members of scrutiny.

The Leader thanked scrutiny for its report and awaited a more formal report in due course.

RESOLVED THAT

The recommendations of the Scrutiny Task Group be noted and a report outlining Cabinet's detailed response be brought to a future meeting of Cabinet.

6. SCRUTINY TASK GROUP MEMBERS ICT

The Chair of Scrutiny, Councillor Tim Harman, introduced the report which had been considered by Overview and Scrutiny at its meeting on 12 January 2015. He explained that whilst there remained some training issues for some Members the move to I pads had been a success and was saving money. Cllr Babbage added that a commitment to the draft policy was now being sought by Cabinet.

In response the Cabinet Member Corporate Services thanked the ICT scrutiny task group for its report. He commented that the Ipad pilot had been introduced following problems members were experiencing with Citrix and it was rolled out to new members following the elections in May 2014. He reported that the pilot had been a resounding success and personally supported the draft policy which he felt helped members to understand what was being provided and their personal commitments. He highlighted that the cost of printing committee papers was about £100 per member per annum and highlighted the importance of generating savings to fund the future purchase and replacement of iPads.

Cabinet felt there were some issues to follow up in relation to training and equality so noted the scrutiny report at this stage and undertook to bring back a Cabinet response to the recommendations in the form of a Cabinet report as soon as practicable.

The Leader thanked the STG for its useful contribution. He highlighted the balance that needed to be struck between all Councillors being able to perform their role and being effective and efficient at the same time.

RESOLVED THAT

The recommendations of the Scrutiny Task Group be noted and that a report outlining Cabinet's detailed response be brought back to a future meeting of Cabinet.

7. FINAL GENERAL FUND BUDGET PROPOSALS 2015/16 (INCLUDING SECTION 25 REPORT)

In the absence of the Cabinet Member Finance the Leader introduced the report which summarised the revised budget for 2014/15 and the Cabinet's final budget proposals and pay policy statement for 2015/16.

The Leader added that further changes had been made since the draft proposals were agreed in December. These included :

- £50 000 allocation for the purposes of demolishing the existing concrete bus shelter and waiting room and provision of services to supply new café facility
- Additional budget to improve the control of urban gulls
- £100 k allocation to the Local Plan which would be brought alongside the JCS
- £50 000 allocation to the Community Pride Fund
- 3 year contract with Cheltenham Housing Aid Centre
- Freeze Lifeline charges for 2015/16

The Leader highlighted that the buoyant local economy had resulted in increased revenue of £340k over and above the anticipated level from the devolved business rates pooling scheme.

In terms of the general position, he reiterated that a Council tax freeze was proposed for the 5th consecutive year, as were parking charges and front line services would be protected. He paid tribute to the huge amount of work officers across the Council had undertaken to achieve this.

In summing up the Leader believed this was a very positive package, enhanced by the consultation. Responses to the consultation on the capital programme had been high and feedback had been welcomed. A report on this would come forward for consideration in due course.

RESOLVED THAT it be recommended to Council that :

- 1. The revised budget for 2014/15 be noted and the one-off contribution from general balances of £178,250 as detailed in Section 3.2 be approved.**

Having considered the budget assessment by the Section 151 Officer at Appendix 2 the following recommendations be agreed :

- 1. the final budget proposals including a proposed council tax for the services provided by Cheltenham Borough Council of £187.12 for the year 2015/16 (a 0% increase based on a Band D property) be approved.**
- 2. the growth proposals, including one off initiatives at Appendix 4 be approved.**
- 3. the savings / additional income and the budget strategy at Appendix 5 be approved.**
- 4. the use of reserves and general balances be approved and the projected level of reserves, as detailed at Appendix 6 be noted.**
- 5. the proposed capital programme at Appendix 7, as outlined in Section 10 be approved, including the additional underwriting of £90,000 to support the Art Gallery and Museum redevelopment**

scheme.

6. **the Pay Policy Statement for 2015/16, including the continued payment of a living wage supplement at Appendix 8 be approved.**
7. **a level of supplementary estimate of £100,000 for 2015/16 as outlined in Section 15 be approved.**
8. **there be no change to the Local Council Tax support scheme in 2015/16 (para 4.19).**
9. **it be noted that the Council will remain in the Gloucestershire business rates pool for 2015/16 (para 4.9).**

8. FINAL HOUSING REVENUE ACCOUNT REVENUE BUDGET 2015/16

In the absence of the Cabinet Member Finance the Leader introduced the report which summarised the Housing Revenue Account (HRA) revised forecast for 2014/15 and the Cabinet's interim budget proposals for 2015/16 for consultation. He said that this was a positive story and thanked CBH for its work. He was pleased to report that a surplus for the current year of £58,000 compared to the original estimate was predicted despite an increase in repair and maintenance costs caused by storm damage earlier this year.

The Leader reported that the budget for the coming year provided expenditure on repairs and maintenance of over £4m. It provided for investment of £6.7m in property improvements and major repairs. In addition over £400,000 was proposed to be invested in services for tenants, especially vulnerable people and those who were in difficulty because of the Government's welfare reform.

He also stated that the reserves were sufficient enough to allocate £2 million transfer to an earmarked revenue reserve to finance future new build in the HRA.

The Leader then reported that there was an expected £188k of income generated from the feed-in tariff which was the result of the investment into solar panels in the past year.

The Leader informed that the proposed rent increase continued to follow Government guidelines, which made it 2.2%. He also said that it was proposed that rents would align with the Government's formula rent when tenancies changed hands.

The Cabinet Member Housing added that the advice services provided by CBH were key to tenants. The continued new build programme and investment in stock was very much welcomed in the town and CBH should be congratulated for its valued work.

RESOLVED THAT

1. the rent for all properties be converted to formula rent on re-letting.

it be recommended to Council that :

- 1) the revised HRA forecasts for 2014/15 be noted.
- 2) the HRA budget proposals for 2015/16 including a proposed rent increase of 2.2% and increases in other rents and charges as detailed at Appendix 5 be approved.
- 3) It be noted that the rent for all properties be converted to formula rent on re-letting.
- 4) the proposed HRA capital programme for 2015/16 as shown at Appendix 3 be approved.
- 5) Approve the transfer of £2m to an earmarked revenue reserve to finance future new build in the HRA.

9. TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2015/16

The Leader introduced the report which set out its Treasury Management Strategy Statement for borrowing and to prepare an Annual Investment Strategy for Council approval prior to the start of a new financial year. He stated that the priority remained security and liquidity of Council investments and highlighted that the Council was well within its Prudential Indicators. He paid tribute to the sound financial management by officers and stated that at this stage any variance in interest rates was not assumed.

RESOLVED THAT it be recommended to Council that the Treasury Management Strategy Statement and Annual Investment Strategy for 2015/16 at Appendix 2 be approved including:

1. The general policy objective 'that Council should invest prudently the surplus funds held on behalf of the community giving priority to security and liquidity'.
2. That the Prudential Indicators for 2015/16 including the authorised limit as the statutory affordable borrowing limit determined under Section 3 (1) Local Government Act 2003 be approved.
3. Revisions to the Council's lending list and parameters as shown in Appendix 3 are proposed in order to provide some further capacity. These proposals have been put forward after taking advice from the Council's treasury management advisers Capita Asset Services and are prudent enough to ensure the credit quality of the Council's investment portfolio remains high.

4. For 2015/16 in calculating the Minimum Revenue Provision (MRP), the Council will apply Option 1 in respect of supported capital expenditure and Option 3 in respect of unsupported capital expenditure as per section 21 in Appendix 3.

10. CORPORATE ADVERTISING AND SPONSORSHIP

The Cabinet Member Development and Safety introduced the report which recommended an amendment to the Corporate Advertising and Sponsorship policy and the engagement of an advertising agency to develop and manage advertising opportunities for council assets. He explained that further to the consultation it was felt that more explanation was required in the policy as follows :

Additional paragraph at the beginning of the background section, by way of explanation:

Officers have been working on increasing corporate sponsorship and advertising revenue following establishing the policy in 2012. In the process, members were concerned that, in opening it up to potentially a wider range of advertisers, the current policy did not prevent advertisement of sexual establishments as defined by the Local Government (miscellaneous Provisions) Act 1982 or any other events of an overtly sexual nature. As such, a revision to the policy is proposed to make this clear.

A footnote would be added to the policy which says :

No advertising of any sexual establishments as defined by the Local Government (miscellaneous Provisions) Act 1982 or any other events of an overtly sexual nature, in accordance with the Council's Sexual Entertainment Venues Policy and the Advertising Agency standards.

The Cabinet Member explained that when the policy was adopted in 2012 four Corporate Advertising and Sponsorship recommendations were approved that covered :

- The approval of the introduction of the Advertising and Sponsorship policy and procedures:
- Management of revenue from advertising and sponsorship
- The Cabinet Member Development and Safety approval of the list of council assets appropriate for advertising and sponsorship opportunities, developed by the Advertising and Sponsorship Task Group
- Delegated authority to the Director of Resources to tender for and select a specialist marketing agency to source and generate opportunities for the council.

The Cabinet Member reported that since then much progress had been made and outlined the information laid down in the appendices- market testing

(Appendix A), Key Performance Indicators (Appendix B), List of Assets (Appendix C) and detailed policy in Appendix E.

Members were now asked to approve the amended policy. The Cabinet Member said that when the Council adopted the policy it was ground breaking for the Council to use its assets to maximise income and had generated significant interest. He hoped that there would be no false starts and that the policy would be successful and contribute to CBC finances without overly affecting the Council assets being used.

RESOLVED THAT

- 1. an amendment to the Advertising & Sponsorship policy be approved to include a clause to explicitly prohibit agreements with organisations involved in business of a sexual nature.**
- 2. an amendment to the Advertising & Sponsorship policy be approved to include a clause to explicitly prohibit agreements with organisations whose advertising content is of a sexual nature.**
- 3. authority be delegated to the Director of Resources to tender for and select a specialist marketing agency to source and generate advertising and sponsorship opportunities for the council, in line with the terms set out in the amended Advertising & Sponsorship policy.**
- 4. the comments on the corporate and community plan implications and environmental implications be noted and that it be requested that they be taken into account and addressed, as far as possible, within the procurement process.**

11. COUNTER FRAUD UNIT-AN EVOLUTIONARY APPROACH

The Cabinet Member Corporate Services introduced the report and informed the meeting that in 2012 the Government outlined the Fighting Fraud Locally Strategy and with it came the Local Government Fraud Strategy which recognised that fraud cost the UK in the region of £73 billion per year.

The Cabinet Member explained that the report looked at the impact of the Single Fraud Investigation Service (SFIS) which would take on the benefit fraud investigation work that was originally done by local government. The SFIS would result in removing all revenue funding for CBC's existing benefit fraud staff who were due to TUPE across to DWP ON 1st April. He said however that there remained an expectation that local authorities would provide information to DWP to aid their investigations. He added that there was the ongoing requirement for CBC to continue investigating Corporate Fraud which covered Procurement, Payroll and Single Persons council tax discounts.

The Cabinet Member then informed that Audit Cotswold had developed an evolutionary approach to establish a Counter Fraud Unit that would serve local districts and county. He explained that funding for this approach would by 2015/16 come from a variety of sources - including 1 FTE effectively funded

from the HRA revenue account via Cheltenham Borough Homes plus support in areas of operation where greater benefit was received by County compared to Districts. He also informed that Audit Cotswold had been successful in being awarded £403 000 of funding from DCLG via a collective bid. This funding would provide support to the wider Gloucestershire Hub vision as set out in the report. He explained that the key use of the fund would be to accelerate the evolutionary approach as outlined in this report.

The Cabinet Member Housing added that CBH and CBC worked tirelessly in this area and informed the meeting that there had been successful prosecutions the previous week in the area of tenancy fraud. He welcomed the continuation of joint working in this area.

RESOLVED THAT

- 1. an evolutionary approach for the establishment of a Counter Fraud Unit to be managed by the internal audit provider Audit Cotswolds, as outlined in this report, be approved, which includes the creation of the new Counter Fraud Officer post as part of Phase 1**
- 2. the Director of Resources be authorised to enter into such documentation as is necessary (including an agreement with Cotswold District Council as host authority for Audit Cotswolds) to enable the establishment of the Counter Fraud Unit**

12. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Clean and Green Environment updated Members on the "Thanks a million" recycling campaign. It comprised three strands-to inform the public what recycling services were available, what happens to waste and recycling and thanking the public for dividing their waste. He informed that there had been changes to bin collections across Cheltenham at the start of the month, the details of which had been widely publicised in the Echo, on the council's website and on social media. He reported that the bag splitting initiative by Ubico was going well, the aim of which was to breakdown the amount of waste which was destined for landfill by means of looking in the bin bags of the public presented at the Depot. The Cabinet Member explained that this was an entirely voluntary scheme but take up had been high and a significant percentage of recycling had been retrieved. He reported that between Monday and Thursday of the previous week 300kg of paper, 500 kg of material, 220 kg plastic, 15kg of batteries and 10kg of light bulbs had been retrieved which meant that this could be sold and landfill costs could be saved. He thanked those members who had been involved in the initiative, particularly Cllrs Payne, Seacome, Williams, Nelson and Reid.

The Cabinet Member informed the meeting that Ubico would shortly be taking on the delivery of new recycling vehicles which would save £1 million in landfill costs. A case study would also be undertaken following the waste collection crews which was being supported by the Echo. A draft leaflet would be delivered to every house in the town for free thanks to the help of both Members and members of the community who had offered to assist with delivery. Finally

he wished to put on record his thanks to Members, officers from Ubico including the waste crews, the Echo and the Joint Waste Team.

The Cabinet Member Housing reported that in terms of St Paul's Phase 2 new build programme the first properties would be available for tenants to move into at the end of February. A member seminar and walk around was also being organised for the St Pauls Phase 2 transformation improvement works.

13. DECISIONS OF CABINET MEMBERS

The Leader informed that he had taken the following three decisions since the last meeting of Cabinet :

- Authorise the Chief Executive to confirm decision of Full Council to GCC
- Ordinary Resolution in respect of Ubico Limited- Extension of Partnership further to Cabinet's decision in January 2015
- Ordinary Resolution in respect of Ubico Limited-Executive Director's Terms of Employment

The Cabinet Member Healthy Lifestyles reported that she had taken a decision to grant St Pauls's Residents Association £7 000 for public art following a decision by the Public Art Panel.

Chairman

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Cheltenham Borough Council

Cabinet – 17 March 2015

Surrender and Re-grant of Lease to Cheltenham Saracens Rugby Football Club

(Authority to Dispose of Open Space)

Accountable member	Cabinet Member for Finance, Councillor John Rawson
Accountable officer	David Roberts, Head of Property & Asset Management
Ward(s) affected	St Mark's
Key Decision	No
Executive summary	<p>The Cheltenham Saracens Rugby Football Club seek permission of the Council to extend the pavilion building owned by the Borough which Club occupy by way of a lease. The Club also wishes to install flood lighting to one of the pitches to enable practice to take place at night.</p> <p>The Club provides sports and play opportunities to a wide spectrum of the Borough community and such activity should be encouraged.</p>
Recommendations	<p>That Cabinet authorises the disposal by way of lease for a term not exceeding twenty-five years the parcel of open space land outlined in red on the attached plan attached as Appendix 2 to Cheltenham Saracens Rugby Football Club upon terms and conditions negotiated by the Head of Property and Asset Management in consultation with the Borough Solicitor</p>
Financial implications	<p>The land is currently unused and not generating an income to the council. Following the granting of a lease, the maintenance responsibility for the full site will be that of the tenant.</p> <p>Contact officer: nina.philippidis@cheltenham.gov.uk, 01242 775121</p>
Legal implications	<p>Under section 123 of the Local Government Act 1972, the Authority has an obligation to secure the best consideration reasonably obtainable when disposing of property by way of a lease for more than 7 years. This obligation can be waived with the consent of the Secretary of State, who has given a General Consent to such disposals where, in the reasonable opinion of the Local Authority, the disposal is for the social, economic or environmental benefit of the inhabitants of the Authority's area or any of them.</p> <p>Section 123 (2A) also provides that before disposal of public open space by way of lease, the Authority must first advertise such proposed disposal in a local newspaper for 2 consecutive weeks, and consider any objections.</p> <p>Contact officer: rose.gemmell@teWKesbury.gov.uk, 01684 272014</p>

Key risks	<p>That the club may fail to complete the works, or that the works are not completed satisfactorily</p> <p>At lease end the premises may not be returned to the Borough in an appropriate condition</p>
Corporate and community plan Implications	<p>The application by Cheltenham Saracens Rugby Football Club contributes to the Council's corporate objectives of:</p> <p>Being able to lead a healthy lifestyle</p> <p>The enjoyment of a strong sense of community</p>
Environmental and climate change implications	None

1. Background

- 1.1 Cheltenham Saracens Rugby Football Club "the Club" under a lease granted in 2008 for a term of 25 years from the Borough, has had beneficial occupation of land and premises at King George V Pavilion. Prior to occupation the main pavilion required substantial refurbishment to bring the building up to an acceptable standard and the Club agreed to carry out these works as a condition of the lease. The Club has substantially increased its membership and has undertaken further improvements to the pavilion to provide a better environment for its membership.
- 1.2 The Club now wishes to extend the front area of the building to increase the social facilities, incorporate a disabled lift and create a secure store at ground level for playing and training equipment.
- 1.3 King George V Pavilion and the playing surface form part of the Council's Open Space, and any decision to grant a lease of Open Space must first be advertised for 2 consecutive weeks as a 'Disposal of Open Space' pursuant to Section 123 2A of the Local Government Act 1972 in the Public Notice section of a local newspaper and any comments raised are to be considered before any final decision can be made whether to dispose of the Open Space. (Attached as Appendix 3)
- 1.4 The advertisement was placed in the Gloucestershire Echo 17th and 24th December 2014 and it has been confirmed by One Legal that no representations were made.

2. Reasons for recommendations

- 2.1 The pavilion has been let to the Club since 2008 and it has undertaken a number of improvements and repairs to the leased area. Accepting surrender of the current lease and granting a new lease at market rent for a term of 25 years will give the club certainty, and the ability to access charitable funding from various sources.
- 2.2 Granting the lease on full repairing terms will reduce the amount of officer time spent managing contractors to carry out minor repairs and maintenance such as re-fixing gutters and graffiti caused by petty vandalism.
- 2.3 Subject to the appropriate consultation process and grant of any planning permissions the Club, as part of the new lease shall be permitted to extend the existing premises and to install floodlighting to the designated pitch area to enhance the appeal of the Club's facilities.

3. Alternative options considered

3.1 The Borough could consider agreeing to permit the Club to extend the premises, subject to appropriate consents, but retain the current lease terms. This could lead to a lack of clarity as to which party held responsibility for the maintenance and upkeep of the exterior and further complicate service charge administration, resulting in additional officer time cost.

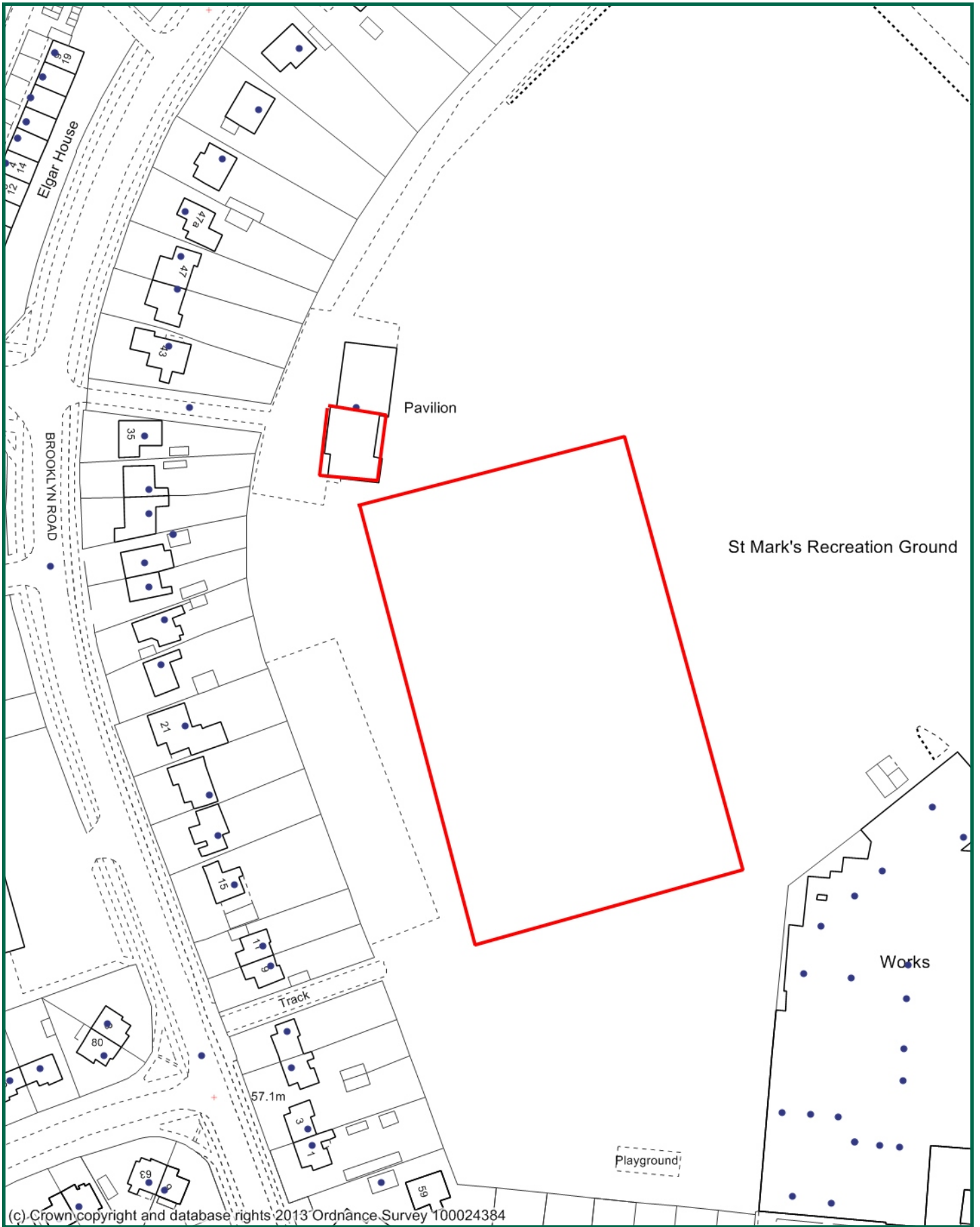
4. Consultation and feedback

4.1 Ward Councillors have been advised to the proposal and are in support of a new lease to the Club.

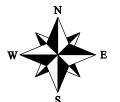
5. Performance management, monitoring and review

Report author	Contact officer:chris.finch@cheltenham.gov.uk, 01242 264109
Appendices	1. Risk Assessment 2. Plan 3. Copy of Public Notice Advertisements
Background information	1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	The Club may undertake to carry out the extension but be unable to complete the works, leaving the Council with a part finished project	DR		5	1	5	Accept	Appropriate warranties to be put in place to ensure the Council is not exposed to cost-risk		CF	
	At lease end the premises may not be returned to the Borough in the appropriate condition	DR		2	2	4	Accept and monitor	An appropriate 'schedule of condition' would be prepared at lease commencement and inspections carried out well in advance of lease end to identify any wants of repair and maintenance		CF	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											



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APPENDIX 3

Public Notices

CHELTENHAM BOROUGH COUNCIL

**LOCAL GOVERNMENT ACT 1972
SECTION 123(2A)**

**King George V Pavilion and
Playing Fields, Cheltenham**

NOTICE IS HEREBY GIVEN that Cheltenham Borough Council intends to dispose of the following areas of land which form part of the open space known as King George V Playing Fields, Cheltenham.

- Part of the ground floor and all of the first floor of the building known as King George V Pavilion
- Part of the field which is laid out as a rugby pitch
In total having an approximate area of 7850 square metres

The proposed disposal will be by way of a lease for 25 years to Cheltenham Saracens RFC Limited ("the Club") for use by the Club as club facilities and a rugby pitch.

If the lease is granted, the Pavilion and the Pitch will still be available to community groups to hire from the Club on reasonable terms.

Plans identifying the areas of the proposed leasehold disposal may be examined at the under-mentioned address on Mondays to Fridays between 9:30am to 5:00pm (not including bank holidays).

Objections to the proposed leasehold disposal must be made in writing and addressed to Sara Freckleton at the under-mentioned address by no later than noon on the 14th day of January 2015.

Any objections received will be referred to the Council's Cabinet for consideration before it makes its decision whether or not to proceed with the disposal. Dated this 17 day of December 2014.

Sara Freckleton - Borough Solicitor & Monitoring Officer
Municipal Offices, Promenade, Cheltenham GL50 9SA. (Ref: KP/18640)

Mike Lloyd, a Flight Executive Officer in the Airways Agency

CHELTENHAM BOROUGH COUNCIL

**LOCAL GOVERNMENT ACT 1972
SECTION 123(2A)**

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Sara Freckleton - Borough Solicitor & Monitoring Officer
Municipal Offices, Promenade, Cheltenham GL50 9SA. (Ref: KP/18640)

17.12.2014

gloucestershirecho.co.uk
Wednesday, December 24, 2014

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Cheltenham Borough Council
Cabinet – 17 March 2015
Temporary Business Rate Relief Schemes

Accountable member	Councillor John Rawson, Cabinet Member Finance
Accountable officer	Mark Sheldon, Director of Resources
Ward(s) affected	All
Key Decision	No
Executive summary	<p>In December 2014, as part of the Autumn Statement, the government announced that it will extend the current transitional relief scheme which limits increases to business rates bills following a revaluation to March for properties with a rateable value up to £50,000.</p> <p>The Government also announced that the amount of retail relief which was introduced in 2014/2015 is to increase from £1,000 to £1,500 in 2015/2016.</p> <p>These reliefs are to be awarded using discretionary powers introduced by the Localism Act and approval is being sought to award relief in accordance with Government guidance. The Government will reimburse the council for the cost of these reliefs</p>
Recommendations	<ul style="list-style-type: none"> a) To approve the increase in the level of retail relief to £1,500 for 2015-2016 to be awarded in line with the detailed guidance in appendix 2. b) To approve a scheme of transitional rate relief in line with principles set out in appendix 3. c) To approve that the extended transitional relief scheme remains in place whilst 100% reimbursement is available from the Government d) To approve delegation of awarding transitional relief, in line with the detailed guidance, to the Revenues Manager, with the final decision in the event of dispute being taken by the Director of Resources

Financial implications	<p>The Government will fully reimburse local authorities for the local share of the discretionary relief using a grant under section 31 of the Local Government Finance Act 2003 although some clarity is lacking in respect of the accounting arrangement for business rate pools.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>The statutory context for this discretionary scheme is as set out in the report, as is the legal context of state aid (which is contained, in more detail, in the guidance documents referenced as background papers). Whilst there is no statutory right of appeal against refusal of relief, it is proposed that the decisions of the Revenues Manager are reviewable by the Director of Resources.</p> <p>Contact officer: peter.lewis@teWKesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>None</p> <p>Contact officer: , @cheltenham.gov.uk, 01242</p>
Key risks	<p>As relief awarded will be fully reimbursed by Central Government there is limited financial risk. The major risk would be around reputation if the Council decided not to adopt the scheme</p>
Corporate and community plan Implications	<p>None</p>
Environmental and climate change implications	<p>None</p>
Property/Asset Implications	<p>None</p> <p>Contact officer: David Roberts@cheltenham.gov.uk</p>

Background

- 1.1 In the Autumn Statement 2013 the Government announced a range of business rates relief initiatives to support businesses in 2014/15 and 2015/16, one of which was the Retail Rate Relief.
- 1.2 The amount of retail relief awarded in respect of 2014/2015 is £1,000. In the Autumn Statement 2014 the Government announced an increase in the amount of retail relief for 2015/2016 to £1,500.
- 1.3 The Government also announced in the Autumn Statement 2014 that it will extend the current transitional relief scheme into 2015/2016 and 2016/2017 for properties with a rateable value up to and including £50,000.
- 1.4 As these measures are only temporary business rates legislation has not been amended. The Government expects local authorities to use their discretionary rate relief powers contained in

Section 47 of the Local Government Finance Act 1988, as amended by the Localism Act 2011.

- 1.5 The Government intends to fully reimburse billing authorities for the cost of the local share of both types of relief which is granted in accordance with the set criteria outlines in appendices 2 and 3.
- 1.6 The reliefs are to be applied to business rate bills to reduce the amount payable. Due to the timing of information about these reliefs the appropriate amount of relief has been awarded to bills currently being issued to businesses.
- 1.7 Both types of relief are subject to state aid rules and businesses will be asked to verify that they are not in receipt of any other state aid that would mean they exceed the current limits.

2. Retail Rate Relief

- 2.1 Retail Rate Relief can be awarded in respect of certain occupied retail premises where the rateable value is less than £50,000.
- 2.2 A policy was approved by Cabinet on 15 July 2014 in line with the detailed guidance provided by the Government and retail relief up to the maximum amount of £1,000 has been awarded to about 450 businesses in 2014/2015.
- 2.3 Approval is being sought to amend the policy to increase the amount of relief to £1,500 in respect of 2015/2016 rate liabilities. Any relief awarded in respect of 2014/15 rate bills will continue to be £1,000. The qualifying conditions as detailed in appendix 2 remain unchanged.

3. Transitional Relief Scheme

- 3.1 The current transitional relief scheme was introduced in 2010 to help those ratepayers who were faced with higher bills as a result of the national revaluation. The scheme ended on 31 March 2015 as the subsequent revaluation should have taken effect from 01 April 2015. The Government, however, has delayed the revaluation until 2017 and as a result a small number of ratepayers will face a jump to their full rates bill from 1 April 2015.
- 3.2 The extension of the transitional relief scheme for 2015/2016 and 2016/2017 will mean that properties with a rateable value of up to £50,000 will continue to receive relief that would have applied had the existing scheme not ended.
- 3.3 Transitional relief will be re-calculated in the event of a change in circumstances affecting the amount of relief awarded. If a change occurs in a year later then the relief will be re-calculated retrospectively.
- 3.4 It is estimated that only about 12 businesses will initially benefit from this relief at a cost of approximately £6,000 in 2015/2016 although this may change as a result of changes in rateable value.

4. Reasons for recommendations

- 4.1 As these measures are available for a limited period only the Government has not amended legislation relating to business rate reliefs. It expects billing authorities to use their discretionary powers introduced by the Localism Act, amending section 47 of the Local Government Finance

Act 1988.

5. Alternative options considered

5.1 The Government expects billing authorities to grant these reliefs to qualifying ratepayers and will fully reimburse them for the local share of the cost.

Report author	Contact officer: Jayne Gilpin, Jayne.gilpin@cheltenham.gov.uk, 01242 264323
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Business Rates Retail Relief and Business Rates Reoccupation Relief Policy 3. Extension of Transitional Relief Policy
Background information	<ol style="list-style-type: none"> 1. Section 47 Local Government Finance Act 1988, as amended by clause 69 of The Localism Act 2011 2. Business Rates Retail Relief Guidance https://www.gov.uk/government/publications/business-rates-retail-relief 3. Extension of Transitional relief Guidance https://www.gov.uk/government/publications/business-rates-extension-of-transitional-relief-for-small-and-medium-properties

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
	Bad publicity and impact on the retail sector in Cheltenham if the policy is not approved	Mark Sheldon	17/03/2015	4	1	4	Accept	Cabinet Approves the amendment to the policy in appendix 2		Jayne Gilpin	
	Bad publicity and impact on affected businesses if the policy is not approved	Mark Sheldon	17/03/2015	3	1	3	Accept	Cabinet Approves the amendment to the policy in appendix 3		Jayne Gilpin	

Explanatory notes

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

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

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

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Cheltenham Borough Council Policy for Business Rates Retail Relief

Section 1: Business Rates Retail Relief - Amended Cabinet 17 March 2015

General conditions

1. Retail Relief will apply for the financial years 2014/2015 and 2015/2016 as directed by the Department for Communities and Local Government.
2. The maximum amount of relief available for each property in respect of 2014/2015 rate liabilities is £1,000, subject to state aid limits.
3. The maximum amount of relief available for each property in respect of 2015/2016 rate liabilities is £1,500, subject to state aid limits
4. There is no relief available under this policy for properties with a rateable value of more than £50,000.
5. The relief will be assessed and calculated on a daily basis using the following formula:

Amount of relief to be granted = £1000 x (A/B) Where:
A is the number of days in the financial year that the hereditament is eligible for relief; and
B is the number of days in the financial year
6. The retail rate relief will be applied to the net bill after all other reliefs have been taken into account. Where the net rate liability after all other reliefs is less than £1,000, the maximum amount of retail rate relief will be no more than the value of the net rate liability.
7. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid de-minimis limits.

Properties eligible for relief

Qualifying properties will be shops, restaurants, cafes and drinking establishments which are wholly or mainly used for the sale of goods, food or drink to visiting members of the public or for the provision of certain services to visiting members of the public. Properties must be used for one of the following purposes.

1. Properties being used for the sale of goods to visiting members of the public:
 - Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off-licence, chemists, newsagents, hardware stores, supermarkets).
 - Charity shops
 - Opticians

- Post offices
 - Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
 - Car/ caravan show rooms /Second-hand car lots
 - Markets
 - Petrol stations
 - Garden centres
 - Art galleries (where art is for sale/hire)
2. Properties being used for the provision of the following services to visiting members of the public
- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc)
 - Shoe repairs/ key cutting
 - Travel agents
 - Ticket offices e.g. for theatre
 - Dry cleaners / Launderettes
 - PC/ TV/ domestic appliance repair
 - Funeral directors
 - Photo processing / DVD / video rentals
 - Tool hire
 - Car hire
3. Properties being used for the sale of food and/or drink to services to visiting members of the public
- Restaurants
 - Coffee shops
 - Takeaways
 - Sandwich shops
 - Pubs / Bars

Properties not eligible for relief

1. Properties which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief
2. Properties that are not reasonably accessible to visiting members of the public will not be eligible for the relief
3. Properties being used for the provision of the following services to visiting members of the general public will not qualify for the relief
4. Properties being used for the provision of the following services to visiting members of the public
 - Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops and pawn brokers)
 - Other services (e.g. estate agents, letting agents, employment agencies)
 - Medical services (e.g. vets, doctors, osteopaths, chiropractors)
 - Professional Services (e.g. solicitors, accountants, insurance agents/financial advisers, tutors)

- Post office sorting office

Section 3: State Aid

The award of Retail Relief must comply with EU law on State Aid. Businesses applying for, or in receipt of, relief must advise the council if they have received any other State Aid that exceeds in total €200,000 in a 3 year period, under the De Minimis Regulations EC 1407/2013. The total amount of State Aid received includes any other Retail Relief, Reoccupation Relief or extended transitional relief being granted in respect of all properties for which the business is responsible. Further information on State Aid law can be found at <https://www.gov.uk/state-aid>.

Section 4: Administration

- Decisions relating to the granting of reliefs will be delegated to the staff within the Revenues Service
- Reliefs may be granted automatically where information held on the business rate account is confirms eligibility in line with qualifying criteria. In these cases businesses will be asked to notify the council if they are in receipt of other State Aid
- Where sufficient information is not held businesses will be required to complete and submit an application form including a declaration in respect of State Aid
- There is no statutory right of appeal against a decision made by the Council in respect of retail rate relief. However, the Council will review the decision if the ratepayer is dissatisfied with the outcome. The review will be carried out the Director of Resources
- If an unsuccessful applicant requests a review, they will still need to continue to pay their rates bill. Once the review has been carried out, the ratepayer will be informed, in writing, of the decision
- The right of appeal process does not affect a ratepayer's legal right to challenge the decision by way of a judicial review

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Cheltenham Borough Council Policy for the extension of transitional rate relief

Properties eligible for relief

1. Properties that will benefit are those with a rateable value up to and including £50,000 which would have received transitional relief in 2015-16 and 2016-17 had the existing transitional relief scheme continued in its current format.
2. In line with the existing thresholds in the transitional relief scheme, the £50,000 rateable value threshold is based on the rateable value shown for 1 April 2010 or the substituted day in the cases of splits and mergers.
3. Changes in rateable value which take effect from a later date will be calculated using the normal rules for calculating transitional relief in these circumstances. Properties can still be eligible if the rateable value increases at above 50,000 at a later date provided the rateable value on 01 April 2010 is below 50,000. The Valuation Office Agency will issue certificates for the 31 March 2010 and 01 April 2010 as appropriate.
4. This policy applies to transitional relief only (i.e. those moving to higher bills).
5. The transitional relief scheme will remain as it is in the current statutory scheme except that:
 - a. the cap on increases for small properties (with a rateable value of less than £18,000) in both 2015-16 & 2016-17 will be 15% (before the increase for the change in the multiplier), and
 - b. the cap on increases for other properties (up to and including £50,000 rateable value) in both 2015-16 and 2016-17 will be 25% (before the increase for the change in the multiplier)

Calculation of relief

1. Under the existing statutory transition scheme which ends on 31 March 2015 transitional relief is measured before all other reliefs. But the extension of transitional relief into 2015/16 and 2016/17 will be delivered via section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) which is measured after other reliefs (including other Localism Act delivered reliefs such as retail relief)
2. Transitional relief will be calculated on a daily basis
3. Relief will be calculated in accordance with the guidance provided by the Government which can be found at <https://www.gov.uk/government/publications/business-rates-extension-of-transitional-relief-for-small-and-medium-properties>. The calculation steps will be as follows

- Step 1 Identify eligible properties by assuming the transitional relief scheme continued in its current format using the caps
- Step 2 Calculate the rates bill for those properties after all other reliefs but assuming transitional relief has ended
- Step 3 Calculate the rates bill for those properties after all other reliefs assuming transitional relief has continued
- Step 4 The difference between steps 2 and 3 will be the Localism Act transitional relief value

An example is as follows

If a ratepayer would have been eligible for transitional relief caps of 25% in 2015-16 then their bill is calculated as follows (ignoring inflation):

	Step 1	Step 2	Step 3	Step 4
	2014-15	2015-16	2015-16	2015-16
Bill before any reliefs	10,000	10,000	10,000	10,000
Transitional relief (had the scheme continued)	-4,000	n/a	-2,500	n/a
Net bill before Localism Act discount	6,000	10,000	7,500	10,000
Localism Act discount (to give effect to transitional relief)	n/a	n/a	n/a	-2,500
Net rates bill	6,000	10,000	7,500	7,500

If a ratepayer would have been eligible for transitional relief caps of 25% in 2015-16, but they are also in receipt of 80% charitable mandatory relief, then their bill is calculated as follows (ignoring inflation):

	Step 1	Step 2	Step 3	Step 4
	2014-15	2015-16	2015-16	2015-16
Bill before any reliefs	10,000	10,000	10,000	10,000
Transitional relief (had the scheme continued)	-4,000	n/a	-2,500	n/a
Net bill before Charitable relief or Localism Act discount	6,000	10,000	7,500	10,000
Charitable relief	-4,800	-8,000	-6,000	-8,000
Localism Act discount (to give effect to transitional relief)	n/a	n/a	n/a	-500
Net rates bill	1,200	2,000	1,500	1,500

Recalculation of relief

Transitional relief awarded in accordance with this policy will be re-calculated in the event of a change in circumstances affecting the amount of relief awarded. If a change occurs in a year later then the relief will be re-calculated retrospectively

State Aid

The award of extended transitional relief as a Localism Act discount constitutes State Aid and must comply with EU law. Businesses in receipt of this relief must advise the council if they have received any other State Aid that exceeds in total €200,000 in a 3 year period, under the De Minimis Regulations EC 1407/2013. The total amount of State Aid received includes any Retail Relief or Reoccupation Relief being granted in respect of all properties for which the business is responsible. Further information on State Aid law can be found at <https://www.gov.uk/state-aid>.

Administration

- Decisions relating to the granting of reliefs in accordance with the Government guidance will be delegated to the Revenues Manager
- Reliefs may be granted automatically where information held on the business rate account is confirms eligibility in line with qualifying criteria. In these cases businesses will be asked to notify the council if they are in receipt of other State Aid
- There is no statutory right of appeal against a decision made by the Council in respect of retail rate or business rate reoccupation relief. However, the Council will review the decision if the ratepayer is dissatisfied with the outcome. The review will be carried out by the Director of Resources

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**Cheltenham Borough Council
Cabinet– 17 March 2015**

Cheltenham Borough Homes – Management Agreement

Accountable member	The Leader, Councillor Steve Jordan
Accountable officer	Pat Pratley, Deputy Chief Executive
Ward(s) affected	None
Key Decision	Yes
Executive summary	<p>In June Cabinet endorsed the principle of amending the term and content of the Agreement for Housing Management and Other Services (known as the Management Agreement) between Cheltenham Borough Council (CBC) and Cheltenham Borough Homes (CBH) in order that it may better facilitate the delivery of the CBH and HRA business plans. Cabinet also endorsed a period of consultation with tenants, leaseholders and other stakeholders for a minimum of 6 weeks regarding the proposed changes to the CBH Board and the CBH Management Agreement.</p> <p>Consultation took place during July and August and invited respondents to have their say on 3 important business areas for CBH:</p> <ol style="list-style-type: none"> 1. A proposal to extend the CBH Management Agreement to a 30 year agreement 2. A proposal to reduce the number of CBH board members and for appointments to be based on the skills necessary to meet the growth of CBH 3. The development of the new CBH business plan and services for the future which CBH might provide <p>Cabinet received a report at its meeting on 16 September summarising the outcome of the consultation. At that point Cabinet recommended to authorise the leader to update the CBH Articles of Association to accommodate in particular a smaller board and also recommended that a further report on proposals for amending the CBH Management Agreement be brought back to them in December.</p> <p>Cabinet was advised in June that when CBH was set up in 2003, the Council sought and obtained the Secretary of State’s consent to enter into a Management Agreement in accordance with s27 of the Housing Act 1985. Both the Council and CBH’s legal advisers have agreed that such consent would be required for the changes proposed now.</p>
Recommendations	<p>Cabinet is recommended</p> <ol style="list-style-type: none"> 1. To endorse the proposed changes to the CBH Agreement for

Housing Management and Other Services as outlined in this report

2. To delegate to the Deputy Chief Executive, in consultation with the Leader and the Borough Solicitor, power to finalise the Management Agreement and associated documentation for implementation from 1 April 2015, subject to only minor amendments to the Management Agreement being received from the Secretary of State. Any major changes suggested by the Secretary of State will require further approval from Cabinet.

<p>Financial implications</p>	<p>The new Management Agreement includes updated financial arrangements, as detailed in schedule 3 to the agreement. These changes have no financial impact on the Council.</p> <p>The proposed extension of the agreement to 30 years, effective from 1st April 2015, and the proposed reduction in CBH Board members has no financial impact on the Medium Term Financial Strategy of the council for the period 2014/15 to 2018/19.</p> <p>Contact officer: Sarah Didcote, Sarah.Didcote@cheltenham.gov.uk, 01242 264125</p>
<p>Legal implications</p>	<p>The current proposal is that the existing Management Agreement will end and a new one granted immediately with slightly different clauses but for 30 years.</p> <p>The Contract has break clauses every 10 years, and there are termination provisions if CBH do not provide the services or breach the agreement.</p> <p>Secretary of State approval is required and an application has been made but it is not anticipated there will be any issues on this.</p> <p>The original Housing Options Agreement was drafted to automatically end when the Management Agreement ended. As the change proposed means the old Management Agreement is terminated and a new one granted the current intention is to slightly amend one of the clauses of the Housing Options Agreement to allow it to continue in conjunction with the new CBH Management Agreement. This will mean two agreements on housing related functions running side by side. This will allow more flexibility in dealing with the core housing functions and the “housing options” functions.</p> <p>Contact officer: Gary Spencer; gary.spencer@teWKesbury.gov.uk, 01684 272691</p>
<p>HR implications (including learning and organisational development)</p>	<p>There are no specific HR implications as a result of this report.</p> <p>Contact officer: Richard Hall; Richard.hall@cheltenham.gov.uk, 01242 774972</p>
<p>Key risks</p>	<p>Please see risk assessment at Appendix 1</p>
<p>Corporate and community plan Implications</p>	<p>The Council’s corporate plan has 5 overall strategic objectives. The role that CBH plays in the community and economy of Cheltenham is reflected in the strategic objectives of both strengthening our communities and strengthening our economy.</p>

Environmental and climate change implications	There are no environmental and climate change implications arising directly from this report; however, they are important issues for both CBC and CBH. The quality of housing has an important bearing on tackling climate change and therefore investment in existing stock and the delivery of new affordable housing will need to take account of this.
Property/Asset Implications	<p>The updated management agreement will account for the greater strategic and collaborative working currently being implemented and refined to ensure delivery of new build and redevelopment investment opportunities to the HRA portfolio.</p> <p>Contact officer: David Roberts; David.Roberts@cheltenham.gov.uk, 01242 264151</p>

1. Background

- 1.1** The Agreement for Housing Management and Other Services (known as the Management Agreement) sets out the relationship between CBC and CBH. In March 2003 CBC, under s27 of the Housing Act, and with the approval of the Secretary of State, agreed that CBH should exercise the Council's powers in relation to housing management and the Management Agreement is the contractual relationship between the two organisations.
- 1.2** Cabinet considered a report in 2008 which signalled that CBH was applying to access Homes and Communities Agency (HCA) grant to enable the development of new homes, mainly on garage and infill sites, and a new Management Agreement was necessary to facilitate this. Cabinet therefore agreed to renew the agreement in September 2009 and with an expiry date of 31 March 2020.
- 1.3** In June this year Cabinet received a report explaining that CBH was in the process of updating its 10 year vision and business plan and that the headline outcomes were that CBH is a high performing organisation and it is well positioned in terms of being able to respond to local need. Crucially, it should be noted that the 2008 revisions to the MA had enabled CBH to deliver a number of new high quality award winning new build developments and also to secure HCA funding to support new build schemes.
- 1.4** As explained in the June report the successful delivery of new build created a desire, for CBC as well as CBH, to create a pipe-line of development opportunities for the delivery of affordable/social council owned housing, ie, built through the HRA. Such a pipeline would also put the Council in a more favourable position with regard to possible future HCA funding which tends to require "shovel-ready" schemes in order to deliver within the often challenging timescales set for grant funding.
- 1.5** The above, combined with recent revenue investment in CBH core service provision, leading to innovation and enhancement of service delivery, led to CBH wishing to review the adequacy of its current Management Agreement with the Council as well as also considering its own governance framework, in particular the Board size and composition.
- 1.6** Cabinet was therefore asked in June to approve consultation with CBH tenants, leaseholders and other stakeholders on a new Management Agreement, development of new services and on proposals to change the composition of the CBH board. In that report Cabinet endorsed the following;
- 1.6.1** The strategic direction of the CBH business plan
- 1.6.2** The principle of amending the terms and content of the Management Agreement in order to facilitate the delivery of the CBH and HRA business plans

- 1.6.3 The principle of reducing the CBH board size from 15 to 10; and
- 1.6.4 The principle of changing the composition of the CBH board to facilitate the delivery of the CBH and HRA business plans.
- 1.7 In September Cabinet received a further report following 6 weeks of consultation in July and August. The report explained the outcome of the stakeholder consultation with regard to the 10 year vision for CBH, service prioritisation, service enhancement and proposals to change the composition and size of the CBH Board. Following consideration of the consultation feedback Cabinet authorised the Leader to make the necessary changes to the Articles of Association to facilitate in particular changes to the size and composition of the CBH board of directors.
- 1.8 Cabinet also agreed that a further report on the proposed changes to the Management Agreement be brought back to them and that is the reason this report is before Cabinet today.
- 1.9 The proposal is to enter into a new Management Agreement from 1 April 2015. In order to meet this timescale the finalised draft has been sent to the Secretary of State ahead of the Cabinet meeting. At the point of issuing this report no response has been received from the Secretary of State and consequently Cabinet is being asked to delegate to the Deputy Chief Executive the finalisation of the agreement, in consultation with the Leader and the Borough Solicitor, subject to only minor changes being required by the Secretary of State. It is hoped to be able to provide an update to Cabinet on this at the meeting.

2. Approach Taken to Updating the Management Agreement

- 2.1 Officers from CBH and CBC have worked closely with the Cabinet Member for Housing in reviewing the Management Agreement and its associated schedules. Legal advice has been provided by Trowers and Hamlin on behalf of CBH and One Legal on behalf of CBC.
- 2.2 As previously in 2008 it has been agreed by both CBC and CBH that the original agreement was a robust document and has worked well over the years of operation. Consideration was given to a number of newer style agreements but it was felt that these did not give the same level of clarity as the existing documentation. Therefore it was felt that the most efficient and effective way to progress would be to update and amend the current agreement to make it fit for purpose although the new Management Agreement will be a new Agreement..
- 2.3 The agreement has undergone revision and discussion between CBC, CBH, Cabinet Member for Housing and legal representatives with a number of drafts being produced as negotiations have progressed. The final agreement has been subject to a detailed “page-turning” meeting to ensure that it is complete and reflects all the expected and requested amendments.
- 2.4 CBC Overview and Scrutiny were provided with a detailed presentation on the proposals to change the Articles and Memorandum of Association prior to the September Cabinet meeting. They did not wish to undertake any further scrutiny of the Management Agreement prior to its consideration by Cabinet.
- 2.5 The CBH Tenants Scrutiny Improvement Panel (TSIP) has been consulted with regard to the amendments to the Articles and also the main updates to the Management Agreement.

3. Management Agreement Documentation

- 3.1 Reference is made in this report to the documentation which supports the Management Agreement, therefore these are explained below for ease of reference.
 - **Schedule 1** - Format of the Business Plans and the Annual Plans
 - **Schedule 2** – Part 1 - Delegation of functions – housing management responsibilities

delegated to CBH. Part 2 – Description of those services being retained by CBC and CBH business plan key elements

- **Schedule 3** – Financial arrangements
- **Memorandum of Operations** - Outlining operational aspects of the working relationship between CBH and CBC

4. Updating the Management Agreement

4.1 Attached at Appendix 2 is a summary of the agreement following revision providing a very brief explanation of the clauses which make up the document. A number of amendments and updates have been made for changes in legislation, deletion of references to organisations which no longer exist, e.g. Audit Commission, etc.

4.2 The main areas of substantial change are described in the following sections.

4.3 Management Agreement Term

4.3.1 With regard to those consulted on extending the length of the Management Agreement term to 30 years 92% of respondents agreed with the proposal.

4.3.2 This is perhaps the single most significant change proposed to the current agreement. The June Cabinet report explained that the reasoning behind the request from CBH for a longer term was the necessity to give a greater degree of certainty to the CBH Board. In addition, as service and market development have been highlighted as areas for business growth, and these too have seen support through the consultation process, it is deemed necessary to ensure that the Management Agreement can aid CBH's delivery of its own business plan and the HRA business plan.

4.4 Management Agreement – Break Clause and Business Plan 5 Year Review

4.4.1 Whilst in principle supportive of a 30 year term the Cabinet Member was minded to require the agreement to provide for break clauses at 10 year intervals. Therefore the proposal is that the new agreement will commence on 1 April 2015 and expire on 31 March 2045 unless terminated on either on 31 March 2025 or 31 March 2035. It is also proposed that 2 years written notice of any review which could lead to termination be given and at least 12 months notice prior to written notice of termination.

4.4.2 The 2009 update to the Management Agreement introduced the requirement for an annual update of the CBH and HRA business plans together with a material review every 5 years. These requirements will be very important in the context of a 10 year break clause as it will provide an opportunity to ensure that CBH direction of travel continues to meet the Council's requirements.

4.5 Council Officer and Cabinet Member Representation

4.5.1 The Council Representative will be a Council Officer as their responsibilities under the agreement are to deal with administrative functions such as giving instructions, receiving notices, plans, reports etc

4.5.2 The Management Agreement also allows for the Leader of the Council or their nominated representative (who must be a Cabinet Member) to attend meetings of CBH's Board (as an observer and without voting rights) and to receive notices of CBH's Board and relevant board papers.

4.6 Housing Options

4.6.1 On 29 November 2013 an agreement was entered into between CBC and CBH relating to the

provision of homelessness and housing related services, also known as Housing Options. Currently the termination of the housing options agreement is the same date as the termination date of the Management Agreement with clause 2 of the Options Agreement linking that agreement to the end of the Management Agreement. Therefore it is proposed that the housing options agreement shall be varied by a minor change to refer to the new Management Agreement. This will keep the two agreements separate but linked together.

4.7 Authority to Undertake Works to High Cost Property

4.7.1 CBH will be able to undertake works on void properties up to the value of £50,000 without reference to the Council's Asset Management Working Group, unless there is a business case for delivery of an alternative scheme in the area which incorporates that property. Any works required above this amount or where the property in question is part of a development being considered for redevelopment/remodelling would require a full option appraisal to be presented to the Council's Asset Management Working Group via CBC and CBH's Joint Programme Group.

4.7.2 There is also an aspiration that strategic asset management decisions will, in the future, be informed by a more sophisticated evaluation appraisal. This will include consideration of the net present value of our existing housing stock. Where options appraisals are required following this evaluation, these will also be presented to the Council's Asset Management Working Group via the Council and CBH's Joint Programme Group. It is anticipated that reference will be made to this approach as part of the review of the Schedules to the Management Agreement at the relevant time.

4.8 Assignment and Sub-Contracting

4.8.1 The agreement has been updated so that CBH cannot amend the articles of association, nor those of a subsidiary without the CBC's prior written consent, such consent not being unreasonably withheld.

4.9 Shared Services

4.9.1 The current agreement came into force prior to the creation of a number of shared services of which CBH is a customer. Particularly relevant here is that the Management Agreement has been updated with regard to the fact that CBH is now receives its ICT from the shared service delivered by Forest of Dean District Council. Thus CBH will need a new contract with the Forest of Dean, the host authority to provide the services. CBC will also be a party to this new contract. CBH also receives some services from GO Shared Services and is also a customer of One Legal provided by Tewkesbury Borough Council. The memorandum of operations will be updated to signpost to the various service level agreements for shared service provision.

4.10 Communications Protocol

4.10.1 A protocol is currently in use which describes the various meetings that take place between CBC and CBH, their purpose and who is involved. It is proposed that the protocol be added to the memorandum of operations.

5. Early Priorities under the 30 year Management Agreement

5.1 The HRA self-financing arrangement has increased our HRA resources and given the council greater control over how these resources will be spent. In February 2012 the council approved a 30 year HRA Business Plan which highlights our spending intentions across 3 main areas:

- The delivery of new affordable housing
- Investment in our existing housing stock, and
- The provision of new services to support our tenants, particularly in light of welfare reforms.

- 5.2 The investment decisions that the council needs to take will be taken first and foremost with a robust understanding of our investment requirements for our existing homes - as this will help inform future investment decisions on the remaining 2 priority areas.
- 5.3 CIPFA (Chartered Institute of Public Finance and Accountancy) has recently undertaken a critical friend analysis of our asset management plans/strategies across the CBC and CBH. We will seek to implement any recommendations for improvement arising from this inspection for both our organisations.
- 5.4 CBH is a high performing ALMO which is valued by our tenants. We are also keen to test further the value for money our tenants receive for these services. We will therefore work closely with CBH to consider what other opportunities exist for achieving greater value for money without this negatively impacting on CBH's services to our tenants. Improved value for money might be achieved, for example, by considering opportunities for co-location through the council's Accommodation Strategy.
- 5.5 We will also consider how any value for money savings that are realised can be reflected in the future setting of the Management Fee.
- 5.6 The Council will also ensure that the use of the HRA is strictly for the benefit of our tenants. In doing this, we will continue to review the council's other services that support the HRA to ensure that any re-charging of these services to the HRA is fair and reasonable.

6. Reasons for recommendations

- 6.1 As explained in the body of the report.

7. Alternative options considered

- 7.1 As explained in the June Cabinet report the Council could consider amending the Management Agreement to reflect changes since it was re-drafted in 2008 but to not extend the term. However, it is felt that this would not secure the longer term planning which CBH may require in order to meet its business and investment needs. However, whilst accepting the necessity to enter into a longer term agreement the break clause provision does give CBC an opportunity to review the delivery of its housing management service.
- 7.2 CBC could consider allowing the current Management Agreement to run its course to 2020 with an objective of undertaking a fundamental review of housing service provision. However, Cabinet has been supportive of CBH continuing its new build programme and developing this aspect of its business to deliver further affordable housing.

8. Consultation and feedback

- 8.1 The consultation undertaken by CBH during July and August sought to gain views on amongst other things a longer term for the Management Agreement as well as appetite for CBH to diversify its service delivery. CBH sent a postal version of the questionnaire to all 4,563 CBH households. An online survey was also sent to 420 tenants via email. The online survey link was also made available via the CBC and CBH websites. The results of the consultation were extremely positive and were explained in the September Cabinet report.
- 8.2 CBH Chief Executive has kept the CBH Tenants Scrutiny and Improvement Panel (TSIP) updated on the changes that have been made to the company's governance framework. TSIP was last briefed on 8 December with regard to the proposed changes to the Management Agreement..
- 8.3 On 8 September CBC Overview and Scrutiny Committee received a Cabinet Member briefing on the progress being made with the revisions to the Articles of Association of CBH and the

proposals to update the Management Agreement. The minutes show that *“there was consensus amongst the members of the committee that there was no need and little value to undertake joint scrutiny of the new Management Agreement for CBH. Members were comfortable with the changes that were being proposed and satisfied that CBH would continue to keep members informed.”*

9. Performance management – monitoring and review

- 9.1 The Management Agreement with CBH is monitored through regular officer meetings and update meetings with the lead Cabinet Member. The CEO and Chair of CBH meet with the CEO of CBC and Leader on a regular basis to ensure that company issues as opposed to service delivery issues are dealt with in a timely manner. The lead Cabinet Member meets with relevant officers on a frequent basis to discuss CBH operational performance.
- 9.2 CBH and CBC senior leadership teams meet twice a year to consider joint strategic issues and these are supplemented with events where the Cabinet, CBC senior officers together with the CBH Board and senior officers come together to consider future planning and direction for CBH.

Report author	Contact officer: Martin Stacy; Lead Commissioner Housing; martin.stacy@cheltenham.gov.uk; 01242 775214
Appendices	<ul style="list-style-type: none"> 1. Risk Assessment 2. Summary of Agreement for Housing Management and Other Services
Background information	<ul style="list-style-type: none"> 1. Agreement for Housing Management and Other Services between Cheltenham Borough Council and Cheltenham Borough Homes Ltd

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the Council does not enter into a 30 year Management Agreement, then CBH will be less able to acquire favourable finance terms on loans for the new build of CBH affordable homes.	Pat Pratley	18.2.15	1	6	6	Reduce	Agree to enter into a 30 year agreement, in line with recommendations of this report.	1.4.15	Martin Stacy	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

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Cheltenham Borough Council

Summary table of amendments to the management agreement

This table summarises the amendments which are being proposed to the Management Agreement. The current agreement was entered into on 1 September 2009 and it is proposed that the new arrangements will be effective from 1 April 2015.

Clause Number	Commentary
Introduction	Introductory paragraphs have been amended to reflect the fact that, technically, the new Management Agreement will constitute a new agreement (and so requiring the termination of the existing agreement). Consent from the HCA under Section 27 of the Housing Act 1985 will be sought on that basis. Additionally, the introductory paragraphs record the fact that the Council's homelessness service was transferred to CBH in 2013 and the revised Management Agreement and that CBH has undertaken new build development in partnership with the Council.
Clause 2	This clause revises the language used to articulate the role of CBH in delivery its corporate and community outcomes and resulting strategies.
Clause 3	This clause revises the language used in CBH's delivery of equality and diversity outcomes.
Clause 4	This clause revises the commitments of CBH in relation to tenant engagement and in particular revises the somewhat outdated concept of the "tenant compact".
Clause 5	The process for the settlement and agreement of CBH's business plans and annual plans remains unchanged under the new arrangements and the drafting has been amended to reflect the fact that (unlike when the agreement was last revised in 2009) there are existing business plans and annual plans in the format required by the agreement.
Clause 6	This clause has been updated to reflect the current returns required of the Council/CBH in relation to the housing services covered by the agreement.
Clause 13	This clause is required by the HCA in its capacity as social housing regulator and reflects the fact that the Council itself is a registered provider of housing registered with the HCA (and is therefore subject to its regulatory regime for local authority landlords).
Clause 14	This clause has been revised to reflect the fact that the tenants handbook is a matter for housing management (rather than

Clause Number	Commentary
	something which creates legal relationships between the landlord and tenant) and, as an operational matter, it is more appropriate for CBH to have discretion to amend the handbook without reference to the Council.
Clause 15	This clause has been updated to reflect current practice and guidance in relation to safeguarding.
Clause 18	Provisions relating to the letting of contracts in connection with the housing service have been amended to reflect the fact that the majority of contracts in connection with the housing services are now let by CBH.
Clause 20	This clause records the incorporation of Cheltenham Borough Homes Services Limited which was incorporated as a "design and build" company to facilitate the new housing development activities being undertaken by CBH.
Clause 21	This clause records the fact that IT services for CBH are now provided under the shared services arrangements with Forest of Dean District Council and that arrangements will expire on 31 March 2016; there is a separate agreement between CBH and Forest of Dean District Council to government the provision of those services and, accordingly, the (significant) level of detail relating to IT services which is contained in the agreement and it omitted from the revised agreement.
Clause 22	The drafting in relation to data protection has been updated to reflect current best practice and revisions to the regulatory framework.
Clause 24	A new clause has been included in the new arrangements to deal with dealing with requests made of either the Council or CBH under the Freedom of Information Act.
Clause 40	This clause records the arrangements for the provision of services to CBH of the Council's shared services arrangements and in particular CBH undertakes to the Council to consult as soon as practicable (and in any event more than 6 months before expiry date of a relevant service level agreement) it intends to terminate service provision under a shared service arrangement.
Clause 52	This clause is a new provision which obliges CBH to consult with the Council if it reviews the staffing structure of its senior leadership team.
Clause 56	New wording has been introduced to this Clause recording the ability of an elected member (who shall be the Leader or a member of Cabinet) to attend CBH board meetings (as an

Clause Number	Commentary
	observer and without voting rights) and to receive copies of CBH board papers.
Clause 58	This clause records the fact that parties acknowledge that CBH's role may change as a result of regulatory/statutory requirements, tenant/leaseholder expectations or Government policy objectives and, therefore, as part of the 5 yearly review of CBH's business plans, the operational aspects of the management agreement may require review.
Clause 59 Term and Break Clauses	<p>This clause records the fact that the new arrangement is a 30 year agreement with the ability of the Council to break the agreement on either 31 March 2025 or 31 March 2035.</p> <p>Additionally, there are new clauses required by the HCA to record the fact that the agreement may be terminated if the Council is obliged to agree to an arrangement with a Tenant Management Organisation or if tenants/leaseholders take on management functions pursuant to the right to manage.</p>

Trowers & Hamlins LLP

18 February 2015

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Cheltenham Borough Council

Cabinet – 17 March 2015

Housing Revenue Account New Build

Accountable member	Councillor Peter Jeffries, Cabinet Member Housing
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	Hesters Way, St Marks, Warden Hill, Up Hatherley, Springbank, St Pauls
Key Decision	Yes
Executive summary	The report seeks approval to proceed to tender two HRA new build schemes that will provide 38 units of affordable housing. These schemes propose development on nine HRA garage sites and a former HRA commercial site in Swindon Road. The new homes will represent the first Council owned stock built since the late 1980's. No commitment to contract will be made before tendered costs and adjusted viabilities have received Cabinet approval later in 2015.
Recommendations	<p>Cabinet is recommended to :-</p> <ol style="list-style-type: none"> 1. Authorise the Authority to seek bids from potential contractors to build new housing for the Authority as set out in section 2 of this report. 2. Delegate authority to the Head of Property Services in consultation with Lead Member Housing to substitute the sites to be considered for development, if required <p>Note that a further report will be brought back to Cabinet to seek approval to the Authority undertaking developments and to approve the award of the contract(s) to the successful contractor(s)</p>
Financial implications	<p>As outlined in the report and exempt appendix.</p> <p>At its meeting on 13th February 2015, Council approved the transfer of £2m to a new build reserve to finance development within the HRA.</p> <p>The report proposes the use of this reserve to fund preliminary costs on these schemes up to tender stage at an estimate of £150,000 (as detailed in the exempt Appendix to this report). Under the financial rule B11.4, The Section 151 Officer has delegated powers to approve this.</p> <p>Contact officer: Mark Sheldon</p> <p>mark.sheldon@cheltenham.gov.uk</p> <p>01242 264123</p>

<p>Legal implications</p>	<p>The Council has the power under Section 9 of the Housing Act 1985 to build new housing accommodation on land it owns for that purpose. All of these sites are held for housing purposes.</p> <p>There are a number of properties which have the benefit of rights over the sites. These rights will either need to be accommodated in the new schemes or the persons with the benefit of those rights will need to agree to vary or to give up those rights. In addition, when the Council sold dwellings in these areas under the right to buy, by virtue of the Housing Acts the purchasers acquired various rights of support, use of services and access for maintenance etc. The burden of these rights in general terms is noted on the Council's title registered at HM Land Registry. Where specific rights are known, these need to be accommodated or varied otherwise obtaining insurance is advisable in case the development interferes with any third party rights of which the Council is not aware.</p> <p>The Council's contract procedure rules and the Public Contracts Regulations 2015 will need to be complied with when looking to appoint a contractor and the professional team to design and build the new housing. There are various options that can be used to appoint the contractors and consultants such as the use of frameworks or splitting the sites into 'lots'. Advice from One Legal and GOSS procurement team must be sought to assist when deciding the appropriate procurement options.</p> <p>Appropriate legal documentation prepared or approved by One Legal must be entered into with the contractors and consultants before they start work.</p> <p>Contact officer: Donna Ruck, Solicitor, donna.ruck@teWKesbury.gov.uk 01684 272696</p>
<p>HR implications (including learning and organisational development)</p>	<p>There are no direct HR implications arising from this report.</p>
<p>Key risks</p>	<p>Please see risk assessment at Appendix 1 of this report</p>
<p>Corporate and community plan Implications</p>	<p>By increasing the provision of new affordable housing we will be supporting our key strategic objective of strengthening our communities</p>
<p>Environmental and climate change implications</p>	<p>The redevelopment of the sites will improve the area as they currently consist predominantly of empty and poorly maintained garages and a commercial site with dilapidated buildings.</p> <p>The quality of the proposed housing will have an impact on climate change. All of the dwellings will achieve a minimum of Code for Sustainable Homes level 3 adopting a 'fabric first' approach to energy efficiency. The intention is that Solar Photovoltaic panels will be installed to the houses to contribute towards the electricity generation in the dwellings.</p> <p>Contact Officer: Gill Morris, Climate Change and Sustainability Officer gill.morris@cheltenham.gov.uk, 01242 264229</p>

<p>Property/Asset Implications</p>	<p>Garage Sites:- The development of some of the sites will be dependent on the satisfactory negotiation/resolution concerning the rights of access issues.</p> <p>Swindon Road site: - The lease on this commercial site has expired and the Council now has vacant possession.</p> <p>Contact officer: David Roberts, Head of Property Services david.roberts@cheltenham.gov.uk, 01242 264151</p>
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1. Background

The introduction of self-financing to the Housing Revenue Account in April 2012 has given the Council new investment opportunities. The current HRA Business Plan identifies three separate streams for future investment, namely the improvement of tenant services, enhancement of the existing stock and the development of a new build programme.

In 2012 the Government also brought forward amendments to Right to Buy (RTB) policy with the intention of re-invigorating interest in the scheme. The additional receipts arising from this policy were earmarked for investment in new stock on a one for one replacement basis. In June 2012 the Council entered into a retention receipts agreement with the Government which allows the local authority to keep these additional receipts for up to 3 years, provided that within that time they are used to fund the provision of new affordable housing. Any unused receipts after that period have to be paid over to Government. It is for this reason that the proposed new affordable homes will be Council, rather than Cheltenham Borough Homes owned homes.

The Council’s managing agent, Cheltenham Borough Homes (CBH), has been working with Council officers in the Joint Programme Group (JPG) to identify suitable sites for new build within the HRA. Option appraisal and design has been completed for two schemes as detailed below and the majority have been submitted for planning permission.

CBH has produced a draft Regeneration and Development Strategy and is currently exploring the potential for further pipeline regeneration and new build opportunities. This will be complemented by a review of all funding options and sources in order to identify longer term capacity and constraints.

The schemes take into account current housing needs, whilst having regard also to the specific nature of the individual sites. The range and design of new homes has been agreed with JPG members and approved by the Lead Commissioner – Housing Services.

The proposals contained in this report will provide the opportunity for a timely route to the commitment of those RTB retention receipts accrued to date that would otherwise fall due for payment to Government in the period up to 31st March 2017.

2. Scheme Details

Garage Sites Phase 2

The redevelopment programme for redundant or underutilised garage sites was developed as the result of a comprehensive survey of all 80+ sites which considered garage condition and utilisation together with site redevelopment potential.

CBH successfully completed the development of four garage sites in April 2014 providing 14 new homes. This second phase package of nine garage sites is currently intended to include the following:-

Part used garage site at Coniston Road
Part used garage site at Haweswater Road
Cleared garage site at Hesters Way Road
Cleared garage site at Kingsmead Avenue
Cleared site adjacent to garages at Newton Road
Predominantly derelict garage site at Parkbury Close
Cleared garage site at Redgrove Road
Part used garage site at Rowanfield Exchange
Cleared garage site at Ullswater Road

The planned development is to provide 28 homes which comprise of:-

6 x 1Bed Flats, 2 x 2 Bed Flats, 3 x 2 Bed Houses, 10 x 3 Bed Houses, 5 x 2 Bed Bungalows and 2 x 4 Bed Houses.

The sites are all in CBC ownership and there are no acquisition costs.

Four of these sites have issues in respect of specific and general rights granted by the Council under previous RTB disposals and to commercial tenants. CBH is continuing to work with the Head of Property Services to resolve third party rights of access in respect of these sites to enable development to proceed. It is intended that in the event that any site/scheme becomes undeliverable due to such rights, then a substitution would be made of an alternative viable site in consultation with the Lead Member for Housing.

Once planning permission has been secured the intention is to proceed to tender the initial tranche of sites. The Council is exploring whether it will be possible to include further sites within the same contract so that they can be delivered once planning permission has been secured and third party rights have been resolved.

Swindon Road/Brunswick Street

This site has historically been used as commercial premises; however it abuts residential uses on surrounding land and is regarded as appropriate for regeneration through social housing development.

The intention is to provide 10 homes which comprises of:-

5 x 1Bed Flats, 3 x 2 Bed Flats and 2 x 2 Bed Houses

The site is in CBC ownership and there are no acquisition costs.

The site has undergone both asbestos and demolition surveys and materials containing asbestos have been found. A contract will be procured to remove the asbestos and demolish the buildings leaving a clear site for redevelopment.

3. Performance monitoring and review

JPG will continue to oversee the delivery of the forward programme of housing development. An Operational Group has been created consisting of key Officers to deliver day-to-day management and to provide JPG with performance monitoring and reporting data.

4. Consultation and feedback

These proposals have been developed through consultation with key stakeholders including Ward Councillors.

Local residents surrounding the various sites have been written to confirming the intention to redevelop to provide new affordable housing. Prior to the formal submission of the planning applications a number of information sessions were arranged at local facilities to give residents and local stakeholders the opportunity to review the proposals.

Formal pre-application planning advice has been sought for each site and the schemes have been amended to incorporate comments from the Planning Department. The proposals submitted to the Planning Department reflect the feedback received from the information sessions, CBC Planning department and CBC and CBH colleagues.

CBC Councillors have been consulted on the proposals via the Asset Management Working Group.

5. Recommendations

Cabinet are asked to confirm their continuing support for the proposed developments and approve the decision to proceed to tender, delegating authority to the Head of Property Services in consultation with the Lead Member Housing to substitute the sites to be considered for development, if required.

Report author	Contact officer: Paul Stephenson, Chief Executive CBH <i>paul.stephenson@cheltborohomes.org</i> 01242 775319
Appendices	1. Risk Assessment 2. Financial Assessment (confidential)
Background information	None

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Third party rights cannot be accommodated or removed on the sites where they exist then this may adversely affect the ability to develop the site.	Pat Pratley	11 June 2014	3	2	6	Accept	Discuss and reach a suitable negotiated agreement/settlement. Submit planning applications once sites are unencumbered.		David Roberts	
	If the rights of access cannot be resolved then there will be abortive costs and time if schemes prove not to be viable.	Pat Pratley	11 June 2014	3	2	6	Accept	Mitigate by undertaking only necessary works.		David Roberts	
	If the capital receipts held from RTB sales under the retention agreement with DCLG are not used within 3 years of receipt they are repayable with interest to the Government	Pat Pratley	December 2013	3	3	9	Reduce	Officers from CBC and CBH are currently evaluating sites for new build development to ensure procurement and delivery timescales will allow use of these funds before expiry	Dec 2015	Martin Stacy	
	If market conditions lead to less labour being available to deliver required works, then tenders may exceed current estimates	Pat Pratley	December 2014	4	3	12	Reduce	Discuss the tender in advance with suitable contractors. Give sufficient time to contractors to return the tenders (minimum 5 weeks), and discuss supply chains with potential contractors as part of the tendering exercise		Martin Stacy	

Explanatory notes

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

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

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

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

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Cheltenham Borough Council

Cabinet – March 17 2015

Private Rented Sector House Condition and Management Survey Tender & Funding

(Discretionary Licensing / Article 4 Direction Planning Control)

Accountable member	Cabinet Member Housing, Councillor Peter Jeffries
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	Wards potentially affected include: St Paul's, Lansdown, All Saints, College, Pittville, St Peters
Key Decision	Not at this stage
Executive summary	<p>Local housing authorities have a duty to review the housing conditions within their administrative area, with a view to identifying any action that needs to be taken. The last review was carried out in 2011, since when there has been a continued expansion of the private rented sector in Cheltenham. The private rented stock is generally in the worst condition, is the most unsafe and exhibits accompanying management issues.</p> <p>It is proposed that a house condition and management survey of the private rented stock is carried out by consultant surveyors as a first stage to identify areas which could potentially benefit from the introduction of a discretionary licensing scheme under housing act legislation and/or an Article 4 Direction under planning legislation.</p> <p>The consultant surveyor's services, to carry out this survey, would be procured following a tendering process and the selection of the successful tender will require Cabinet approval (tender approval report).</p> <p>If the survey identifies the potential for discretionary licensing and /or an article 4 direction then, subject to a further Cabinet decision, or appropriate officer delegation, all formal consultation necessary to reach a final decision on the introduction of the Licensing scheme/Direction could be commenced.</p> <p>Once all necessary consultation has been carried out, the final decision about whether to introduce the Licensing scheme / Article 4 Direction, will form the basis of a final Cabinet report.</p>
Recommendations	<p>That Cabinet:-</p> <ol style="list-style-type: none"> 1. Approves going out to tender, to understand the survey cost implications of each of the following survey options that could be undertaken:- <ol style="list-style-type: none"> i. The costs involved in surveying all types of private rented housing in one or more of the following wards:

- **St Paul's;**
- **Lansdown;**
- **All Saints;**
- **College;**
- **Pittville; and**
- **St Peters**

ii. **The costs involved in surveying only Houses in Multiple Occupation (HMOs) in one or more of the wards, as detailed above.**

2. Agrees that a further report be brought back to Cabinet to approve the tender price and selection, along with a recommendation as to which of the survey options should be undertaken.

Financial implications

There is a budget balance of £103,000 as at 31/03/2015 in the Housing Survey Reserve and currently £7,500 is added to this reserve each year.

The final cost of survey work will depend on prices received following the tendering process.

Funding for the proposed survey work can be made available from the House Survey Reserve Fund by virement authorised by the Director of Resources.

The continued setting aside of £7,500 each year into the Housing Survey Reserve will enable a borough wide house condition survey, which is usually carried out every five years and last carried out in 2011, to be carried out in 2020/21.

If the survey report identifies the need for discretionary licensing and / or the introduction of an Article 4 Direction, there will be resource implications for the required public consultation necessary to determine whether the introduction of any such scheme is appropriate. The cost of such consultation could be met from the current Housing Survey Reserve.

Funding for the proposed consultation work can be made available from the House Survey Reserve Fund by virement authorised by the Director of Resources.

Any shortfall in budget will be highlighted and presented to Cabinet in the tender approval report, which will detail tender prices, options and recommendations regarding budget / survey scope, specification and contractor choice.

Subject to legal advice, the use of Town and Country Planning Act section 106 commuted sums in meeting any budget shortfall may be an option. The use of such funding will be reported to Cabinet within the tender approval report.

**Contact officer: Nina Philippidis, Accountant
nina.philippidis@cheltenham.gov.uk, 01242 264121**

<p>Legal implications</p>	<p>The Council's contract procedure rules need to be complied with when undertaking the procurement. There are now new public contracts regulations in force and advice on the tender exercises should be sought from GOSS procurement or One Legal before commencing the procurement.</p> <p>Some legislative content is contained in section 2 of the report. The legal implications for the potential HMO licensing regime and planning controls will be referred to in the future Cabinet report.</p> <p>Contact officer: Peter Lewis Head of Legal Services, One Legal peterlewis@teWKesbury.gov.uk, 01242</p>
<p>Key risks</p>	<p>See appendix 1</p>
<p>Corporate and community plan Implications</p>	<p>The recommended outcomes of this report positively contribute to the following Corporate and Community Plan objectives:-</p> <ul style="list-style-type: none"> • People have access to decent and affordable housing • Cheltenham's natural and built environment is enhanced and protected • Communities feel safe and are safe • Cheltenham has a clean and well maintained environment

1. Background

- 1.1 The Private Sector housing condition survey was last carried out in 2011 and has historically taken place every five years.
- 1.2 The report showed a total of 10,260 private rented dwellings forming 22% of the housing stock.
- 1.3 Since 2001 the private rented stock in Cheltenham had almost doubled at the time of this latest survey. This growth is set to continue.
- 1.4 The majority of the private rented stock is situated in the following wards
 - St Paul's
 - Lansdown
 - All Saints
 - College
 - Pittville
 - St Peters

These wards have been identified from previous house condition surveys as the most appropriate areas to be covered by the recommended private rented sector house condition and management survey.

- 1.5 The 2011 stock condition survey showed that 15.7% of the private rented stock exhibited at least one category 1 hazard as measured by the Housing Health and Safety Rating System (HHSRS). Category 1 hazards are the most severe hazards assessed under this system and the Council is required to take action when such hazards are identified.
- 1.6 The 2011 survey report also showed that the private rented sector contained the worst house conditions with 38.3% failing the decency standard with significant levels of disrepair. Ongoing

disrepair can quickly lead to the formation of Category 1 hazards where they are not already present.

2. Options available to improve private sector housing conditions in Cheltenham

2.1 There are a number of potential options open to the Council to improve standards in the private rented sector in addition to the existing enforcement measures that are currently undertaken. The proposed survey work will seek to provide the Council with statistical evidence to help inform the appropriateness of implementing one or more of the following options across the wards covered by the proposed survey: Additional Licensing and/or Article 4 Direction concerning HMOs in specified wards in Cheltenham, or introducing Selective Licensing of all private rented accommodation in specified wards in Cheltenham.

2.2 Additional Licensing of all HMOs

2.1.2 The Council can help to address the issues associated with poor management and large concentration of HMO's, utilising Housing and Planning Act Powers in addition to the mandatory licensing requirements of HMOs contained in the Housing Act 2004.

2.1.3 In 2010, through a general consent, the government enabled Council's to introduce Additional Licensing of Houses in Multiple Occupation's (HMO's) within their area without the need for government approval of the scheme. The Council still has to show that the area meets the necessary criteria for the introduction of the Scheme.

2.1.4 The Council must consider that a significant proportion of the HMO's in the area are being managed sufficiently ineffectively to cause problems for the tenants or members of the public.

2.1.5 The Council must have considered whether there are any other ways to deal with the problem and also consider that introducing Additional Licensing will significantly help them deal with the problems. The decision must be consistent with the Council's overall Housing Strategy.

2.1.6 Additional licensing is intended to provide local authorities with greater controls on improving the condition of HMO housing stock including management. Schemes are designed to be self funding for the local authority through the payment of license fees by the landlord. The local authority must adhere to the rules set down by Government when seeking to identify areas. Failure to do this can leave the local authority open to legal challenge, usually in the form of judicial review.

2.1.7 To introduce an Additional Licensing Scheme, the local authority must show that the types of HMO's to be licensed in that area are being poorly managed and causing problems for occupants and/or the local community. A significant number of these HMO's would not come under the mandatory licensing scheme.

2.3 Selective Licensing of all privately rented accommodation

The use of Selective Licensing may also be considered by the Council. This covers all private rented accommodation and takes into account areas of low housing demand and antisocial behaviour. Findings from the survey will help determine how appropriate this type of intervention is, but it is recognised that Cheltenham does not suffer from low housing demand.

2.4 Article 4 Directions on Housing of Multiple Occupation

2.3.1 In addition to Housing Act powers, Planning Act powers may be used to help restore balance to communities over time, where there are large numbers of HMO's in an area.

2.3.2 Local Planning Authorities may make a direction under Article 4 (1) of the Town and Country

Planning (General Permitted Development) Order 1995 (as amended) so that change of use by permitted development must instead require planning permission.

- 2.3.3 The change of use from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation) has been permitted development since October 2010.
- 2.3.4 The introduction of an Article 4 Direction could remove this permitted development right and therefore a change of use to a house in multiple occupation would require planning permission.
- 2.3.5 In this way the formation of all new HMO's could be controlled where an unbalanced community is identified due to the numbers of HMO's in an area compared to other types of residential accommodation.
- 2.3.6 There is a growing concern amongst residents in St Paul's that the number and management of HMO's in St Paul's is causing an imbalance and problems for the community.
- 2.3.7 Local planning authorities should only consider making article 4 directions in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.
- 2.3.8 The survey work will help to provide evidence to show whether there is a need for licensing schemes and/or Article 4 Directions in any identified wards.
- 2.5 The outline specification for the survey is contained in appendix 2.

3. Reasons for recommendations

- 3.1 Local housing authorities have a duty to review housing conditions within their district. Growth in the private rented sector is set to continue and the recommendation in this report will help provide statistical evidence to assess the needs for targeted interventions to address the condition and management of stock which has historically been shown to contain the worst residential accommodation.

4. Alternative options considered

- 4.1 The option of carrying out survey work internally, utilising officers employed by the Council was considered. However, the length of time it would take to complete the survey would be significantly longer because of the council's duty to respond to poor conditions immediately following survey inspections.

5. Consultation and feedback

- 5.1 The survey and questionnaire work recommended by this report will provide part of the required consultation prior to the introduction of any discretionary schemes, if the need to introduce such schemes is identified.

6. Performance management – monitoring and review

- 6.1 The performance of the consultants appointed will be managed and monitored via the contractual arrangements.

Report author	Contact officer: Mark Nelson, Enforcement Manager mark.nelson@cheltenham.gov.uk, 01242 264165
Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Outline specification for the survey
Background information	<ol style="list-style-type: none">1. Private Sector House Condition Surveys 2011, 2005, 2001

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 survey work provides insufficient data to identify need (if any) relating to the introduction of discretionary licensing /Article 4 Directions, then the Council could be challenged if it chose to implement one or more of the potential options referred to in this report.	Martin Stacy	Jan 2015	5	1	5		The survey work must be sufficiently detailed to identify the need for and justify any proposed statutory intervention. Detailed understanding of the required data collection and process will inform the drafting of the tender specification and associated contractual requirements.		Mark Nelson	
	If tender prices exceed the set aside budget for the survey work, then the survey cannot go ahead without additional funding being found..	Martin Stacy	Jan 2015	2	2	4		The acceptance of tender price will be the subject of a further Cabinet report, which will detail the survey specification on which the tender price was based. If the tender prices exceed budget the report will recommend appropriate options regarding budget, scope and specification. Subject to legal advice, the potential use of section 106 commuted sums to		Mark Nelson	

								bridge any budget shortfall will also be included as an option in this report.			
	If the appointed consultant surveyors are unable to complete the contracted work or complete it to an adequate standard, then the council will be unable to implement any of the potential options referred to within this report.	Martin Stacy	Jan 2015	5	2	10		The contract rules for procurement are followed, as laid down in Part 4 of the Council's constitution.		Mark Nelson	

Outline Survey Specification

Option 1

- To take a systematic look at the private rented housing stock within the identified wards, reporting on:
 - Occupancy and tenancy details
 - Conditions of repair
 - Decent Homes Standard
 - Safety as measured by HHSRS
 - Overcrowding
 - Energy efficiency of the stock
 - Antisocial behaviour associated with the stock.
 - To identify and survey Houses in Multiple Occupation within the ward areas to obtain a statistically valid sample of HMOs to determine whether a significant proportion of HMOs in any identified area are being managed sufficiently ineffectively to cause problems for tenants or members of the public.
 - The numbers, size and type of HMO's in the ward areas
 - Occupancy and tenancy details of all HMOs
 - Conditions of repair of HMOs
 - Whether HMOs meet the Decent Homes Standard.
 - Overcrowding relating to HMOs
 - Fire Safety Standards within HMOs
 - Standards of Management relating to HMOs
 - Local amenity and environment issues

Option2

- To identify and survey Houses in Multiple Occupation (HMOs) within the ward areas, to obtain a statistically valid sample of HMOs to determine whether a significant proportion of HMOs in any identified area are being managed sufficiently ineffectively to cause problems for tenants or members of the public. The survey will identify HMOs and report on:
 - The numbers, size and type of HMO's in the ward areas
 - Occupancy and tenancy details
 - Conditions of repair
 - Decent Homes Standard and energy efficiency of stock
 - Safety as measured by HHSRS
 - Overcrowding
 - Fire Safety Standards
 - Standards of Management and antisocial behaviour
 - Local amenity and environment issues

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Cheltenham Borough Council Cabinet meeting – 17th March 2015

Proposed implementation of The Anti-social Behaviour, Crime and Policing Act 2014

Accountable member	Councillor Andrew McKinlay – Cabinet Member Development & Safety
Accountable officer	Sarah Clark, Public & Environmental Health Team Leader
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>The Anti-social Behaviour, Crime and Policing Act 2014 (ASBCPA) introduced simpler, more effective powers to protect victims and communities from anti-social behaviour (ASB) and put them at the heart of the response to ASB. In order to utilise the provisions to deal with ASB and other issues adversely affecting individuals, communities and businesses (such as irresponsible dog ownership), officers of the council's Public Protection team would need to be authorised through an updated Scheme of Delegation.</p> <p>The Act also provides for the use of fixed penalty notices (FPN) as an alternative to prosecution and Cabinet may wish to implement these locally.</p> <p>In order to ensure the council can lawfully use the powers contained within the Act, and take action pursuant to it, it is necessary to update the Scheme of Delegations in the council's Constitution to ensure that the functions of the council under the ASBCPA 2014 are included within the Scheme.</p>
Recommendations	<ol style="list-style-type: none"> 1. That Cabinet note the new powers available to the authority under the Anti-social Behaviour, Crime and Policing Act 2014; 2. That the provisions of the community trigger/ASB case review are noted; 3. That Cabinet gives a standing delegation to the Director of Environmental and Regulatory Services to, following appropriate consultation (to include the relevant Cabinet Member and ward councillors), adopt and publish Public Spaces Protection Orders where the area covered by the proposed Order is within the borough and subject to the statutory requirements for the making of an Order being satisfied; 4. That Cabinet authorises the Director of Environmental and Regulatory Services, under the Anti-social Behaviour, Crime and Policing Act 2014, to designate officers as authorised persons under the Act; 5. That the use of fixed penalty notices is introduced for breaches

of the Act, with the amount set at £80, reduced to £50 for early payment; and

6. That Cabinet authorises the Director of Environmental and Regulatory Services to take such actions and steps as are necessary for effective implementation of the preceding recommendations.

Financial implications	None – all expenditure will be within existing budgets Contact officer: Nina Philippidis, nina.philippidis@cheltenham.gcsx.gov.uk, 01242 264121
Legal implications	As contained in the body of the report. Contact officer: Vikki Fennell, vikki.fennell@tewkesbury.gov.uk, 01684 272015
HR implications (including learning and organisational development)	Training of officers will be managed within existing resources – see note for finance above. Contact officer: Richard Hall, Richard.hall@cheltenham.gov.uk, 01242 774972
Key risks	As identified in the appended risk assessment.

Corporate and community plan Implications

Strengthening our economy: Cheltenham will be a safer more attractive place to work or set up a new business if the full range of ASB and environmental crime tools and flexibilities are utilised.

Strengthening our communities: The very nature of the ASBCPA 2014 means its implementation will have a positive impact on all elements of community safety.

The benefits will extend to all our communities and businesses, as well as to visitors to the town and users of the night time economy. This will encourage a safe day and night environment and should therefore reduce the fear of crime.

It is possible that the number of reported offences will go up in relation to the new powers being exercised – in particular breaches of the Public Space Protection Order – but over time the number of complaints to the council and partners about related issues should decrease in those areas.

All types of housing sectors and tenures are included within the remit of the new powers. Householders experiencing poor quality of life within the domestic environment because of ASB or related issues will be better protected under the new legislation.

A safer environment means people are more likely to engage in outside physical activity and use public spaces and parks.

Cycling and walking tend to be more popular modes of transport in areas of perceived safety.

The most vulnerable people in our communities will be better protected through the use of the new powers, and the perpetrators themselves will benefit from the positive requirements of some of the Notices/Orders – for example the ability to now be able to address drug or alcohol problems.

Victims and communities are placed at the heart of the response to ASB under the new legislation. They have a say in how the harm should be remedied, as well as being able to trigger a review of the case, if certain criteria are met.

Community representatives will be consulted before any PSPO is established to ensure the varying needs of those in the community are balanced. This will promote community cohesion through opportunities to improve localities because of shared wants or ambitions. Whatever the ‘thorn in the side’ of the community is, the new tools should provide a more effective way to work together to tackle it.

The flexibilities of the Act will provide increased opportunities for safeguarding, and existing partnership structures and information sharing protocols will be utilised.

Operational staff have undertaken a joint training package with the police to ensure they have the right skills and knowledge.

The very nature of the Environmental Health and Community Protection services promote a culture of safeguarding.

<p>Environmental and climate change implications</p>	<p>Use of new powers should make it quicker and more effective to deal with environmental offences and ASB. This will help keep public and private land clear of litter and dog fouling, subject to consultation.</p> <p>The new ASB tools allow for better protection of the natural and built environment from envirocrime and associated blight, eg through Public Space Protection Orders.</p> <p>Environmental noise pollution can be tackled more effectively (non-statutory nuisance).</p>
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1. Background

1.1 In March 2014, the Anti-social Behaviour, Crime and Policing Act (ASBCPA) was enacted. The provisions it contained have been introduced slowly, with the Civil Injunction being the last one to be implemented on 23rd March 2015.

1.2 The aim of the Act in the words of the Home Office is ‘to put victims at the heart of the response to ASB, and give professionals the flexibility they need to deal with any given situation’ (*Statutory guidance for frontline professionals, Home Office, July 2014*)

1.3 Early intervention is a key principle, and the Act replaces 19 existing police, council and registered housing provider powers with six broader ones. Appendix 1 provides a table to demonstrate this.

1.4 ASB is not defined in the Act, but there are specific evidential tests that must be met for each of the new powers. The accompanying guidance is not statutory and still leaves points open to interpretation – which will be tested through the legal system in the fullness of time. The Chartered Institute of Environmental Health (CIEH) has provided detailed practitioner guidance for one of the powers – the Community Protection Notice – but dates for any further guidance are yet to be announced.

1.5 Sections of the Act most relevant to the council are:

1.5.1 Section 1: Civil Injunction

This power replaces Anti-social Behaviour Orders (ASBOs) and Anti-social Behaviour Injunctions (ASBIs). The purpose is to stop or prevent individuals from engaging in anti-social behaviour quickly to prevent problems from escalating.

A Home Office summary of this power is reproduced on the following page.

The Civil Injunction

Purpose	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
Applicants	<ul style="list-style-type: none"> • Local councils; • Social landlords; • Police (including British Transport Police); • Transport for London; • Environment Agency and Natural Resources Wales; and • NHS Protect and NHS Protect (Wales)
Test	<ul style="list-style-type: none"> • On the balance of probabilities; • Behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or • Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and • Just and convenient to grant the injunction to prevent anti-social behaviour.
Details	<ul style="list-style-type: none"> • Issued by the county court and High Court for over 18s and the youth court for under 18s. • Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour. • Agencies must consult youth offending teams in applications against under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt. • Over 18s: civil contempt of court with unlimited fine or up to two years in prison. • Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.
Appeals	<ul style="list-style-type: none"> • Over 18s to the High Court; and • Under 18s to the Crown Court.
Important changes/differences	<ul style="list-style-type: none"> • Available to a wider range of agencies than Anti-Social Behaviour Injunctions. • Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders (ASBOs). • No need to prove "necessity" unlike ASBOs. • Breach is not a criminal offence. • Scope for positive requirements to focus on long-term solutions.

1.5.2 Section 22 Criminal Behaviour Orders

This power can deal with a wide range of ASB following an individual's conviction for a criminal offence. Examples of ASB it could tackle are threatening violence against others in the community, and being persistently drunk and aggressive in public. This power is only available to the Police or Council via the Crown Prosecution Service.

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
Applicants	The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.
Test	<ul style="list-style-type: none"> • If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and • The court considers that making the order will help prevent the offender from engaging in such behaviour.
Details	<ul style="list-style-type: none"> • Issued by any criminal court for any criminal offence. • The anti-social behaviour does not need to be part of the criminal offence. • Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of the offender's behaviour. • Agencies must find out the view of the youth offending team (YOT) for applications for under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt. • For over 18s on summary conviction: up to six months imprisonment or a fine or both. • For over 18s on conviction on indictment: up to five years imprisonment or a fine or both. • For under 18s: the sentencing powers in the youth court apply.
Appeals	<ul style="list-style-type: none"> • Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court. • Appeals against orders made in the Crown Court lie to the Court of Appeal.
Important changes/ differences	<ul style="list-style-type: none"> • Consultation requirement with YOTs for under 18s. • No need to prove "necessity" unlike Anti-Social Behaviour Orders. • Scope for positive requirements to focus on long-term solutions.

1.5.3 Section 53 Community Protection Notice (CPN)

This power will be key to local authorities. It is intended to deal with ongoing problems which have a detrimental effect on a community's quality of life, by targeting those responsible for the problems. A written warning must precede the service of a Notice to allow the alleged offender the opportunity to put right the wrong/harm. Notices can require the recipient to both stop doing certain behaviours or to start doing positive actions. The local authority is not discharged from its duty to issue an Abatement Notice to deal with statutory nuisances under Part 3 of the Environmental Protection Act 1990 just because it has issued a CPN. The practitioner guidance from the professional body for environmental health makes a distinction between when primary legislation should be used (for specific issues such as statutory nuisance) and for when the new ASB powers should be used (for overarching ASB issues that do not fit a direct offence in other primary legislation). At Cheltenham Borough Council, environmental health officers and community protection officers (who would be authorised to use the powers) are in the same team which reduces the risk of a new provision being used by a non-EHO when a statutory nuisance does exist, or could exist in future. Registered social landlords, the police and PCSOs can also be designated by the council to issue FPNs for breaches of council-issued CPNs.

Purpose	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	<ul style="list-style-type: none"> • Council officers; • Police officers; • Police community support officers (PCSOs) if designated; and • Social landlords (if designated by the council).
Test	Behaviour has to: <ul style="list-style-type: none"> • have a detrimental effect on the quality of life of those in the locality; • be of a persistent or continuing nature; and • be unreasonable.
Details	<ul style="list-style-type: none"> • Written warning issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. • Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour. • Can allow council to carry out works in default on behalf of a perpetrator.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • A fixed penalty notice can be issued of up to £100 if appropriate. • A fine of up to level 4 (for individuals), or £20,000 for businesses.
Appeals	<ul style="list-style-type: none"> • Terms of a CPN can be appealed by the perpetrator within 21 days of issue. • The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.
Important changes/differences	<ul style="list-style-type: none"> • The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance and litter on private land open to the air. • The CPN can be used against a wider range of perpetrators. • The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.

1.5.4 Section 59 Public Space Protection Order (PSPO)

This power can only be used by local authorities. Restrictions (eg not to drink alcohol) or positive requirements (eg to keep dogs on a lead) can be put on designated areas of land where behaviour has, or is likely to have, a detrimental effect on the local community. The ASB must be persistent or continuous in nature, be unreasonable and justify the restrictions imposed. There is a three year transition period for councils to move existing dog control orders (and other orders being replaced to PSPOs, if there is still an evidenced need. Each PSPO can be put in place for a maximum of three years before review. In Cheltenham it is proposed that a report is compiled for each proposed PSPO to be approved by the Head of Public Protection, Director and Cabinet Member before consultation commences with the Police & Crime Commissioner, community representatives and other stakeholders such as Ward Members. There are Regulations which accompany this Order which prescribe the consultation process.

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space
Who can make a PSPO	<ul style="list-style-type: none"> Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	<p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing nature; and be unreasonable.
Details	<ul style="list-style-type: none"> Restrictions and requirements set by the council. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. Can be enforced by a police officer, police community support officers and council officers.
Penalty on breach	<ul style="list-style-type: none"> Breach is a criminal offence. Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. A fine of up to level 3 on prosecution.
Appeals	<ul style="list-style-type: none"> Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council.
Important changes/ differences	<ul style="list-style-type: none"> More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.

1.5.5 Section 104: The ASB case review (also known as the ‘community trigger’)

This provides victims or their representatives with the right to ask local agencies to review how they have responded to previous ASB complaints, if they have met a locally agreed threshold.

A summary of the ASB case review pilot in Cheltenham and Tewkesbury is attached as Appendix 3. The pilot is now ‘business as usual’. The locally defined threshold for Cheltenham is ‘ASB that has been reported three times in the previous 6 month period and the victim feels they have not received a satisfactory service’. The trigger can be activated by three complaints from one person, or by five individual complaints from a neighbourhood about the same behaviour.

Purpose	Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.
Relevant bodies and responsible authorities	<ul style="list-style-type: none"> • Councils; • Police; • Clinical Commissioning Groups in England and Local Health Boards in Wales; • Registered providers of social housing who are co-opted into this group.
Threshold	<p>To be defined by the local agencies but not more than:</p> <ul style="list-style-type: none"> • three complaints in the previous six month period. <p>May also take account of:</p> <ul style="list-style-type: none"> • the persistence of the anti-social behaviour; • the harm or potential harm caused by the anti-social behaviour; • the adequacy of response to the anti-social behaviour.
Details	<ul style="list-style-type: none"> • When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim; • If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken; • The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour; • The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.
Who can use the Community Trigger?	<ul style="list-style-type: none"> • A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor. • The victim can be an individual, a business or a community group.

1.5.6 Section 101: the Community Remedy

This section of the Act gives victims a say in what out-of-court punishment would be appropriate for low level crime and ASB.

The police and crime commissioner for Gloucestershire has produced the community remedy document – <http://www.gloucestershire-pcc.gov.uk/anti-social-behaviour-crime-policing-act-2014-community-remedy-document/>

1.5.7 Part 3: Dispersal power

This power can only be used by the police but a summary is reproduced below for reference.

Purpose	Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.
Used by	<ul style="list-style-type: none"> • Police officers in uniform; and • Police Community Support Officers (if designated the power by their chief constable).
Test	<ul style="list-style-type: none"> • Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and • Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.
Details	<ul style="list-style-type: none"> • Must specify the area to which it relates and can determine the time and the route to leave by. • Can confiscate any item that could be used to commit anti-social behaviour, crime or disorder. • Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours. • A direction can be given to anyone who is, or appears to be, over the age of 10. • A person who is under 16 and given a direction can be taken home or to a place of safety.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • Failure to comply with a direction to leave: up to a level 4 fine and/or up to three months in prison although under 18s cannot be imprisoned. • Failure to hand over items: up to a level 2 fine.
Appeals	A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.
Important changes/differences	<ul style="list-style-type: none"> • It is a more flexible power; it can be used to provide immediate respite to a community from anti-social behaviour, crime or disorder. • An area does not need to be designated as a dispersal zone in advance. • Although there is no requirement to consult the local council, the authorising officer may consider doing so in some circumstances before authorising use of the dispersal. • Police Community Support Officers may use all elements of the dispersal power (if designated the power by their chief constable).

1.5.8 Chapter 3: Closure powers

There are two stages – a Closure Notice which is issued out of Court and then backed up with an application to court within 48 hours for a Closure Order of up to 3 months. A temporary notice is available that closes premises for up to 24 hours (which can be extended to 48 hours) and the Head of Paid Service is the only council officer who could be authorised to do this.

Purpose	To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
Applicants	<ul style="list-style-type: none"> Local council. Police.
Test	<p>The following has occurred, or will occur, if the closure power is not used:</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> Nuisance to the public; or Disorder near those premises. <p>Closure order (up to six months):</p> <ul style="list-style-type: none"> Disorderly, offensive or criminal behaviour; Serious nuisance to the public; or Disorder near the premises.
Details	<ul style="list-style-type: none"> A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts. Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who habitually live there accessing the premises. Order: can close premises for up to six months and can restrict all access. Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.
Penalty on breach	<p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> Notice: Up to three months in prison; Order: Up to six months in prison; Both: Up to an unlimited fine for residential and non-residential premises.
Who can appeal	<ul style="list-style-type: none"> Any person who the closure notice was served on; Any person who had not been served the closure notice but has an interest in the premises; The council (where closure order was not made and they issued the notice); The police (where closure order was not made and they issued the notice).
Important changes/ differences	<ul style="list-style-type: none"> A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out of court.

1.5.9 Section 94: Mandatory grounds for possession of a dwelling house

Unlike existing discretionary grounds for possession, landlords will not need to prove to the court that it is reasonable to grant possession. The condition that must be met is that the tenant or member of their household must have been found guilty of ASB or criminality in the locality of the property.

This power should expedite the process as the court should be able to hear the application in one sitting. Council tenants will still have a statutory right to request a review of the landlord’s decision to seek possession under the new absolute ground.

Overview	The Act introduces a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.
Purpose	To expedite the eviction of landlords’ most anti-social tenants to bring faster relief to victims.
Applicants / Who can use the new ground	<ul style="list-style-type: none"> • Social landlords (local authorities and housing associations). • Private rented sector landlords.
Test	<p>The tenant, a member of the tenant’s household, or a person visiting the property has met one of the following conditions:</p> <ul style="list-style-type: none"> • convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985); • found by a court to have breached a civil injunction; • convicted for breaching a criminal behaviour order (CBO); • convicted for breaching a noise abatement notice; or • the tenant’s property has been closed for more than 48 hours under a closure order for anti-social behaviour.
Details	<ul style="list-style-type: none"> • Offence/breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or his or her staff/ contractors; • Secure tenants of local housing authorities will have a statutory right to request a review of the landlord’s decision to seek possession. Private registered providers are encouraged to adopt a similar practice.
Result of action	<ul style="list-style-type: none"> • If the above test is met, the court must grant a possession order (subject to any available human rights defence raised by the tenant, including proportionality) where the correct procedure has been followed.
Important changes/ differences	<ul style="list-style-type: none"> • Unlike the existing discretionary grounds for possession, the landlord will not be required to prove to the court that it is reasonable to grant possession. This means the court will be more likely to determine cases in a single, short hearing; • This will offer better protection and faster relief for victims and witnesses of anti-social behaviour, save landlords costs, and free up court resources and time; • It will provide new flexibility for landlords to obtain possession through this faster route for persistently anti-social tenants; • The court will not be able to postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances, and will not be able to postpone for later than six weeks in any event.

1.5.10 The remainder of the Act deals with policing, extradition, court fees and criminal justice.

1.6 Fixed penalty notices (FPNs) – the Act provides for the amount to be set locally by councils for breaches of the CPN and PSPO. The maximum amount is £100 but it is suggested they are set at £80 reduced to £50 for early repayment within 10 working days, for the reasons identified in the risk assessment covering this report. FPNs are a valuable tool to enforcement officers as they allow for prompt and proportionate action on an offence, but prosecution can still be taken if the fine is not paid, or if there are repeat offences. They also act as a good deterrent. Although the Act does not make the use of FPNs compulsory, it is recommended that the council adopts their use. Income from FPNs must be spent on services related to the offence.

1.6.1 Three offences in the new Act are enforceable through use of FPNs as an alternative to prosecution: a breach of a community protection notice; an alcohol related breach of a Public Spaces Protection Order; and a non-alcohol related breach of a Public Space Protection Order.

1.6.2 County approach to FPNs: Cheltenham led with Gloucestershire Police to encourage a county wide approach to the use of FPNs. The hope was for councils to use the flexibilities of the new Act to allow police and PCSOs to issue FPNs on their behalf for council imposed powers, across Gloucestershire. If this had been successful, recommendations would have been made to the respective Cabinets to designate social landlords (and perhaps parish councils in the fullness of time) to also issue FPNs on their behalf. Whilst this would certainly promote the spirit of the Act in that the community would work together to tackle ASB, and would have provided enhanced enforcement capability, there has been concern about the administrative element of FPNs as the legal work for non-payment would fall to the local authority. As such, there is no plan to review this as a County, mainly because of the current situation with shared Public Protection services in Gloucestershire. Cheltenham Borough Council's Public Protection team have well established working relationships with the police and Cheltenham Borough Homes (as well as other social landlords) which it will continue to utilise with regard to early intervention, evidence gathering, enforcement action, evidencing breaches and any subsequent prosecutions. We will continue to operate the ASB case review with procedures developed jointly with Tewkesbury. The 'trigger' for this does not replace the council's complaints systems and cannot be used to report general crime or matters that do not reach the threshold.

1.7 County approach to implementing the new Act

1.7.1 As well as leading one of the first ASB case review pilots in the country with Tewkesbury, Cheltenham have contributed strongly to the multi-agency working group based at Waterwells to map new business process, agree a joint approach and design training. However, the capability and will to implement a joint approach has understandably declined whilst the 20/20 shared public protection service model is progressed. The co-ordinating group for ASB matters in Cheltenham remains the ASB steering group, although this will be relaunched and rebranded to promote the ethos of the new Act. There are particularly strong links between Cheltenham Borough Council, the local policing team and Cheltenham Borough Homes. Joint training has maximised these links.

1.8 Meeting evidential tests and enforcing subsequent terms of Notices/Orders

- 1.8.1** The powers are only to be used in situations where there is significant and demonstrable detriment at a wider community level (as indicated by Parliament's use of the word 'those' rather than 'anyone'). They are also not to be used for low level or trivial matters. Existing information sharing protocols and working procedures will be used to consult with other stakeholders about the most appropriate course of action. It is interesting to note the CIEH guidance on CPNs and how they should be handled to avoid any possible conflict with existing or future Abatement Notices served for statutory nuisance under the Environmental Protection Act 1990. This should not be an issue in Cheltenham as the council officers who would be authorised under the new legislation work in the same team and use the same database.
- 1.8.2** The comprehensive detail around multi-team in Cheltenham Borough Council will be established pending the current review and restructure of the Environmental & Regulatory Service Division. Existing mechanisms will more than suffice until that point.

2. Reasons for recommendations

- 2.1** Cheltenham's residents, businesses and communities would be better protected from ASB and related issues such as noise and irresponsible dog ownership, through the use of the new council powers, specifically the Community Protection Notice and Public Space Protection Order. The associated evidential tests are not to the standard of statutory nuisance, for example, and enforcement may be more proportionate and prompt, in many cases.
- 2.2** The Scheme of Delegations would need to be updated before the council could exercise its functions, should Cabinet so wish. It should be noted that only the Chief Executive has authority through the Act to issue a Closure Notice for more than 24 hours (section 76) with the maximum being 48 hours. Local discussions have indicated the need for this would be extremely limited as working arrangements mean police partners would already have been involved and would usually lead.
- 2.3** **Noise complaints:** for the year 2013/14, Environmental Health Officers dealt with a total of 361 noise complaints, with 67.86% arising from domestic premises. The existing legislative powers for dealing with statutory noise nuisance are the use of restorative justice or the service of an Abatement Notice under the Environmental Protection Act 1990. Statutory noise nuisance must be proved to the criminal standard of proof – that is, beyond all reasonable doubt, because a successful prosecution for a breach of the Notice criminalises the offender. Gathering evidence to this standard is usually time consuming, and can be hard on the complainant. ASB is frequently an element of complaints of alleged statutory noise nuisance but cannot be dealt with through the use of an Abatement Notice. This currently results in parallel investigations undertaken by a council Environmental Health Officer and ASB case officer. 31 separate ASB complaints were received in the same period, often involving multiple complainants.
- 2.4** **Dog control orders:** Existing dog control orders in the borough (such as direction to put a dog on lead; not to have a dog loose in one of the named formal gardens) will expire within three years of the Public Space Protection Order coming into effect – i.e. October 2017. If the new powers are not implemented, the council will lose much of its enforcement capability in respect of irresponsible dog ownership, as well as missing the opportunities offered by the Act to tackle ASB. DCOs can be reviewed

before the end of this three year period.

2.5 Gating orders: will similarly expire in October 2017.

3. Alternative options considered

3.1 Do nothing – this is not an option as local authorities have a statutory duty to respond to the requirements of the ASBCPA through the ASB case review. In addition, the council would be left with insufficient enforcement powers to adequately deal with the range of ASB and environmental issues experienced by its communities.

3.2 Engage with partners to encourage their use of powers, without implementing them ourselves – this is not an option for the reasons in 3.1 above. Also, the PSPO can only be determined by a local authority.

4. Consultation and feedback

4.1 The council’s pilot of the ASB case review did not receive any ‘triggers’, nor was any feedback received. No consultation is required in order to delegate the new powers to appropriate officers of the council. Consultation would take place for the specific Public Space Protection Order power, in accordance with the accompanied Regulations, should Cabinet agree the recommendations of this report. The relevant Cabinet Deputy and Ward Members would be consulted from an early stage, but it is not proposed to seek approval from Cabinet before establishing each PSPO because the Act promotes prompt use of ASB powers.

5. Performance management –monitoring and review

5.1 Individual cases investigated under the new legislation, and use of the legislative tools would be monitored through usual line management responsibilities.

5.2 Monitoring of ASB case reviews would occur through the existing ASB steering group.

Report author	Contact officer: Sarah Clark, Public & Environmental Health Team Leader , sarah.clark@cheltenham.gov.uk, 01242 264226
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Table to show the range of new powers under the act with a comparison to the previously held range of powers 3. Summary of ASB case review pilot

Background information	<ol style="list-style-type: none">1. ASB Crime and Policing Act 2014: http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted2. Statutory guidance for front line professionals on the ASB Crime and Policing Act 2014: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf3. Chartered Institute of Environmental Health (CIEH) Professional Practice Note – “Guidance on the use of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014”: http://www.cieh.org/WorkArea/showcontent.aspx?id=54768
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The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the council does not use all of the legal provisions available to it to tackle ASB and related issues, then the most vulnerable in our communities will be the least protected. This may give rise to ASB case reviews through the community trigger in cases where the criteria is met, but could also result in Ombudsman complaint or judicial review, as well as damage to the council's reputation.	SC	23.02.15	3	2	6	Reduce	Recommend implementation of new powers	19.03.15	SC	
2	If fixed penalty notices are set at the maximum level, then there may be a higher number of non-payment prosecutions as a result. This could result in additional work for the authority and its legal service, as well as potentially criminalising people in financial hardship because breach of a CPN or PSPO is criminal offence. £80 should still be a sufficient deterrent.	SC	23.02.15	1	2	3	Accept				

	If the council does not utilise the new provisions, then current dog control orders and gating orders will expire in October 2017, leaving the council without 'teeth' to fully enforce environmental and ASB offences.	SC	23.02.15	3	3	9	Reduce	Implement new provisions if Cabinet approval given, or use 'patchwork' of existing powers and accept complaints			

Explanatory notes

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

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

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

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

Table to show the range of new powers under the act with a comparison to the previously held range of powers

New Power	Old Powers	Test	Details
Civil Injunction	<ul style="list-style-type: none"> ▪ Anti-social Behaviour Order (ASBO) on application ▪ Anti-Social Behaviour Injunction (ASBI) ▪ Drinking Banning Order (DBO) on application ▪ Individual Support Order (ISO) ▪ Intervention Order 	<ul style="list-style-type: none"> • On the balance of probabilities; • Behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or • Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and • Just and convenient to grant the injunction to prevent anti-social behaviour. 	<ul style="list-style-type: none"> • Civil order in County Court or High Court for over 18s and Youth Court for 10-17yr olds. • Positive requirements can be included aimed at getting the perpetrator to address the underlying causes of their anti-social behaviour. • Local councils, social landlords, police (including BTP), Transport for London, Environment Agency & NHS Protect can apply. • Breach is not a criminal offence.
Criminal Behaviour Order (CBO)	<ul style="list-style-type: none"> ▪ Anti-Social Behaviour Order on conviction (CRASBO) ▪ DBO 	<ul style="list-style-type: none"> • If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or likely to cause harassment, alarm or distress to any person; and • The court considers that making the order will help prevent the offender from engaging in such behaviour. 	<ul style="list-style-type: none"> • Issued by any criminal court for any criminal offence. • Crown Prosecution Service (CPS) is most likely to be the applicant whether through their own initiative or following a request from the police or council. • Breach is criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.. • The ASB does not have to relate to the criminal offence being dealt with but maybe linked as a cause/effect. • Consultation requirement with Youth Offending Teams for under 18s

Dispersal Power (Police power)	<ul style="list-style-type: none"> ▪ Dispersal Order ▪ Direction to leave 	<ul style="list-style-type: none"> • Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and • Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime and disorder. 	<ul style="list-style-type: none"> • Powers for Police Officers in uniform and PCSOs if designated by the Chief Constable • Dispersal for up to 48 hours within a specified area • Under 16s can be returned home or taken to a place of safety • Powers to confiscate any item that could be used to commit ASB, crime or disorder • Breach is a criminal offence
Community Protection Notice (CPN)	<ul style="list-style-type: none"> ▪ Litter clearing notice ▪ Street litter control notice ▪ Defacement removal notice 	Behaviour has to:- <ul style="list-style-type: none"> • Have a detrimental effect on the quality of life of those in the locality; • Be of a persistent or continuing nature; and • Be unreasonable 	<ul style="list-style-type: none"> • Applies to individuals aged 16 and over, organisations & businesses • Council officers, police officers, PCSOs (if designated) & social landlords (if designated by the council) can issue them • CPN follows a written warning when behaviour persists • Breach is a criminal offence
Public Spaces Protection Orders (PSPO)	<ul style="list-style-type: none"> ▪ Designated Public Place Order (DPPO) ▪ Gating order ▪ Dog control order 	Behaviour being restricted by the order has to:- <ul style="list-style-type: none"> • Be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • Be persistent or continuing in nature; and • Be unreasonable. 	<ul style="list-style-type: none"> • Council makes a PSPO after consultation with the police, P&CC and other relevant bodies (These may be requested by Parish Councils but would be made by CBC.) • Can be enforced by police officers, PCSOs & council officers • Breach is a criminal offence • Will replace any existing DPPOs & need to be renewed after 3 years • Order must be published in accordance with regulations (usually by notice in local paper).

<p>Closure Power</p>	<ul style="list-style-type: none"> ▪ Premises Closure order ▪ Crack house closure order ▪ Noisy Premises Closure order ▪ S161 Closure Order 	<p>The following has occurred, or will occur, if the closure power is not used:-</p> <p>Closure notice (up to 48 hours)</p> <ul style="list-style-type: none"> • Nuisance to the public; or • Disorder near those premises. <p>Closure order (up to 6 months)</p> <ul style="list-style-type: none"> • Disorderly, offensive or criminal behaviour; • Serious nuisance to the public; or • Disorder near the premises. 	<ul style="list-style-type: none"> • Police and Council can move quickly to close premises which are being used, or likely to be used, to commit nuisance or disorder. • Closure notice - up to 48hrs (can be issued by CBC) • Closure Order - up to 3 months in first instance, can be extended to six months (Both require Magistrates approval). • Breach is a criminal offence
<p>Absolute Ground for Possession (social and private landlord power)</p>	<p>NEW POWER</p>	<p>The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:-</p> <ul style="list-style-type: none"> • Convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985); • Found by a court to have breached a civil injunction; • Convicted for breaching a Criminal Behaviour Order (CBO); • Convicted for breaching a noise abatement notice; or • The tenant's property has been closed for more than 48 hours under a closure order for ASB 	<ul style="list-style-type: none"> • Social landlords and private sector landlords can apply • Can apply to the tenant, a member of the tenant's household or a person visiting the property • Grounds include: <ul style="list-style-type: none"> i. Convicted of a serious offence ii. Found by a court to have breached a civil injunction iii. Convicted for breaching a CBO iv. Convicted for breaching a noise abatement notice v. Tenant's property has been closed for more than 48hrs under a closure order for ASB

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ASB Case Review & Community Remedy Summary Report

The Anti- social Behaviour, Crime and Policing Act 2014 includes two new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with;

- The **ASB Case Review** gives victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met.
- **The Community Remedy**, gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.

The new legislation will give victims the power to ensure that action is taken to deal with persistent ASB through the new ASB Case Review, and a greater say in what form of sanction an offender receives out of court through the new Community Remedy. It gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.

Relevant bodies and responsible authorities who include police and health will deal jointly with complaints raised by members of the community to try and resolve ongoing ASB issues. Registered providers of social housing will also have a duty to be co- opted into this group, as they play a key role in tackling ASB in local areas. This statutory group must carry out reviews and publish its procedures.

Cheltenham Borough Council together with Tewkesbury Safety Partnership and Restorative Gloucestershire conducted a 3 month Pilot in June 2014 ahead of the new ASB Case Review, with a view for a countywide roll out. This was completed and a total of three reviews were reviewed. However none of these cases reached the threshold. The review has been put in place to reduce the need for the council and partner agencies adapting several methods used across the county, but also allow for more straightforward management of individuals who move about the county.

The local threshold we have adopted is;

'Anti-Social Behaviour has been reported three times in the previous 6 month period and the victim feels they have not received a satisfactory service'.

The trigger can be activated by three complaints from one person or by five individual complaints from a neighbourhood about the same Behaviour.'

The Case Review is open to all residents, businesses and third parties in the case of vulnerable victims. The single point of contact across the County is Restorative Gloucestershire, which is an independent agency that will assess in partnership if the threshold has been met and will take the individual/business through the process impartially.

The benefits of the meeting with the relevant agencies gives the Case Review proper focused attention, facilitates the sharing of relevant information and makes it easier to co-ordinate and task actions. If the complainant is not satisfied with the response they will have recourse to request an appeal of the recommendations through Restorative Gloucestershire.

The process for responses to the Case Review is contained in this link: <\\vmbusdata\Public Protection\Environmental Protection\ASB ACT 2014\ASB Cabinet report - March 2015\Community Remedy Document PDF 290914.pdf>

There is a requirement for agencies to share information. For each Case Review, an agenda item is added to the start of already held ASB meetings in the appropriate area. Information is also on the councils website and leaflets and posters are being produced and will be distributed shortly. Please see attached.

Financial and resource implications

There have not been any significant resource implications in relation to the Case Review. Restorative Gloucestershire have taken on a part time volunteer who will oversee the Case Review process as part of their role.

A figure for the financial impact of the Case Review has not been assessed. In enabling a coordinated review and response it is financially preferable in comparison to partners working in silo responding in isolation to individual complaints without a review or partnership recommendations to achieve the sustainable solution to the complaints.

Benefits of the ASB Case Review

The ASB Case Review empowers the community to challenge any lack of action taken by any partner and gives the community a voice. The community will have the authority to question the decisions made and have the request to a review not only by an individual agency, but by the ASB steering group collectively. The Case Review has the benefit of bringing about a partnership review and response therefore it is very different from making a complaint about an individual organisation or agency.

In Cheltenham we believe our response to anti social behaviour is strong, by working in partnership, supporting those who are most vulnerable and taking appropriate action when necessary. The development of the Case Review will enable us to evaluate our collective response to anti social behaviour and learn lessons to help us continuously improve our service to the residents of Cheltenham

Lastly the Community Remedy document will give victims of low-level crime and ASB a say in the punishment of offenders out of court.

The PCC has a statutory duty to consult with the local authority and chief of police for the area on what actions they consider should be included. The local authority, youth offending and community safety teams will know what resources and facilities are available locally.

The Community Remedy document is a list of actions that the victim will be invited to choose from when a community resolution is to be used. The list of actions may vary from one police force area to another, based on what is available in the area and what the Police and Crime Commissioner (PCC) and chief constable agree are appropriate. The community remedy document must be published.

Actions or activities that could be included in the community remedy document are:

- Mediation (for example, to resolve a neighbour dispute);
- a written or verbal apology;
- the perpetrator signing an Acceptable Behaviour Contract – where they agree not to behave in anti social in the future - or face more formal consequences
- take part in a restorative justice activity such as a neighbourhood justice panel
- paying an appropriate amount for damage to be repaired or stolen property to be replaced;
- participation in structured activities that are either educational or rehabilitative, funded by the PCC as part of their efforts to reduce crime; or
- reparation to the community (for example, by doing local unpaid work for a short period).

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**Cheltenham Borough Council
Cabinet – 17 March 2015
Information Security Policy**

Accountable member	Councillor Jon Walklett, Cabinet member corporate services
Accountable officer	Director of Corporate Resources, Mark Sheldon
Ward(s) affected	None
Key Decision	No
Executive summary	<p>As part of the Council’s connection to the Public Services Network (PSN) it is required to have in place an Information Security Policy.</p> <p>Since the creation of ICT Shared Services with Forest of Dean District Council (FoDDC) we have been developing a joint Information Security Policy for all the partners in the ICT Shared Service. This has now been completed and agreed by the Joint Security Working Group, adopted by the FoDDC Cabinet and is now recommended to CBC Cabinet for adoption.</p> <p>This policy will provide guidance to all ICT users and help to keep our systems and data secure.</p>
Recommendations	That Cabinet consider the attached Information Security Policy and adopt it for the use by all CBC ICT users

Financial implications	<p>There are no financial implications arising from this report</p> <p>Contact officer: Mark Sheldon</p> <p>Email; mark.sheldon @cheltenham.gov.uk,</p> <p>Tel; 01242 264123</p>
Legal implications	<p>The legal implication of not having a robust IT security policy could be failure to comply with the Data Protection Act 1998 and the PSN requirements. Loss of personal data could result in a financial penalty from the Information Commissioner and/or loss of the PSN connection resulting in the Council being unable to provide benefits and meet it statutory requirements.</p> <p>Contact officer: Sarah Halliwell</p> <p>sarah.halliwell@tewkesbury.gov.uk,</p> <p>Tel; 01684 272692</p>

HR implications (including learning and organisational development)	The HR implications are as outlined in this report. Contact officer: Carmel Togher <i>carmel.togher @cheltenham.gov.uk, 01242 775215</i>
Key risks	Failure to have an adequate Information Security Policy in place and to enforce that policy could result in the Council's PSN (Public Services Network) connection being terminated.
Corporate and community plan Implications	Supports the Corporate Strategy outcome of - Transform our Council so it can continue to deliver our outcomes for Cheltenham and its residents
Environmental and climate change implications	None
Property/Asset Implications	None Contact officer: @cheltenham.gov.uk

Background

- 1.1 Information security is concerned with ensuring that we keep information confidential, accurate and available to those who need it. We store information in many formats such as emails, letters and CCTV footage.
- 1.2 When dealing with confidential data, both personal and commercial, we follow current legislation such as:
 - Data Protection Act 1998
 - Human Rights Act 1998
 - Freedom of Information Act 2000
 - Environmental Information Regulations
- 1.3 ICTSS has developed this to take on the needs of all of its ICT users in terms of information security and covers both paper and electronic information.
- 1.4 This policy applies to all staff and Members. It is the responsibility of all staff and Members to ensure they read and understand their obligations under it.
- 1.5 In meeting its Information Security responsibilities ICTSS and therefore Cheltenham Borough Council adopts the four key principles described by HM government:

Principle 1: ALL information that HMG needs to collect, store, process, generate or share to deliver services and conduct government business has intrinsic value and requires an appropriate degree of protection.

Principle 2: EVERYONE who works with government (including staff, contractors and service providers) has a duty of confidentiality and a responsibility to safeguard any HMG

information or data that they access, irrespective of whether it is marked or not, and must be provided with appropriate training.

Principle 3: Access to sensitive information must **ONLY** be granted on the basis of a genuine „need to know“ and an appropriate personnel security control.

Principle 4: Assets received from or exchanged with external partners **MUST** be protected in accordance with any relevant legislative or regulatory requirements, including any international agreements and obligations.

1.6 This policy should be read in conjunction with the Acceptable Usage Policy and Personal Commitment Statement, and the Internet Acceptable Usage Policy signed by all staff. These documents are available to all employees and elected members through the ICTSS web page on the intranet.

2. Reasons for recommendations

2.1 The council has a responsibility to ensure that all of its information and data is collected, used, stored and transmitted in secure and effective manner; this policy will support that overall objective.

3. Alternative options considered

3.1 None

4. Consultation and feedback

4.1 Officers from FoDDC and Cheltenham Borough Council who make up the Joint Security Working Group considered the Information Security Policy and recommended it for approval and use.

5. Performance management – monitoring and review

5.1 ICTSS have delegated responsibility for the management of CBC ICT systems and Information Security and they will apply and enforce the policy in that respect. Responsibility for the management of paper records and local security for Cheltenham Borough Council will be monitored by the Security Working Group and the Information Management Group, assurance on compliance will be provided by Directors on an annual basis.

Report author	Contact officer: Corporate Governance, Risk and compliance officer Email; Bryan.Parsons@cheltenham.gov.uk, Tel; 01242 264189
Appendices	1. Risk Assessment 2. Information Security Policy
Background information	FoDDC Cabinet minute for ICT Information Security Policy

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council fails to approve an adequate Information Security Policy, and to enforce it then it could result in the Council's PSN (Public Services Network) connection being terminated.	Director Corporate Resources	17/03/2015	3	2	6	reduce	Request that Cabinet adopt the ICTSS Information Security Policy for CBC ICT users	17/03/2015	Corporate Governance, Risk and Compliance officer	
	If the Council fails to approve an adequate Information Security Policy, and to enforce it then it could result in the Council's information being put at risk	Director Corporate Resources	17/03/2015	3	2	6	reduce	Request that Cabinet adopt the ICTSS Information Security Policy for CBC ICT users	17/03/2015	Corporate Governance, Risk and Compliance officer	
Explanatory notes											
<p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

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INFORMATION SECURITY POLICY

Version 1.0

December 2014



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Scope of the Policy

Forest of Dean District Council (FoDDC) is the lead authority in a Shared Service (ICTSS) for the delivery of ICT services with Cheltenham Borough Council (CBC). Users of the ICT Shared Service include Cheltenham Borough Homes, Cheltenham Trust, Ubico and part of GO Shared Services.

This policy has been developed to take on the needs of all the ICT users in terms of information security and covers both paper and electronic information. It applies to all ICT users including Members and Contractors. It is the responsibility of everyone to ensure they read and understand their obligations under it.

This policy should be read in conjunction with the ICTSS Acceptable Usage Policy and Personal Commitment Statement signed by all staff. Please be aware there may be local organisational policies that extend this policy further.

Policy Objectives

The objectives of this Policy are to:

- Communicate to all ICT users the position on information security.
- Define the expectations on all ICT users, with regard to the secure use of information and business assets.
- Demonstrate best endeavours to address information security threats

Security Working Groups

The Shared Service has established a joint Security Working Group (SWG). This group is chaired by FoDDC Head of Paid Service who is also ICTSS Senior Information Risk Owner (SIRO). FoDDC will also provide resources, accommodation and administrative support for the group. The joint SWG is responsible for all aspects of ICT security across the Shared Service. It reports to the Shared Service SIRO, the CBC SIRO and where required, the Public Services Network Accreditation Panel (PSNAP), and meets at regular intervals.

Further details on the SWG can be found in the Public Service Network Connection Compliance Terms of Reference document which also details the individual security officer roles.

What is information security?

Information security is being responsible about information we hold. It is about safeguarding the information (data), making sure it is; current (up to date), correct (we have accurate records), is kept confidential (only authorised parties can access the information) and it is available (it can be accessed when necessary).

It is also about the physical security of our equipment, technical infrastructure and buildings and making sure that unauthorised people do not have access to it.

Why is information security important?

Information (data) can be stored in various ways on various media (even the recording of a voice on tape). It can be stored electronically/magnetically on equipment. It can also be printed or written.

We often think of security as someone else's responsibility and it is only when it affects us personally that we take it seriously. For example if we were unable to use our computers at work because a virus had infected the network, or if we found a fraudulent transaction on our bank statement. Just as banks and building societies have an obligation to keep information about us safe we too have a duty to keep the information we hold about our customers safe.

There are legal and financial implications of not keeping information that is accurate and appropriately protected. It is also important to realise that good data management and security helps us to provide high quality services.

Information Security Principles

In meeting its Information Security responsibilities the ICTSS has adopted the four key principles described by Her Majesty's Government (HMG):

Principle 1: **ALL** information that HMG needs to collect, store, process, generate or share to deliver services and conduct government business has intrinsic value and requires an appropriate degree of protection.

Principle 2: **EVERYONE** who works with government (including staff, elected members, contractors and service providers) has a duty of confidentiality and a responsibility to safeguard any HMG information or data that they access, irrespective of whether it is marked or not, and must be provided with appropriate training.

Principle 3: Access to **sensitive** information must **ONLY** be granted on the basis of a genuine 'need to know' and an appropriate personnel security control.

Principle 4: Assets received from or exchanged with external partners **MUST** be protected in accordance with any relevant legislative or regulatory requirements, including any international agreements and obligations.

The following basic principles should be used:

- Handle with care to avoid loss, damage or inappropriate access
- Share responsibly, for business purposes only
- Store assets securely when not in use
- Where assets are taken outside the office environment they should be protected in transit, not left unattended and stored securely

- Prevent overlooking or inadvertent access when working remotely or in public places
- When discussing business in public or by telephone, appropriate discretion should be exercised
- Report any incidents involving theft, loss or inappropriate access

Industry standard ISO 27001

ISO 27001 is a specification for the management of Information Security. It is applicable to all sectors of industry and commerce and not confined to information held on computers. It addresses the security of information in whatever form it is held. This is a standard that ICTSS aspire to.

Confidentiality

All ICT users and those that have access to OFFICIAL and OFFICIAL-SENSITIVE documents are under a general requirement to maintain the confidentiality of information. There are also particular responsibilities under Data Protection legislation to maintain the confidentiality of personal data. If anyone is unsure of whether they should pass on information, they should consult the appropriate Service manager or their legal advisor

All ICT users must make every effort to ensure that where appropriate the confidentiality of email is maintained. ICT users should be aware that a message is not deleted from the system until all recipients of the message and of any forwarded or attached copies have deleted their copies. Moreover, confidentiality cannot be assured when messages are sent over external networks, such as the Internet, because of the insecure nature of most such networks and the number of people to whom the messages can be freely circulated without the knowledge of ICTSS.

Care should be taken when addressing all emails, but particularly where they include OFFICIAL – SENSITIVE information, to prevent accidental transmission to unintended recipients. Particular care should be taken if the email client software auto-completes an email address as the user begins typing a name.

Automatic forwarding of email (for example when the intended recipient is on leave) is not permitted and has been disabled at a system level. Please consult the ICTSS Service Desk if there is a specific business requirement.

Data Classification

All routine public sector business, operation and services should be treated as OFFICIAL and all organisations on the ICTSS Network operate exclusively at this level.

Examples of OFFICIAL information include:

- The day-to-day business of the Council, including information about public services and finances
- Public safety, criminal justice and law enforcement
- Commercial information, including contractual information and intellectual property
- Personal information that is required to be protected under the Data Protection Act

There is no requirement to mark OFFICIAL information, although it is recommended that when emailing any Personal Information that is required to be protected under the Data Protection Act then the email should identify that the information should be treated in accordance with the provisions of the Data Protection Act.

A sub-set of OFFICIAL information is OFFICIAL-SENSITIVE and information which falls within this category should be marked accordingly.

Information which falls within the category of OFFICIAL-SENSITIVE includes:

- The most sensitive corporate information, such as organisational restructuring, negotiations and major security or business continuity issues
- Very sensitive personal information, such as information about vulnerable or at-risk people or private financial information
- Commercial or market sensitive information
- Information about investigations and civil or criminal proceedings that could disrupt law enforcement or prejudice court cases

If you have been issued with a laptop or other portable device, or you are handling OFFICIAL-SENSITIVE files, you must ensure that they are locked away when unattended; you must also ensure you are not being overlooked when working on such files.

ICT users must never leave any such information or devices unattended in public areas, anywhere where they may be accessed by non-ICT users or on display i.e. in the back of a car or on a printer.

Document Marking

There is no requirement to mark documents which contain OFFICIAL information. However, security classifications must be added to all documents which contain OFFICIAL-SENSITIVE information.

The following scheme has been adopted for marking OFFICIAL – SENSITIVE information:

Email: OFFICIAL-SENSITIVE must appear in the subject line of the email. This can be done by selecting the appropriate remote button when sending the email

Word/Excel: The words OFFICIAL-SENSITIVE must appear in the header and footer of the document

Folders/binders: The words OFFICIAL-SENSITIVE must appear on the front of the folder

Equipment Security

All general computer equipment must be located in suitable physical locations that:

- Limit the risks from environmental hazards – e.g. heat, fire, smoke, water, dust and vibration.
- Limit the risk of theft – e.g. **if necessary** items such as laptops should be physically attached to the desk.
- Allow workstations handling sensitive data to be positioned so as to eliminate the risk of the data being seen by unauthorised people.

Desktop PCs should not have data stored on the local hard drive. Data should be stored on the network file servers where appropriate. This ensures that information lost, stolen or damaged via unauthorised access can be restored with its integrity maintained.

All servers located outside of the data centre must be sited in a physically secure environment. Business critical systems should be protected by an Un-interrupted Power Supply (UPS) to reduce the operating system and data corruption risk from power failures.

The equipment must not be moved or modified by anyone without authorisation from the ICT Service Desk.

All computer equipment must be supplied, configured and connected by ICTSS. Users must not bring in devices and attach or connect them to Council equipment or the network; existing devices supplied by ICTSS must not be reconnected or reconfigured by the User.

Cabling Security

Cables that carry data or support key information services must be protected from interception or damage. Power cables should be separated from network cables to prevent interference. Network cables should be protected by conduit and where possible avoid routes through public areas.

Equipment Maintenance

ICTSS must ensure that all IT equipment is maintained in accordance with the manufacturer's instructions and with any documented internal procedures to ensure it remains in working order.

Staff involved with maintenance should:

- Retain all copies of manufacturer's instructions.
- Identify recommended service intervals and specifications.
- Enable a call-out process in event of failure.
- Ensure only authorised technicians complete any work on the equipment.
- Record details of all remedial work carried out.
- Identify any insurance requirements.
- Record details of faults incurred and actions required.

A service history record of equipment should be maintained so that when equipment becomes older decisions can be made regarding the appropriate time for it to be replaced.

Equipment maintenance must be in accordance with the manufacturer's instructions. This must be documented and available for support staff to use when arranging repairs.

Security of Equipment – Off Premises

The use of equipment off-site must be formally approved by the user's Line Manager. Equipment taken away from Council premises is the responsibility of the user and should:

- Be logged in and out, where applicable.
- Not be left unattended.
- Concealed whilst transported.
- Not be left open to theft or damage whether in the office, during transit or at home.
- Where possible, be disguised (e.g. laptops should be carried in less formal bags).
- Be encrypted if carrying OFFICIAL-SENSITIVE information
- Be password protected.
- Be adequately insured.

Users should ensure, where necessary that insurance cover is extended to cover equipment which is used off site. Users should also ensure that they are aware of and follow the requirements of the insurance policy. Any losses / damage must be reported to the ICTSS.

Staff should be aware of their responsibilities in regard to Data Protection and be conversant with the Data Protection Act.

Secure Disposal or Re-use of Equipment

Equipment that is to be reused or disposed of must have all of its data and software erased / destroyed. If the equipment is to be passed onto another organisation (e.g. returned under a leasing agreement) the data removal must be achieved by using professional data removing software tools. All IT equipment must be returned to the ICTSS for data removal.

Software media or services must be destroyed to avoid the possibility of inappropriate usage that could break the terms and conditions of the licences held.

Accessing ICT systems

If you require access to any ICT system you will be issued with a username and password which you will use every time you log onto a computer; this username and password is unique and confirms your identity.

All actions on the network are logged under the username that carried them out and therefore if someone else uses your username and password to carry out transactions it would be difficult to prove that it was not you.

A poorly chosen password creates a security risk and may impact upon the confidentiality, integrity or availability of our computers and systems.

A weak password is one which is easily discovered, or detected, by people who are not supposed to know it. Examples of weak passwords include all single words from the dictionary, names of children and pets, car registration numbers and simple patterns of letters from a computer keyboard.

A strong password is a password that is designed in such a way that it is unlikely to be detected by people who are not supposed to know it, and difficult to work out even with the help of a computer.

Everyone must use strong passwords with a minimum standard of:

- at least seven characters (ICT Administrators with Domain Administrator privileges must use a 14 character password)
- one or more numerical digits
- more complex than a single word
- one or more UPPERCASE characters and one or more lowercase characters

Please consider using a sentence or phrase as well as the standards above.

It is of utmost importance that the password remains protected at all times. The following guidelines must be adhered to at all times:

- never reveal your password to anyone
- never use the remember password function
- never write your passwords down or store them where they are open to theft
- never store your passwords in a computer system without encryption
- do not use any part of your username in your password
- do not use the same password for systems inside and personal systems outside of work.

All passwords must be changed at a maximum of every 90 days, or whenever the system prompts you to change it. If you become aware, or suspect, that your password has become known to someone else, you must change it immediately.

Users must not reuse the same password within 10 password changes.

Remote Access

Citrix Access Gateway is the primary method of connection for remote users. An individual wishing to connect remotely must have the authorisation from their line manager together with a description as to what services and functions they should be allowed to perform whilst working remotely. Individuals should contact the ICTSS Service Desk in order to discuss their requirements.

Although user-owned devices are permitted to remotely access the ICTSS network, these must be regularly patched and have an up-to-date antivirus/antimalware product installed. ICTSS reserve the right to disallow any remote computer failing the above test.

If access is required to the Public Services Network (PSN), a PSN Service or a corporate system that is linked to a PSN Service access **MUST** only be obtained via a corporately managed and approved device. A small pool of loan laptops is available from the ICTSS Service Desk if occasional use is needed for this function. For a more permanent solution, please discuss this with the ICTSS Service Desk.

All corporately managed laptops are encrypted and provided with power supplies and an appropriate protective case. The ICTSS is unable to support these machines off site, so they must be returned to the ICT Service Desk for support if a problem occurs. No data should be stored on these laptops as they are wiped after being returned to ICTSS.

The Council will not provide technical support for personal equipment used to connect to the Citrix Access Gateway. This includes routers, home broadband, cyber cafés, laptops, desktops, printers, etc.

Removable Media

All removable devices are prohibited unless there is a valid business case for their use. There are large risks associated with the use of removable media, and therefore clear business benefits that outweigh the risks must be demonstrated before approval is given.

By default therefore, access to removable media will be disabled unless there is a valid business case that has been completed, signed-off by your line manager and ICTSS.

The policy of prohibiting access to removable media applies to (but is not restricted to) removable media listed below:

- a) Bluetooth devices;
- b) Media Cards;
- c) CDs/DVDs (optical disks);
- d) Digital cameras;
- e) External Hard Drives;
- f) PDA devices
- g) Infrared devices;
- h) Tape drives;
- i) USB Memory Sticks (also known as pen drives or flash drives);
- j) MP3 Players;
- k) Audio Tapes (including Dictaphones and Answering Machines).

The following devices supplied by ICTSS will be enabled for all equipment by default:

- a) Keyboards;
- b) Mice;
- c) Monitors;
- d) Telephone headsets;

Requests for access to, and use of, removable media devices must be made to the ICTSS using the Removable Media Business Case form (**Appendix A**). Please talk to ICT for advice and guidance on completing this document, guidance notes are provided (Appendix B).

All Business Case applications will be approved by either the FoDDC or CBC Security Working Group or at FoDDC the Group Manager for Customer Services or CBC the Director of Resources.

It is important that the risks of using removable media are understood, and that appropriate reviews as to why a member of staff requires this access are carried out. All removable media authorisations will be reviewed on an annual basis.

All removable media devices and any associated equipment and software must only be purchased and installed by ICTSS. No other removable media devices are to be used to store an organisation's data, and must not be used with any ICTSS owned or leased IT equipment unless there is an approved business case for doing so.

In order to minimise risk of physical damage, loss, theft or electrical corruption, all storage media must be stored in an appropriately secure and safe environment. Anyone using removable media devices to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss.

Virus and malware checking software is operational on all ICTSS managed equipment and will check all files on access. An up-to-date virus/malware software **MUST** be on any machine accessing a corporately owned device. Please contact ICTSS if you are in any doubt on any machine.

All ICTSS users can check corporately managed PC's to determine if this local software is working by looking at their at the desktop tool bar where there should be an icon that is green if the PC is safe (if you hover the curser over the icon it will say PC status protected) . If it is red then you should contact ICTSS. Users should note that this does not apply to igel's.

Removable media devices that are no longer required, or have become damaged, must be returned to ICTSS and will be disposed of securely to avoid data leakage. Any previous contents of any reusable media that are to be reused, either within the organisation or for external use, must be erased. All disposal or sanitisation must be carried out by a member of the ICTSS team or a reputable data disposal / sanitisation organisation.

Smartphones and Tablets

The use of personal smartphones and tablets are permitted for business use (e.g. linked to corporate email, corporate intranet and corporate documents) if they have been checked and approved by ICTSS. For an up-to-date list of supported devices please contact the ICTSS.

To ensure the security of information stored on smartphones and/or tablets security settings will be enabled to:

- Enforce password setting
- Ensure an minimum password length
- Automatically lock the device after 5 minutes of inactivity, and
- Remove all corporate content after 4 failed password attempts or in the event the personal device is lost or stolen.
- All software (e.g. Apps) on the device can be monitored
- All devices are not allowed to be hacked or Jail broken

Email

All emails that are used to conduct or support official business must be sent using the individual's allocated email address. Non-work email accounts **must not** be used to conduct or support official business.

Users must ensure that any emails containing sensitive information must be sent from an official email address. Any emails containing OFFICIAL-SENSITIVE information must be sent from a GCSx email. All emails that represent aspects of the organisation's business or organisation's administrative arrangements are the property of the organisation and not of any individual ICT User.

Emails held on ICTSS approved equipment are considered to be part of the corporate record and email also provides a record of staff activities.

The legal status of an email message is similar to any other form of written communication. Consequently, any e-mail message sent should be considered to be an official communication from the individual organisations (Data Controllers). In order to ensure protection from misuse of e-mail, the following controls will be exercised:

All official external e-mail will carry the following disclaimer (which is added automatically):

“This email, and any attachments, may contain OFFICIAL or OFFICIAL-SENSITIVE information and is intended solely for the individual to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly. If this Email has been misdirected, please notify the author immediately.

If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately. Whilst we take reasonable steps to try to identify any software viruses, any attachments to this Email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents. This organisation will not accept any liability for damage caused by computer viruses emanating from any attachment or other document supplied with this e-mail. All traffic may be subject to recording and / or monitoring in accordance with relevant legislation.”

Email is designed to be an open and transparent method of communicating. However, it cannot be guaranteed that the message will be received or read, or that the content will be understood in the way that the sender of the email intended. It is therefore the responsibility of the person sending an email to decide whether email is the most appropriate method for conveying time critical or classified information or for communicating in the particular circumstances.

Email must not be considered to be any less formal than memos or letters that are sent out from a particular service. When sending external email, care should be taken not to include any material which would reflect poorly on the organisations reputation or its relationship with customers, clients or business partners.

Under no circumstances should users communicate material (either internally or externally), which is, for example, defamatory, obscene, or does not comply with the Equal Opportunities Policy, or which could reasonably be anticipated to be considered inappropriate. Content filters are used to detect such material. Any user who is unclear about the appropriateness of any material should consult their Line Manager or the ICT Service Desk prior to commencing any associated activity or process.

IT facilities provided by the ICTSS for email should not be used for:

- the transmission of unsolicited commercial or advertising material, chain letters, or other junk-mail of any kind;
- the transmission of material that infringes the copyright of another person, including intellectual property rights;
- activities that unreasonably waste staff effort or use networked resources,
- activities that disrupt the work of other users;
- the creation or transmission of material which is designed or likely to cause annoyance, inconvenience, needless anxiety or discrimination;
- the creation or transmission of material that is abusive or threatening to others, or serves to harass or bully others;
- unfairly criticising individuals, including copy distribution to other individuals;
- the creation or transmission of material which brings the organisation into disrepute.

There may be instances where a user will receive unsolicited mass junk email or spam. It is advised that users delete such messages without reading them. Do not reply to the email. Even to attempt to remove the email address from the list can confirm the existence of an address following a speculative e-mail.

Before giving your email address to a third party, for instance a website, consider carefully the possible consequences of that address being passed (possibly sold on) to an unknown third party, and whether the benefits outweigh the potential problems.

Chain letter emails (those that request you forward the message to one or more additional recipients who are unknown to the original sender) **must not** be forwarded using ICTSSsystems or facilities.

All ICT users are provided with a limited mail box size of 250MB. Email users should manage their email accounts to remain within the limit, ensuring that items are filed or deleted as appropriate to avoid any deterioration in systems. If you would like assistance with mailbox management contact the ICT Service Desk. There is an automated email Archiving system also in place to assist in managing your mailbox.

Email messages can be used to carry other files or messages either embedded in the message or attached to the message. If it is necessary to provide a file to another person, then a reference to where the file exists should be sent rather than a copy of the file. This should also be the preferred method of transferring OFFICIAL-SENSITIVE information. If a copy of a file must be sent then it should not exceed 20MB in size, if it does please contact the ICTSS service desk for advice on alternative methods of transmission.

All users should be aware that email usage can be monitored and recorded centrally to prevent inappropriate or offensive emails are not sent or received.

Monitoring of content will only be undertaken by staff specifically authorised for that purpose and with Information Asset Owner approval. These arrangements will be applied to all users and may include checking the contents of email messages for the purpose of:

- Establishing the existence of facts relevant to the business, client, supplier and related matters;
- Ascertaining or demonstrating standards which ought to be achieved by those using the facilities;
- Preventing or detecting crime;
- Investigating or detecting unauthorised use of email facilities;
- Ensuring effective operation of email facilities;
- Determining if communications are relevant to the business.

Where a manager suspects that the email facilities are being abused by a user, they should contact the ICT Solutions Manager together with the approval of a Senior Manager within their organisation. Designated staff in the ICT Department can investigate and provide evidence and audit trails of access to systems. The ICT Department will also comply with any legitimate requests from authorised bodies under the Regulation of Investigatory Powers Act for this information.

Access to another user's email is strictly forbidden unless the employee has given their consent, or their email needs to be accessed by their line manager for specific work purposes whilst they are absent. If this is the case a written request to the ICT Solutions Manager is required from a Senior Manager within the organisation. This access must be absolutely necessary and has to be carried out with regard to the rights and freedoms of the employee. Managers must only open emails which are relevant to the business need for which this was granted.

All emails sent from and to @fdean.gov.uk, @fdean.gcsx.gov.uk, @cheltenham.gov.uk, @cheltenham.gcsx.gov.uk, @cheltborohomes.org, @ubico.co.uk, @westoxon.gov.uk, @westoxon.gcsx.gov.uk, @cotswold.gov.uk @cotswold.gcsx.gov.uk & @cheltenhamtrust are transmitted via secure data links.

Viruses/Malware

Computer viruses are easily transmitted via email and internet downloads. Full use must therefore be made of anti-virus software. If any user has concerns about possible virus transmission, they must report the concern to the ICTSS Service Desk immediately.

In particular, users:

- Must unplug local devices immediately to prevent the spread of infection
- Must not transmit by email any file attachments which they know or suspect to be infected with a virus;
- Must not download data or programs of any nature from unknown sources;
- Must ensure that an effective anti-virus system is operating on any computer which they use to access Council facilities;
- Must not forward virus warnings other than to the ICT Service Desk only when requested;
- Must report any suspected files to the ICTSSService Desk.

In addition, ICT will ensure that email is appropriately virus checked at the network boundary, and where appropriate will use two functionally independent virus checkers.

Software

Software acquisition channels are restricted to ensure that there is a complete record of all software that has been purchased and can register, support, and upgrade such software accordingly. This includes software that may be downloaded and/or purchased from the Internet. For this reason, all software MUST be acquired by ICTSS.

Under no circumstances should personal or unsolicited software (this includes screen savers, games and wallpapers etc.) be used as there is a serious risk of introducing a virus.

Software must be registered in the name of the organisation; Software will never be registered in the name of an individual.

The ICTSS maintains a register of all software and will keep a library of software licenses. The register must contain:

- a) The title and publisher of the software;
- b) The date and source of the software acquisition;
- c) The existence and location of back-up copies;
- d) The software product's serial number;
- e) Type of data being recorded.

Software on Local Area Networks or multiple machines shall only be used in accordance with the licence agreement and updated to the latest supported version.

Software must only be installed by the ICTSS once the registration requirements have been met. Once installed, the original media will be returned to the ICTSS and kept in a safe storage area maintained by the ICT Service Desk.

Shareware, Freeware and Public Domain Software are bound by the same policies and procedures as all other software. No user may install any free or evaluation software without prior approval from the ICT Solutions Manager.

Software must not be changed or altered by any user unless there is a clear business need. All changes to software should be authorised before the change is implemented. A full procedure should be in place and should include, but not be limited to, the following steps:

- Change requests affecting a software asset should be approved by the software asset's owner;
- All change requests should consider whether the change is likely to affect existing security arrangements and these should then be approved;
- A record should be maintained of agreed authorisation levels;
- A record should also be maintained of all changes made to software;

- Changes to software that have to be made before the authorisation can be granted should be controlled.

Application development

ICTSS does not generally undertake detailed application development, however, it is noted that:

- Interfacing projects to allow for data to transfer between internal systems are conducted.
- ICTSS are increasingly involved in provision of e-government facilities, which are likely to involve applications development.

This policy requests that security should be considered during the development of systems, both in relation to those developing the systems, and the security of the data stored.

An analysis of security issues should be carried out at an early stage in any development project. The security requirements should be consistent with this policy, and its family of documents. Resources and costs should be part of project assessment with agreed and assigned resources before any work is done.

Application development security requirements will typically address the following areas:

- Authentication (or user identification)
- Access controls
- Accounting and audit trail – the logging and monitoring of events.
- Communications security (e.g. encryption of data across networks)
- Integrity
- Availability

Additionally, industry standard good practice and methodology should form part of the development for example IEEE (Institute of Electrical and Electronics Engineers) and ISO.

Payment Card Industry (PCI) security standard

Credit and debit card payments – Compliance

The Data Protection Act and this Policy applies to the processing of credit and debit card payments and for the security of any personal data collected or held in relation to these payment processes.

If your service accepts payments from debit and credit cards then you are responsible for the security of any data collected or stored. These payments include Compliance with the PCI standard that includes protecting:

- Card readers
- Point of sale systems

- Store networks & wireless access routers
- Payment card data storage and transmission
- Payment card data stored in paper-based records

Employee Responsibilities

An employee is responsible for PCI compliance in the same way as any other merchant; you must protect your systems that are directly related to cardholder data whether electronic or paper based.

If you are responsible for protecting cardholder data at the point of sale and as it flows into the payment system, the best step you can take is to not store any cardholder data. If you do, it should only be for the shortest possible time in-line with the bank's recommendations, the organisation's financial regulations and with their document retention schedule.

The PCI have produced a quick reference guide to help you understand your responsibilities which you are advised to read:

<https://www.pcisecuritystandards.org/documents/PCISSC%20QRG%20August%202014%20-print.pdf>

Importance of PCI compliance

A major priority to the card associations is assuring that cardholder information is handled in a secure manner. All merchants will be required to meet PCI compliance guidelines.

Failure to comply with the PCI security standard may result in substantial fines or permanent expulsion from card acceptance programs. Some merchants, based on transaction volume and sales acceptance channel, will be required to validate their compliance to the banks and there will be assurance checks on your systems by Internal Audit.

Computer Misuse

An exhaustive list cannot be prepared for all possible forms of misuse of computer resources. The individual circumstances of each case will need to be taken into account. However, some examples are as follows:-

- use for the purposes of fraud, theft or dishonesty
- accessing inappropriate web sites including personal email accounts, pornography, gambling/betting sites
- the storing and/or loading of software which has not been acquired through approved procedures,
- a purpose which is not work-related and is outside the Acceptable Usage Policy including personal use of social media sites within work time
- storing and processing or printing of data for a purpose which is not work-related

The use of all devices is monitored. Where misuse is suspected, this must be reported to ICTSS, SWG who will authorise an investigation and where suspicions are valid and formal disciplinary action may be necessary HR providers must also be contacted.

Telephone misuse

The misuse of the telephone service is considered to be a disciplinary matter. All telephone usage must primarily be for Council business but occasional personal, local rate calls are permitted with line manager consent and the Acceptable Usage Policy applies.

Personal calls must not interfere with Council business, and must be kept to a minimum length of time. It is the responsibility of line managers to monitor and report a member of staff for telephone misuse.

Cloud computing and remote hosting

If your business area is considering Cloud Computing or remote hosting, please contact the ICTSS to discuss the security requirements.

Internet Misuse

All Internet usage is recorded and monitored. Where a manager suspects that the Internet facilities are being abused by a user; they should contact the ICT Solutions Manager together with the approval of a Senior Manager within their organisation. Designated staff in the ICT Department can investigate and provide evidence and audit trails of access to systems. The ICT Department will also comply with any legitimate requests from authorised bodies under the Regulation of Investigatory Powers Act for this information.

Sharing/Sending Physical Data

Royal Mail and DX (document exchange) are the current methods for sending physical mail.

When sending documents by this method only include what is absolutely necessary i.e. remove other files and folders etc.

Anyone sending OFFICIAL – SENSITIVE data via Royal Mail or DX should do so using either the recorded or tracked mail options to ensure that it reaches its destination. Double enveloping should be considered, include a return address and **never** mark the classification on the envelope.

When faxing OFFICIAL-SENSITIVE data, information should only be sent to pre-programmed numbers. Documents sent this way should have a cover document specifying who they are intended for and the number of pages that are being faxed. Staff should contact the ICTSS Service Desk for more assistance on this.

Business continuity

It is the responsibility of each organisation to make ICTSS aware of the business applications they operate when there is a reliance on central IT systems, e.g. network connectivity or backup.

The operation of business critical systems should always be notified to ICT so provision can be made for disaster recovery and business continuity at an appropriate level.

For unplanned system downtime, ICTSS expects the appropriate level resilience for power, data loss or corruption, and business continuity.

Plans for Business Continuity are the responsibility of each organisation and will be drawn up and maintained by them. ICTSS will have in place a Disaster Recovery Plan that reflects the Business Impact Assessment on Service Provision for each organisation. ICTSS will also test their Business Continuity arrangements with the designated organisation's Service Managers to ensure that they are robust and reliable

For planned system outages, ICTSS expect that reasonable consultation has occurred between business owners and other parties to ensure that disruption to normal business activities, procedures and disaster recovery activities (for example backups) is minimised and acceptable.

Security Incidents

An information security incident (or breach) occurs when electronic or hard copy data or information is transferred to or received by someone who is not entitled to receive it, data is at risk of corruption or loss, or corporate hardware is lost/stolen.

All information security incidents should be reported to the ICTSS service desk and to the appropriate PSN Security Managers immediately.

Where the incident involves personal data it should also be reported as a Data Protection breach to the organisation's Data Controller or appropriate person responsible for information security.

Training

All ICTSS users are required to attend a mandatory annual training session on information security and Data Protection. Failure to attend the training may result in the user's access being withdrawn. The training will be organised and delivered by ICTSS who will also maintain the attendance list.

Any additional training will be provided by each organisation to add their own specific ways of working.

Monitoring and Review

This Policy will be reviewed and approved by the joint SWG and the ICTSS Joint Management and Liaison Group. Compliance with the policy will be monitored by ICTSS in respect of the areas of work covered by the ICT network and equipment.

Local security arrangements e.g. security of documents, passwords, secure areas will be the responsibility of the individual organisation's service managers

Appendix A: Removable Media business case form
Business Case for Use of Removable Media Device.

Company:	
Department / Section:	
Username:	
Type of device(s)?	
Reason for requiring device(s)?	
Frequency of use?	
Content of data held on USB device(s):	
Service Manager Name Approved:	
Date :	
SWG / IAO approval	
SWG /IAO Approved Date	
ICT Proposed Solution (For ICT to complete)	
ICT Call Ref Number:	
ICT Actioned Date:	
ICT Approved by:	

Appendix B: Business Case Guidance notes**Q1. Does the applicant require write access to the removable digital storage device(s) selected?**

Write access allows the applicant to add data to, and remove it from the device. Careful consideration should be made as to whether the applicant should have (or need) permission to do this.

Some considerations include:

- All data should be stored on network drives and is accessible via Citrix remote working when a person is working away from the office.
- Data storage on removable media is not backed up and poses a security risk.

Q2. How does allowing the use of the device(s) assist the applicant with the delivery of the strategic objectives of the council?

You should clearly state the reasons why the applicant requires permission to store data on each of the removable media devices. "They need it to do their job" is not a valid business case.

Some examples are:

- ICT Engineers will need access to **USB hard drives**, as these are the drives they carry around that hold information for their images, and applications, these devices will only ever be connected to a user's ICTSS-issued laptop or desktop.
- **Flash drives**, occasionally these will also have small applications on them, the devices carry less weight and hold most of the basic software an engineer will use, i.e. anti-virus, some Microsoft applications, this is in case they do not have the USB hard drives with them.
- **Digital cameras**, again these may only apply to certain staff i.e. communications officer being one.

Q3. For what duration of time does the applicant require access to the device(s)?

If the applicant requires access to the device short term please state the 'to:' and 'from:' dates. Before selecting this option consider the alternatives to allowing temporary data storage on removable devices and whether it is really necessary.

"Indefinitely" is for applicants who require access to the devices on a daily basis to undertake their normal work duties.

Q4. Where does this form go?

A work request must be raised on ICT servicedesk and a scanned copy of this form must be attached to the work request.

Appendix C: Cheltenham Borough Council

Building/Physical Security

The council office building is accessed by utilisation of swipe access control cards, which are authorised by line managers and issued by ICTSS to staff, Members, official visitors and contractors.

The areas to which each staff member is given access are determined by job requirement, and as such, are reviewable as required.

Members have access to the council office building to attend meetings, use the member facilities including the members' Room and to visit officers.

Certain areas in the building have restricted access due to the nature of work performed, or the vulnerability of equipment therein.

Visitors to the building are signed in at reception, and issued with a visitor's pass, which gives access to non-restricted areas of the office.

It is the responsibility of the host to ensure that the visitor is aware of the capabilities of their access card, and the procedures to follow in case of emergency, or should evacuation of the building be necessary.

It is a requirement of all staff to challenge any member of staff, members or visitors who are not displaying their identity (access) card.

It is also a requirement of all staff to prevent tailgating of others through access controlled doors throughout the building.

Any files containing personal or sensitive business information should be locked away in a secure cabinet.

When away from their desks even for short periods of time all ICT users should ensure that their computer screens are locked and any personal or sensitive business materials are not left unattended.

Service managers must undertake a risk assessment to mitigate the risk of non-authorised persons being able to see information on VDU screens i.e. through windows from outside the building.

Clear desks

All CBC employees (and members where appropriate) must clear their desks of all files and records that contain confidential, personal or sensitive data at the end of each working day.

Any files containing personal or sensitive business information should be locked away in a secure cabinet.

When away from their desks even for short periods of time all ICT users should ensure that their computer screens are locked and any personal or sensitive business materials are not left unattended.

Working from away from the office i.e. from home

When accessing or using official information at a location away from the office the user must treat the data in the same way as they would in the office e.g.. it should be kept secure, it should not be left in areas where non-authorised people can access it. ICTSS assets must also be kept secure at all times and must be locked away when not in use.

Disposal of confidential waste

Confidential waste (containing OFFICIAL - SENSITIVE or sensitive business information) is to be placed in the locked confidential waste bins within offices or shredded immediately after use.

The bins are then collected by an approved contractor who shreds the waste on site and provides the Council with a certificate of destruction.

Building and room alarms systems

Where an alarm is fitted it must be operated in-line with instructions provided by the Property Services. Any malfunction or defect must be reported to Property Services immediately.

CCTV systems

CCTV systems whether fixed or static, covert or overt they play an important role in helping the council maintain security, these systems also collect and store information which must be held securely. Any CCTV system needs to comply with the Data Protection Act, be the subject of a Privacy Impact Assessment and be supported by a published CBC CCTV Code of Practice for that system. All staff and members must comply with the arrangements of that Code; these can be found on the internet and with the appropriate Service Manager.

Appendix D: Cheltenham Borough Homes

Building/Physical Security

Redacted

Appendix E: Forest of Dean District Council

Building/Physical Security

Redacted

Appendix E: UBICO Ltd

redacted

Appendix F: Cheltenham Leisure & Culture Trust

Building / Physical Security

Leisure-at-cheltenham:

redacted

The Wilson:

Redacted

Cheltenham Town Hall / Pittville Pump Rooms:

Redacted

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Cheltenham Borough Council

Cabinet

17th March 2015

Scrutiny Task Group Review – Public Art Panel

Cabinet Member Response

Accountable member	Councillor Rowena Hay – Cabinet Member Healthy Lifestyles
Accountable officer	Wilf Tomaney – Townscape Manager
Executive summary	<p>At its meeting on 10th February Cabinet considered a report from an Overview and Scrutiny Task Group regarding Public Art Panel. It was established to review the governance of the panel.</p> <p>At the meeting the Cabinet Member Healthy Lifestyles generally welcomed the recommendations of the Group, but indicated some concerns over some of the recommendations and agreed to report back to this meeting of Cabinet.</p> <p>This report sets out the Cabinet Member’s response to the findings.</p>
Recommendations	<p>That Cabinet:</p> <p>i. Approves the recommendations of the Public Art Panel Scrutiny Task Group with the specific exception of the following:</p> <p style="padding-left: 20px;">a <u>Recommendation ii – Public Art Panel Terms of Reference</u> Terms of Reference are amended under the “Membership” heading to allow three co-optees to the Panel at any one time.</p> <p style="padding-left: 20px;">b <u>Recommendation v – Public Art Strategy</u> Amended to suggest that officers seek opportunities to fund the development of a Public Art Strategy from within existing or future Public Art funding.</p> <p style="padding-left: 20px;">c <u>Recommendation ix – Reporting</u> Amended to require reporting through the Member Briefing is on a quarterly basis.</p>

Financial implications	<p>The public art strategy is likely to cost in the region of £6k which officers will look to finance through either existing or future public art funding.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
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<p>Legal implications</p>	<p>Section 106 contributions are provided in order to mitigate the impacts of development and they may only constitute a reason for granting planning permission if they are (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.</p> <p>Contributions in respect of the provision of public art have been sought from developers by way of section 106 contributions and the Council is holding contributions which have been paid to it in respect of the same.</p> <p>It would be questionable going forward whether requiring contributions towards the Council undertaking a revision of its Public Art Strategy are going to fall within the tests outlined above, as opposed to the provision of public art itself.</p> <p>Developers which have already provided contributions towards public art may agree to the use of such monies towards the revision of the Public Art Strategy. However, there would be no legal obligation on the developer to do so and they may instead, should it be that the monies will not be used for the purpose for which they were paid, ask for repayment of the unspent contribution.</p> <p>Contact officer: shirin.wotherspoon@tewkesbury.gov.uk, 01684 272017</p>
<p>HR implications (including learning and organisational development)</p>	<p>No direct HR implications arising from the content of this report.</p> <p>Contact officer: Julie McCarthy email: julie.mccarthy@cheltenham.gov.uk,</p>
<p>Planning implications</p>	<p>S106, as clearly set out in national planning guidance may be negotiated if they “mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind”. In the past we have discussed with One Legal top slicing S106 but this wasn’t supported. In the context of the guidance on S106 should the Council progress on top slicing, then it would need to clearly demonstrate that the tests have been met.</p> <p>Secondly, the Council is currently undertaking the work to progress a community infrastructure levy (CIL). This is being led by the Planning and Liaison Member Working Group. However, given the costs involved in preparing a public art strategy, I would suggest that if One Legal support the principle of top slicing then this should be progressed on the funds already committed to public art via S106 thereby negating any need to negotiate any sums via CIL.</p> <p>Tracey Crews, Head of Planning, tracey.crews@cheltenham.gov.uk 01242 264168</p>
<p>Key risks</p>	<p>As set out in the report</p>

Corporate and Community Plan implications	Strengthening our communities
Environmental and climate change implications	None.
Property/Asset Implications	None.

1. Background

- 1.1 The Overview and Scrutiny Committee were requested to set up a scrutiny task group to review the governance of the Public Art Panel. Its recommendations were reported to the 10th February 2015 Cabinet where the Cabinet Member Healthy Lifestyles indicated that she would respond to this meeting.
- 1.2 The Cabinet Member has welcomed the report (which is reproduced at Appendix B) and the majority of its recommendations. She commends all the recommendations to the Cabinet with the exception of the following:

Recommendation ii – Terms of Reference

The Terms of Reference as drafted (under “Membership”) would allow the Public Art Panel to appoint a maximum of two co-optees to serve a term of up to three years to enable specialist or community representation. It is recommended that the maximum is raised to three co-optees this will allow greater flexibility in the Panel’s operation.

Recommendation v – Public Art Strategy

The value of having an up-to-date strategy in place is acknowledged. However, given current budgetary constraints it is suggested that officers seek funding from within the existing or future public art budget – which is ring-fenced through S106 funding.

Officers are currently negotiating with a developer on the possibility of releasing S106 funds for this purpose.

Recommendation ix – Reporting

The reporting mechanisms suggested are supported, but it is suggested that reporting through the Member Briefing is on a quarterly basis.

- 1.3 Progress has already been made in implementing other recommendations:

Recommendation iii – Cheltenham Trust

Julie Finch CEO of the Trust has agreed to act as its representative on the Panel.

Recommendation vii – Project Management

Discussions with the Council’s Business Development Manager suggest that project management arrangements in place for the delivery of public art are broadly satisfactory. A meeting between the Panels Project Management Pool and the business development team will take place in the next few months to clarify issues.

In the meantime, it has been agreed that each project will be subject to a Project Initiation Document as it commences.

Recommendation ix – Decision Making

Following a discussion with OneLegal and Democratic Services, a decision making protocol has been agreed which establishes that most projects will have two points at which a formal Cabinet Member decision will be required – project initiation and artist selection. Regular Cabinet Member briefings are to be held and the Cabinet Member Healthy Lifestyles has an open invitation to attend Panel meetings as an observer to help inform her decisions.

2. Reasons for recommendations

2.1 The recommendations are made in order to “fine-tune” some of the Task Group’s own recommendations prior to implementation.

3. Alternative options considered

3.1 There are a number of options and these are set out in the Task Group’s report.

4. Consultation and feedback

The Cabinet Member Healthy Lifestyles and the Public Art Panel were involved in the review. The Cabinet Member indicated at the O&S meeting on 12 January that she was very pleased with the task group report and the recommendations as set out would give the process the transparency in decision making she felt had been lacking. The Public Arts Panel considered the report at its meeting on 21 January and was happy with the recommendations.

5. Performance management –monitoring and review

5.1 The Cabinet Member will continue to monitor the success of the new arrangements. O&S have suggested an Annual Report on the work of the Public Art Panel.

Report author	Contact officer: Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937
Appendices	A. Risk Assessment B. Cabinet Report – 10th February 2015 with attachments
Background information	None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the governance arrangements for the panel are not made clear there may be confusion about the accountability for the delivery of public art and potential damage to the council's reputation if they are not delivered effectively	Wilf Tomaney	1/12/2014	2	3	6	Reduce	Get agreement to the revised terms of reference		RR	

Explanatory notes

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

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

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

Cheltenham Borough Council
Cabinet
10 February 2015
Scrutiny Task Group Review – Public Art Panel
Covering Report

Accountable member	Councillor Tim Harman, Chair of the Overview and Scrutiny Committee
Accountable officer	Rosalind Reeves, Democratic Services Manager
Executive summary	<p>At its meeting on 3 November 2014 Overview & Scrutiny Committee requested that a workshop be set up where scrutiny members could meet with members of the Public Art Panel to review the governance of the panel. Their findings and recommendations are set out in detail in the attached Scrutiny Task Group Report.</p> <p>Their report was considered by the O&S committee at their meeting on 12 January 2015 when they endorsed the recommendations from the task group and agreed to forward them to Cabinet for their consideration. They were happy with the report and noted the achievements of the panel and that public art projects could sometimes be difficult to draw together and achieve a successful outcome. They suggested that an Annual Report of public art achievements in Cheltenham would help promote the work of the panel and requested that ward members should always be kept informed of work going on in their area.</p>
Recommendations	<p>That Committee endorses the recommendations set out in the Scrutiny Task Group Report and recommends that Cabinet :</p> <ul style="list-style-type: none"> ii. Commends the achievements of the Public Art Panel to date in the support of Public Art in the borough. iii. Approves the revised terms of reference for the Public Art Panel as set out in the Appendix for adoption by the Public Art Panel at their next meeting and that the revised Terms shall be communicated to the organisations represented on the Public Art Panel. iv. Agrees that a representative from the Cheltenham Trust be invited to the Public Art Panel and if accepted, that the membership of the Public Art Panel be extended accordingly. v. Agrees that the non- councillor membership of the Public Art Panel be formally appointed at the next meeting of the Public Art Panel and a review date set for 3 years hence in 2018 vi. Allocates a sum not exceeding £6000 to enable the Director of Environmental & Regulatory to carry out a refresh of the Public Art Strategy. vii. Agrees that the Public Art Panel should be consultees on the

Community Infrastructure Levy project.

- viii. Requests officers to review the project management process for Public Art with the council's business development team.
- ix. Request Officers supporting the Public Art Panel to work with Democratic Services and One Legal to agree when and by whom decisions are being taken and which decisions should be published as part of the democratic process.
- x. Requests the Townscape Manager to use the Members Briefing following the Public Art Panel meetings to provide an update to all Councillors and make minutes of the Public Art Panel available on the intranet subject to any confidentiality and to produce an Annual Report on behalf of the panel.

Financial implications	<p>A review of the Public Art Strategy will cost in the region of £5000 to £6000. This may be funded by top slicing Section 106 receipts with the consent of the developers. If it cannot be financed from existing budgets, a request for additional funding will need to be made and approved by Cabinet.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>As an advisory body to the authority, the governance and decision making provisions applicable to the Public Art Panel are set out in the Council's constitution. The decision maker in respect of public art matters will vary depending on the circumstances under consideration. To assist the Public Art Panel, the report of the scrutiny task group identifies some important decision points within a project and suggests appropriate decision makers.</p> <p>Contact officer: shirin.wotherspoon@teWKesbury.gov.uk, 01684 272017</p>
HR implications (including learning and organisational development)	<p>The report recommends publishing Public Art decisions so this may mean additional work for the officer who supports the Public Art Panel.</p> <p>Contact officer: Julie McCarthy email: julie.mccarthy@cheltenham.gov.uk,</p>

Planning implications	<p>S106, as clearly set out in national planning guidance may be negotiated if they “mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind”. In the past we have discussed with One Legal top slicing S106 but this wasn’t supported. In the context of the guidance on S106 should the Council progress on top slicing, then it would need to clearly demonstrate that the tests have been met.</p> <p>Secondly, the Council is currently undertaking the work to progress a community infrastructure levy (CIL). This is being led by the Planning and Liaison Member Working Group. However, given the costs involved in preparing a public art strategy, I would suggest that if One Legal support the principle of top slicing then this should be progressed on the funds already committed to public art via S106 thereby negating any need to negotiate any sums via CIL.</p> <p>Tracey Crews, Head of Planning, tracey.crews@cheltenham.gov.uk</p> <p>01242 264168</p>
Key risks	As set out in the report
Corporate and Community Plan implications	Strengthening our communities
Environmental and climate change implications	None.
Property/Asset Implications	None.

1. Background

1.1 As set out in the report

2. Reasons for recommendations

2.1 The Overview and Scrutiny Committee were requested to set up a scrutiny task group to review the governance of the Public Art Panel.

3. Alternative options considered

3.1 There are a number of options and these are set out in the report.

4. Consultation and feedback

The Cabinet Member Healthy Lifestyles and the Public Art Panel were involved in the review. The Cabinet Member indicated at the O&S meeting on 12 January that she was very pleased with the task group report and the recommendations as set out would give the process the

transparency in decision making she felt had been lacking. The Public Arts Panel considered the report at their meeting on 21 January and were happy with the recommendations.

5. Performance management –monitoring and review

5.1 The Cabinet Member will continue to monitor the success of the new arrangements. O&S have suggested an Annual Report on the work of the Public Art Panel.

Report author	Contact officer: Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937
Appendices	<ul style="list-style-type: none"> a. Risk Assessment b. Task Group report
Background information	None

Previous Report

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the governance arrangements for the panel are not made clear there may be confusion about the accountability for the delivery of public art and potential damage to the council's reputation if they are not delivered effectively	Wilf Tomaney	1/12/2014	2	3	6	Reduce	Get agreement to the revised terms of reference		RR	

Explanatory notes

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

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

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

Previous Report



SCRUTINY TASK GROUP REPORT

PUBLIC ART PANEL

DECEMBER 2014

1. INTRODUCTION

- 1.1 The Cabinet Member Healthy Lifestyles, Councillor Rowena Hay, first suggested that the governance and accountability of the Public Art Panel was a suitable topic for scrutiny. A discussion paper was brought to the Overview and Scrutiny Committee on 8 September 2014 setting out the history of the panel and the findings of a previous review carried out by the Social and Community O&S Committee in 2011. The recommendations from that review were agreed by Cabinet at the time and good progress subsequently made in implementing them. These are available in the report which went to Overview and Scrutiny Committee in September 2014 if any member wishes to read the details.
- 1.2 These recommendations included the appointment of an independent lay member chair, agreed membership of the panel and a regular programme of meetings within the council's municipal calendar. Under these new arrangements the panel has gone on to demonstrate a successful track record in its support for the delivery of public art within the borough
- 1.3 At the O&S meeting in September, the Cabinet Member was keen to recognize the contribution made by the panel and emphasise that in her view it was working effectively. Her main concern was that as she had been designated as the Cabinet Lead Member for Public Art, she needed to understand the process for selecting and appointing panel members and have clarity with regard to the lines of authorisation for the spending decisions it reached. This was particularly relevant due to the level of section 106 funds earmarked for public art at any one time with total amounts typically in the order of £300,000, a considerable sum.
- 1.4 The O&S committee agreed that the best way to progress these governance issues would be to hold a joint workshop with members of the panel and scrutiny. Councillors Harman, Payne, Colin Hay and Ryder were nominated as the scrutiny members who would be invited to attend.
- 1.5 This workshop was held as the first item on the agenda of the Public Art Panel meeting on 12 November 2014. It was facilitated by the Democratic Services Manager, Rosalind Reeves. Two scrutiny members, namely Councillors Payne and Ryder were in

attendance and the Townscape Manager, Wilf Tomaney was present to answer any questions and give guidance on the process.

- 1.6 There was further follow-up after the meeting with officers particularly with regard to the governance issues and decision-making process and Shirin Wotherspoon from One Legal gave guidance on the Constitution.
- 1.7 This report summarises conclusions from this work and makes a number of recommendations which can be forwarded to Cabinet.

2. MEMBERSHIP AND TERMS OF REFERENCE

- 2.1 Membership of the task group:-
 - Councillor John Payne
 - Councillor Chris Ryder

And with officer support from:

Rosalind Reeves, Democratic Services Manager

- Wilf Tomaney, Townscape Manager
 - Shirin Wotherspoon, Solicitor One Legal
- 2.2 Terms of reference
 - To review the governance arrangements for the Public Art Panel with particular reference to the appointment and membership of the panel and its decision-making
 - To make recommendations to Cabinet as appropriate via O&S Committee

3. OUR FINDINGS

The Achievements of the Public Art Panel

- 3.1 When the scrutiny members attended the meeting of the Public Art Panel we were impressed by the enthusiasm and commitment of the panel members. They give up their time on a voluntary basis to support Public Art in Cheltenham and have a successful track record of delivery. We commend them for their hard work and their contribution should be recognized by the Council.

Selection and Election of Panel Members

- 3.2 The terms of reference for the panel were set some time ago and we think they would benefit from a refresh. In particular the membership of the panel should be clearly set out and terms of office included. We have worked with officers to draft some revised terms of reference and these are attached as Appendix 1 to this report.

- 3.3 We welcome the continuation of a non-elected/councillor representative as chair to ensure some continuity but we suggest in the terms of reference that they are re-elected every three years. Ideally a new chair would then be elected but the existing chair could be re-elected for one further term before they must stand down as chair, though they could continue to remain on the panel as a representative of their organisation. Similar conditions should also apply to co-optees. This will ensure that the panel is kept fresh with new ideas.
- 3.4 In particular we would draw attention to the fact that the majority of the membership are representatives from organisations. It is up to the organisations who they put forward but we suggest they refresh their membership every three years and the panel should consider implementing a system of suitable substitutes.
- 3.5 The terms of reference lists the organisations that are currently represented on the panel. If at any point the panel felt they would benefit from additional representation they could appoint an individual from an organisation as an additional co-optee. It is suggested that the number of potential co-optees be increased from 2 to 3.
- 3.6 The Cheltenham Trust has now been commissioned by the Council to deliver sports and leisure services for the borough. Although their brief does not specify public art as one of their deliverables we think the Trust could use Public Art to support some of their objectives in promoting awareness and understanding of visual arts. As a major organisation for arts in the town we think they should be invited to nominate a member to join the panel as their expertise could be very valuable.

The role of the panel in projects

- 3.7 As mentioned the panel is an 'advisory' panel. This is true in terms of their role in advising the Cabinet Member with responsibility for Public Art or any organisation wishing for advice and guidance in this field. However we do feel that the panel performs a wider role in that it assists the Director of Environmental & Regulatory Services with commissioning project managers to carry out public art projects and subsequently receiving progress updates and managing issues arising. We feel this important role needs to be made clear in the terms of reference.

Project Sponsors/ Budget holder and stakeholders

- 3.8 In performing this project review role, it is also important that the panel have a mechanism for reporting back progress to project sponsors, budget holders and stakeholders.
- 3.9 We are advised by one of the project managers from the Public Art Pool that they followed a project management process. We were keen to ask the panel what decisions they made on projects. In response the panel did not feel there were specific decision points but projects followed a due process and therefore evolved over the project life cycle.
- 3.10 Members familiar with the Prince2 methodology adopted within the authority, highlighted that this methodology would have key decision points along the way and a formal process for reporting to project sponsors. This would be set out in the project initiation

document. We did not go into the detail of the project management methodology used in managing the public art projects but there should be similar decision points and key milestones which could be identified.

- 3.11 We feel it would be beneficial for some officers from the council's business development team to sit down with a representative from the Public Art Pool to better understand the project management structure adopted for Public Art projects and assist in identifying the milestones and decision points.
- 3.12 We think there is also an issue about accountability for the successful delivery of a public art project. Clearly the project manager has a contractual responsibility because they are being paid to deliver the project. We were keen to ask the panel the question "If a project got into trouble and the media started to ask questions who would be the individual who would stand up and be accountable?"
- 3.13 The panel responded that there was always likely to be a difference in public opinion on a particular piece of public art. That may be so but the question we were asking was relating to a more serious problem, for example if a project went seriously over budget, or the contracted artist went out of business for example. Who would be accountable in that case?
- 3.14 The scrutiny members were of the view that in this case it would be the project sponsor or budget holder that would need to be kept fully aware and would ultimately be accountable. This could be the Cabinet Member/Director of Environmental & Regulatory Services responsible for public art or the budget holder/Director.
- 3.15 This reporting mechanism needs to be made clear in the project initiation document which is then jointly agreed before work on the project commences. We feel this is essential to the successful management of a project.

Decision making

- 3.16 Within the authority there is a specific decision-making process which is set out in the Council's Constitution. The schemes of delegation set out which decisions must be made by Council, by Cabinet, those which can be taken by a Cabinet Member and those which are delegated to Directors/officers. There is a statutory requirement to publish Executive decisions made by the Cabinet or a Cabinet Member and there is also a statutory requirement to publish certain types of officer decision.
- 3.17 The first point to establish is that any decisions relating to public art projects which are being delivered on behalf of the authority would need to follow these procedures.
- 3.18 One Legal were very clear in their advice that decision making in respect of the Public Art Panel should be one of the following:

Cabinet	In respect of Key Decisions
Cabinet Member Healthy	Who has been delegated authority by the Leader to be the Cabinet Member for Public Art

Lifestyles	
The Director of Environmental & Regulatory Services	Who is the relevant Executive Board Lead Officer for the Public Art Panel
Officers	To whom the Director has sub- delegated authority. These decisions would be likely to be taken by the Townscape Manager who has responsibility for the budget for the section 106 money.

3.19 The authority has a statutory requirement to publish such decisions and they would need to be supported by the appropriate documentation, typically a report.

3.20 The challenge is deciding at which points in the life cycle of a public art project, these decisions need to be taken and formally recorded. We would suggest as a the minimum the following decision points could be designated and the decision maker is indicated in brackets:

- i) Define the key roles and responsibilities i.e panel members, stakeholder, budget holder, relevant officer who will be consulted on and named in the project initiation document (Director/Officer)
- ii) Agreement of a project initiation document which would set out roles and responsibilities and budget and authorises the project to proceed (Cabinet Member)
- iii) Appointment of a project manager (Officer)
- iv) Agreement of the project brief for potential artists prepared by the Project Manager (Director/Officer)
- v) Selection of artist (Director/Officer)
- vi)) Tenders and contracts (as required by the Contract Rules)

3.21 We are keen to stress that we do not want to create a burden of administration for the officers, project managers or the panel but we do feel it is essential to maintain a proper audit trail and indeed this is a statutory requirements where the authority's monies are being spent.

Dissemination of Information

3.22 We have already mentioned the need to keep project sponsors and budget holders updated on projects. We also think it is important for the Public Art Panel to promote their achievements to the wider group of Councillors. This could easily be achieved by officers supporting the panel including an update on the Members Briefing after each panel meeting.

3.23 Members could also request to have a copy of the minutes of the Panel or view the minutes on the intranet link.

Public Art Strategy

- 3.24 The Public Art Strategy forms a valuable document within the authority and for the panel, project managers and potential developers and sponsors. It was produced in 2004 and has not been updated since then and the panel are very keen that it should be updated with the involvement of the Public Art Pool. We think the authority should undertake this valuable piece of work by providing some resource and budget for the task. Officers have previously obtained estimates from individuals or organisations who could carry out the work at a cost of £5000 or £6000 hence the need for £6000 of funding for this work. We understand that some councils have top sliced the section 106 funding to fund this sort of work. One Legal has confirmed that top slicing sums may be possible for future s106 agreements but it is not part of the current Public Art SPG policy. In those circumstances, owner/developers may not accept the obligation as a valid requirement.

Community Infrastructure Levy

- 3.25 The Government is introducing changes which will allow councils to develop a charging structure for a Community Infrastructure Levy which could replace Section 106 agreements. We understand that Cabinet has agreed in principle to ask officers to investigate the feasibility of charging such a levy. We have not gone into this in any detail but this may be an opportunity to change the way developers provide funding for public art. Therefore public art requirements should be considered as part of this feasibility study and the Public Art Panel should be consulted on the project although it was accepted that such contributions are likely to be at the lower end of the list of levies.

4. CONSULTATION

- 4.1 During the course of this review we have consulted with officers involved in this issue. The Cabinet Member Healthy Lifestyles attended the meeting of O&S when this review was initiated and had the opportunity to review our draft report. We also met with members of the panel and sent out our report to members of the Public Art Panel for their comment.

5. RECOMMENDATIONS

- 5.1 Taking all our findings into consideration, the task group agreed a number of recommendations to Cabinet, namely that :
- i. **The Public Art Panel are commended for their achievements to date in the support of Public Art in the borough.**
 - ii. **The revised terms of reference for the Public Art Panel as set out in the Appendix be approved and adopted by the Public Art Panel at their next meeting and communicated to the organisations represented on the Public Art Panel.
A representative from the Cheltenham Trust be invited to the Public Art Panel and if accepted, that the membership of the Public Art Panel be extended accordingly.**
 - iii. **The non-councillor membership of the Public Art Panel be formally appointed at the next meeting of the Public Art Panel and a review date set for 3 years hence in 2018.**
 - iv. **A sum not exceeding £6000 be allocated to enable the Director of Environmental & Regulatory to carry out a refresh of the Public Art Strategy.**

- v. **The Public Art Panel should be consultees on the Community Infrastructure Levy project.**
- vi. **The project management process for Public Art is reviewed with the council's business development team.**
- vii. **Officers supporting the Public Art Panel work with Democratic Services and One Legal to agree when and by whom decisions are being taken and which decisions should be published as part of the democratic process.**
- viii. **The Members Briefing following the Public Art Panel meetings is used to provide an update to all Councillors and minutes of the Public Art Panel are made available on the intranet subject to any confidentiality.**

6. PROGRESSING THE SCRUTINY RECOMMENDATIONS

- 6.1 The scrutiny task group will report to O&S on 12 January 2012 and to Cabinet in February.
- 6.2 In conclusion the task we are confident that we have met our terms of reference are and commend our recommendations to the Overview and Scrutiny Committee.

Report author	Councillor, Chair of the scrutiny task group Contact officer: Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937
Appendices	a. The Public Art Panel revised terms of reference
Background information	1. Meeting of O&S 8 September 2014

PUBLIC ART PANEL
TERMS OF REFERENCE

The Public Art Panel was originally set up to encourage the provision of public art within the borough by setting up an advisory group in which officers, Members and representatives of relevant organisations within the borough can meet to provide a consultation and discussion forum.

Role	<ol style="list-style-type: none"> 1. To provide appropriate direction and advice regarding the disposal of public art funding received via the Section 106 process; 2. To make recommendations to the appropriate Cabinet Member Director/Officer where Executive decisions are required as part of the Democratic process. These will then be formally published on the Council's website in the interests of transparency; 3. To subsequently keep the Cabinet Member informed of progress in implementing those decisions and bringing to their attention any key issues; 4. To provide guidance and support to anyone involved in projects containing elements of public art within the borough; 5. To undertake activity aimed at encouraging understanding and appreciation of public art through advocacy, education, training and promotional activity; 6. To encourage wider community involvement in terms of the siting and development of public art projects; 7. To advise on the choice of artists and the broad direction that the public art should take in order to maintain quality; and. 8. To advise the Director of Environmental & Regulatory Services on the commissioning of project managers or community groups to carry out public art projects with the panel acting as a project review board and keeping the relevant stakeholders, sponsors and budget holders up to date with progress.
Status	An advisory group which assists the Director of Environmental & Regulatory Services with his public art commissioning and programme management responsibilities but has no budget of its own.
Membership	<ul style="list-style-type: none"> • Two Cheltenham Borough Councillors - one should be a Member of the Planning Committee

	<p>- one should be a Councillor with an interest in art and culture (ideally the Councillor representation should be cross party but this is not essential)</p> <p>One representative from each of the following organisations:</p> <ul style="list-style-type: none"> • University of Gloucestershire Art department • Cheltenham Arts Council • Civic Society • GAVCA • Cheltenham Trust (to be invited) <p>Up to 3 co-optees which the panel may wish to appoint for a period of up to three years because of their specialist expertise or community representation. Co- optees may be re-appointed for a further 3 year term thereafter.</p> <p>The members representing an organisation may be changed at any time by the organisation notifying the administrator of the panel. Each organisation may also nominate a substitute to attend the panel if their nominee cannot attend. Generally the panel will encourage organisations to nominate an individual for a period of at least three years but will welcome new nominees after that period in order to bring fresh ideas to the group.</p>
<p>Chair</p>	<p>The members of the panel will appoint a chair from its membership excluding the elected Members. They could be elected for a period of three years but will be eligible for re-election for a further three-year term after which they will retire.</p> <p>Although standing down as chair, the representative could, if their organisation agreed, continue to sit on the panel as a representative of their organisation.</p>
<p>Officer support</p>	<p>This will vary but the core support will be provided by</p> <ul style="list-style-type: none"> • Townscape Manager, E&RS • Parks development team, E&RS • Planning Administration, E&RS.
<p>Public Art Pool</p>	<p>A group of project managers with experience in delivering public art projects who are appointed by authorised officers of the council. They are available to the Public Art Panel to recommend to the Director of Environmental & Regulatory Services or Cabinet Member for selection for specific</p>

	<p>public art projects and any remuneration will be paid from the funds available for the project.</p> <p>A member of the pool cannot be a member of the Public Art Panel but they can attend meetings of the panel by invitation, typically to update the panel on any projects they are working on.</p>
Cabinet Member	<p>The Cabinet Member with responsibility for Public Art will receive agendas and minutes of the meeting and can attend meetings of the panel by invitation or with prior notification to the chair as an observer.</p>
Budget holders	<ul style="list-style-type: none"> • Director of E&RS is the budget holder for the section 106 money and the S106 agreements are worded to the effect that public art must be provided to the satisfaction of the director E&RS. • Cheltenham Development Task Force MD is the budget holder and the Cabinet Lead is the Cabinet Member Built Environment. • Cheltenham organisations seeking guidance from the panel e.g. Civic Society. • Other groups: bids for funding from various community groups are agreed by Cabinet and these groups may then ask the panel for assistance and advice.
Accountability	<ul style="list-style-type: none"> • Accountability to the Cabinet Member with responsibility for public art. • Accountability to the budget holder who has commissioned a work of public art through the panel.
Meetings	<ul style="list-style-type: none"> • Bi-Monthly . • Structured agendas, to include progress reports on the programme of projects. • Notes to be taken and action points monitored • Appropriate follow-up communications after the meeting to interested parties.
Conflicts of Interest	<ul style="list-style-type: none"> • Members must declare any interests or conflicts of interest in the business of the panel. • Where conflicts exist, panel members may be asked to leave the meeting for the agenda item.

Cheltenham Borough Council
Cabinet – 17 March 2015
Write off of obsolete Trading stock

Accountable member	Cabinet Member for Finance, Councillor John Rawson
Accountable officer	Director of Corporate Resources (Section 151 Officer), Mark Sheldon
Ward(s) affected	None
Key/Significant Decision	No
Executive summary	This report summarises the position in respect of stock held by the Council in respect of The Wilson shop as at 1 st October 2014, being the date of commencement of trading of Cheltenham Leisure & Culture Services Ltd.
Recommendations	<p>Cabinet</p> <ol style="list-style-type: none"> 1. Approve the write off of £11,943 of stock held at The Wilson at 1st October 2014. 2. Note the use of the Leisure & Culture earmarked reserve to fund the cost of this stock write off.

Financial implications	As detailed in this report. Contact officer: Sarah Didcote, Sarah.Didcote @cheltenham.gov.uk, 01242 264125
Legal implications	As detailed in Section 2 to this report. Contact officer: Peter Lewis , Peter.Lewis@tewkesbury.gov.uk
HR implications (including learning and organisational development)	None
Key risks	None
Corporate and community plan Implications	None
Environmental and climate change implications	None

1. Background

- 1.1 The Council's leisure and culture services were transferred to The Cheltenham Trust on 1st October 2014. The Cheltenham Trust is an independent charitable organisation, with a trading subsidiary, Cheltenham Leisure & Culture Limited.
- 1.2 A stock count was undertaken of stock held by the Council at 1st October 2014, to be purchased by Cheltenham Leisure & Culture Limited, in accordance with the Management Agreement with the Council. The value of this stock was calculated at cost price, totalling £44,895.
- 1.3 A request has been received from The Cheltenham Trust for individual stock items totalling £11,943, included in the stock count, to be written off within the Council's accounting records, as it is considered obsolete and not able to be sold within The Wilson shop.

2. Reasons for recommendations

- 2.1 Under Financial Rules F11.2, if the accumulated amount of stock to be written out exceeds £10,000 during the financial year, a report must be made to Cabinet. Individual amounts in excess of £5,000 shall be approved by Cabinet.
- 2.2 The stock requested for write off includes items held since 2003 that are obsolete and can not be sold. However, although the stock has no retail value, consideration will be given to passing certain re-usable items to charity to be utilised for internal purposes, where possible; for example stationery bearing old logos.
- 2.3 A new earmarked reserve of £200,000 was approved by Council on 14th February 2014, to support any unforeseen deficits that may arise in the early years of trading. The Section 151 Officer has delegated authority, under financial rule B11.4, to approve the use of this reserve to fund the £11,943 cost of stock recommended to be written off.

3. Consultation and feedback

- 3.1 The Cheltenham Trust has been consulted in the production of this report.

Report author	Contact officer: Sarah Didcote, Sarah Didcote@cheltenham.gov.uk, 01242 264125
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Cabinet – 17th March 2015

Draft Corporate Strategy 2015-16

Report of the Leader of the Council

Accountable member	Leader of the Council, Cllr. Steve Jordan
Accountable officer	Strategy and Engagement Manager, Richard Gibson
Accountable scrutiny committee	All
Ward(s) affected	All
Key Decision	No
Executive summary	The corporate strategy 2015-16 is being prepared and is due to go to full council for approval on 30 March 2015. The draft plan is attached as appendix A.
Recommendations	To endorse the draft corporate strategy 2015-16 ahead of it going to full council for final approval (appendix A.)
Financial implications	<p>None as a direct result of this report. The corporate strategy has been developed alongside the Medium Term Financial Strategy to ensure that there are sufficient budgets in place to deliver the outcomes as proposed. In addition, the corporate strategy will be reviewed on an annual basis to take into account our changing budgetary position.</p> <p>Contact officer: Paul Jones, GOSS Head of finance E-mail: paul.jones@cheltenham.gov.uk Tel no: 01242 775154</p>
Legal implications	<p>The corporate strategy 2015-16 is the “corporate strategy” for the purposes of the Local Authorities (Functions and Responsibilities) Regulations 2000. The Executive is responsible for preparing the strategy which must then be submitted to and approved by council.</p> <p>Contact officer: Peter Lewis E-mail: Peter.Lewis@tewkesbury.gov.uk Tel no: 01684 272012</p>
HR implications (including learning and organisational development)	<p>Capacity to deliver the strategy must remain a key focus for the Senior Leadership Team. Effective forward planning, use of project management techniques, re-prioritising work streams are some of the tools available to ensure resource to deliver the strategy is achieved.</p> <p>Contact officer: Julie McCarthy, Human Resources Manager, GO Shared Services E-mail: julie.mccarthy@cheltenham.gov.uk Tel no: 01242 264355</p>

Key risks	<p>We recognise that the Council does not establish prioritised, realistic and achievable ambitions. There will be continued pressure on organisational capacity and staff to maintain core services, and a risk of a perception of poor performance due to over ambitious or ill-informed planning.</p> <p>The Senior Leadership Team is responsible for the management of the risks associated with the delivery of the corporate strategy and where appropriate, risks are included on the corporate risk register.</p> <p>Elected members will have oversight of the corporate risk register through the scrutiny arrangements and through Audit Committee.</p> <p>Risks associated with the delivery of specific outcomes are identified in the draft corporate strategy and specific risk assessments are carried out as part of our programme and project management arrangements.</p>
Corporate and community plan Implications	The corporate strategy sets out the framework for our corporate priorities.
Environmental and climate change implications	The corporate strategy sets out the council's commitment to reducing carbon emissions and adapting to the impacts of climate change.

1. What do we want the corporate strategy to do?

- 1.1 The corporate strategy sets out the following:
- A proposed vision statement;
 - The four priority outcomes that we will be working towards;
 - The context for the year ahead in terms of needs, challenges and opportunities and proposed commissioning intentions;
 - The council's priority actions to deliver the outcomes;
 - The milestones, indicators and risks by which progress will be measured.

2. How we have prepared the draft strategy

- 2.1 Officers and cabinet members have been fully involved in the development of the corporate strategy.
- 2.2 The corporate outcomes now focus on three high level place-making outcomes covering social, environmental and economic themes, with an internal "transformation" outcome covering commissioning, asset management, business improvement and financial management.
- 2.3 Each outcome has an introductory section which sets out the context and an analysis of needs, together with a summary of challenges and opportunities. There is then a statement of the council's commissioning intentions in regard to that outcome.
- 2.4 To reflect the changes in the way the council delivers its services, each outcome has a section that identifies the organisations have been commissioned to deliver that outcome, the organisations we will work in partnership with and the CBC teams that will have a direct service delivery responsibility.
- 2.5 Alongside the priority actions and milestones, thought has also been given to measuring progress through outcome measures (how we will measure these positive change to the outcome) and service measures (how we will measure the direct contribution of our activity). Finally, the relevant corporate risks to the delivery of that outcome have been listed.
- 2.6 The commitments set out in the 2015-16 Cheltenham Partnerships action plan have also been taken into account in the drafting of the actions and commitments in the strategy.

3. Consultation and feedback

3.1 The draft action plan was considered by the Overview and Scrutiny committee on 3rd March 2015.

Observation	Response
Cllr. Wilkinson asked that consideration be given to including reference to improving the town's air quality in the corporate strategy	Now added to list of services, but not planned to be included as a specific priority action.
Cllr. Ryder requested a mention of the SSSI on Leckhampton Hill	Now included
Cllr. Payne sought clarification about the achievability of some of the proposed performance measures	Measures are only included in the strategy where there is a sense the council can make a meaningful contribution. It is acknowledged though that there are some outcome measures where external factors will play a major part.
Cllr. Hay sought clarification about how the vision in the draft corporate strategy would mesh with other visions eg in the JCS and Cheltenham Plan to support economic growth and tourism	This to be taken forward through the Cheltenham Plan process and around the development of the economic development and tourism strategies.
Cllr. Britter reflected that since the document is more for internal use, how can we use the website more to promote the range of activities we are undertaking to deliver our outcomes	Noted; the communications and web team will look at how we promote what we are doing to deliver our outcomes.
Cllr. Mason would have appreciated seeing the targets associated with the measures.	Noted; the draft strategy now includes performance targets

4. Next Steps

4.1 If Cabinet are happy with the updated strategy, it will go to a meeting of the Full Council on Monday 30th March 2015 for approval.

Report author	Richard Gibson Strategy and Engagement Manager 01242 235354 richard.gibson@cheltenham.gov.uk
Appendices	1. Risk assessment 2. Draft Corporate Strategy action plan 2014-15

The risk				Original risk score (impact x likelihood)			Managing risk			
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer
CR75	If capacity to deliver key projects is achieved by diverting necessary resources away from either core services or other provider commitments, then there is a risk of not being able to deliver all of the business as usual expectations including a failure to comply with internal controls that could in turn impact on our reputation and finances.	Andrew North		3	3	9	Reduce	The review of programme and project resource projections has been extended in order to allow resource managers to respond. Issues raised by resource managers indicate shortfalls in Property and in Environmental & Regulatory Services which may well impact delivery. Mobilisation of resources in support of 2020 Vision will increase the resource demand in the immediate future and is probably not fully reflected in current plans.	19.3.15	Ken Dale



CHELTENHAM
BOROUGH COUNCIL

Draft Corporate Strategy 2015-16

Draft for Cabinet

March 2015

Introduction

Every year the council publishes its annual corporate strategy. The document sets out the following:

- A proposed vision statement;
- The four priority outcomes that we will be working towards;
- The context for the year ahead in terms of needs, challenges and opportunities and proposed commissioning intentions;
- The council's priority actions to deliver the outcomes;
- The milestones, indicators and risks by which progress will be measured.

Our proposed vision statement

As part of the development of this year's corporate strategy, we have developed a proposed vision statement setting out our aspirational goals for the long-term future of Cheltenham.

Our vision is of a Cheltenham that delivers the very best quality of life for its people. We believe that the key elements in achieving this vision are to protect and enhance the built heritage and green spaces that have shaped the unique character of the town; to create the conditions in which businesses can thrive, innovate and provide good quality jobs; to make the town a world-class cultural and learning centre which is outward-looking and welcoming to visitors; to build strong, safe and healthy communities for residents and their families; and to accept our responsibility to present and future generations to live within environmentally sustainable limits.

Our proposed outcomes

Our corporate strategy 2015-16 focuses our efforts on three high level outcomes covering the issues that matter most to our residents, businesses and visitors. We also have an internal "transformation" outcome covering commissioning, asset management, business improvement and financial management. The outcomes are:

- Cheltenham's environmental quality and heritage is protected, maintained and enhanced
- Sustain and grow Cheltenham's economic and cultural vitality
- People live in strong, safe and healthy communities
- Transform our council so it can continue to deliver our outcomes for Cheltenham and its residents

Background to the draft strategy

Each outcome has an introductory section which sets out the context and an analysis of needs, together with a summary of challenges and opportunities. There is then a statement of the council's commissioning intentions in regard to that outcome.

To reflect the change in the way the council delivers its services, each outcome has a section that identifies which organisations have been commissioned to deliver that outcome, the organisations we will work in partnership with and the CBC that will directly contribute.

Alongside the priority actions and milestones, thought has also been given to measuring progress through outcome measures (how we will measure these positive change to the outcome) and service measures (how we will measure the direct contribution of our activity). Finally, the relevant corporate risks to the delivery of that outcome have been listed.

Input from partnerships

Cheltenham Partnerships has agreed an action plan for 2014 and 2015 that identifies the most-pressing issues for partnership activity where there is both corroborating evidence and a willingness from partners to work collectively on solutions but also where there is alignment with priorities set at a county level. We have cross-referenced actions in the corporate strategy where they will support the achievement of partnership outcomes:

- We will work to reduce the negative effects of poverty on vulnerable children, families, adults and older people– **see actions COM 5 and COM 6**
- We will work to promote healthy lifestyles across all communities in Cheltenham – **see actions COM 1 and COM 7**
- We will work to encourage more people to get actively involved in their communities so that people live in strong and safe communities – **see action COM 4**
- We will work to ensure that everyone has an opportunity to contribute to Cheltenham’s economy - **see actions ECON 1, ECON 2, ECON 4 and ECON 6.**

Meeting needs in our communities

The corporate strategy constitutes the council’s Crime Reduction Strategy to comply with Section 17 of the Crime and Disorder Act 1998. The Act places a statutory duty on each US to work together in partnership to formulate and implement local crime reduction strategies. Along with the current partnership action plan and many of the services and functions listed out in the outcome “People live in strong, safe and healthy communities”, we have a well-rounded approach to reducing crime and the fear of crime in Cheltenham.

Under the Equality Act 2010, the council now has to comply with the Public Sector Equality Duty which came into force in April 2011. The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. As part of this we have a duty to set and publish equality objectives. We have developed three objectives that we feel are most important in promoting equality and diversity:

- Listening and responding to a wide-range of communities
- Promoting fair access to our services
- Ensuring fair employment practices

The actions we will take forward in the coming year are as follows:

Listening and responding to a wide-range of communities.

Our commitment

We will continue to consult and engage communities in the commissioning of our services so that we are better able to provide services that are responsive to the needs of our customers.

Actions

- Ensure that our engagement activities pay regard to people who share the protected characteristics covered by the equality duty.
- Continue to work in partnership with the police, housing providers and the voluntary sector to respond to incidents of hate crime through the Cheltenham Anti-Social Behaviour Working Group and the Gloucestershire Hate Crime Group.

- Develop an action plan to reduce the risk of people being drawn into terrorism in order that we can meet our statutory obligations under the Counter-Terrorism and Security Act 2015

Promoting fair access to our services

Our commitment

We will ensure that customers, service users and the wider community of Cheltenham have fair access to our services and are not discriminated against in any aspect of our service delivery.

Actions

- Continue to use an equality impact assessment process to assess the impacts of key decisions and policies on different groups of people.
- Embed equality considerations into commissioning and our procurement approaches to ensure that relevant equality issues are taken into account when designing and procuring services.

Ensuring fair employment practices

Our commitment

We will ensure fair and equal opportunity in all areas of employment, including recruitment and selection, appraisals, learning and development and the career development of our employees.

Actions

- Commit to the regular publication of workforce intelligence reports that will help monitor trends in our workforce in terms of recruitment, retention, turn-over and sickness absence.
- Provide equality and diversity training for our employees so that they are able to help implement our equality objectives.

Our environmental outcome

Cheltenham's environmental quality and heritage is protected, maintained and enhanced

Strategic Direction:

Context and needs analysis

Cheltenham has the most complete 19th Century town plan in England and with its historic parks, squares and tree lined avenues makes the Borough unique and has given the title of “a town within a park”. The borough is home to 2,600 listed buildings, of which five are grade 1 listed and seven conservation areas.

There are 461 green space sites covering an area of 620 Ha, comprising 13% of the total borough area that includes two ancient woodlands and 60,000 trees. These parks, gardens and tree lined avenues have been nationally recognised as some of the best in the country. The provision ranges from small formal gardens and churchyards, to allotments, playing fields, equipped play areas, local nature reserves, and large areas of accessible countryside on the urban fringes. Spaces are also linked by recreational and wildlife corridors such as the Chelt Walk. The council also has responsibility for managing a Site of Special Scientific Interest (SSSI) on Leckhampton Hill.

Challenges looking forward

- Moving forward with the adoption of the Joint Core Strategy (JCS) and bringing forward the Cheltenham Plan.
- Continuing to increase recycling rates for Cheltenham, currently at just under 45%, in the context of a national trend of increasing residual waste and flat-lining recycling rates.
- Sustaining investment in our parks and gardens.

Commissioning intentions

The strategic direction for our environmental outcome will be set out in the Joint Core Strategy and Cheltenham Plan. We will also bring forward an allotments strategy in 2015.

We have commissioned Ubico to deliver a range of environmental management services and have endorsed the expansion of the number of shareholders of Ubico from April 2015.

We are working to deliver the commitments set out in the Gloucestershire Joint Waste Committee's 2015-18 business plan and in particular reducing county-wide rates of residual waste per household from 573kg to a target of 479kg per household by 2020. We will also seek to achieve a target of 60% for recycling and composting by 2020.

We are currently undertaking a commissioning review of our environmental and regulatory services (detailed within the Transformation outcome) that will shape how we directly deliver the services in the future so that they are:

- More customer focused – delivering services in a more convenient manner for the customer;
- More supportive of economic growth;
- More efficient - with joined up services provided at optimal cost.

We will also continue to invest in our physical assets; in 2015 we will progress two high profile projects the restoration of Cheltenham's War Memorial and the improvement of the Pittville Park Play area.

Our environmental outcome

Cheltenham's environmental quality and heritage is protected, maintained and enhanced

What are we doing already to deliver this outcome:

We have commissioned the following:	To deliver the following:	We work in partnership with:	On the following activities:	We will deliver directly through these teams:	Delivering the following activities:
Ubico	Waste and recycling collections, household and commercial Household recycling centre and bring sites Street cleaning Public toilet cleaning Grounds & cemetery maintenance Nursery operations Fleet management and maintenance	Joint Waste Committee Gloucester City and Tewkesbury Borough Councils Cheltenham Development Task Force	Strategic approach to Waste and recycling activity across Gloucestershire including client management of Ubico Joint Core Strategy Town Centre sites Sustainable Transport	Public Protection Green Team Development Management Building Control Townscape Built Environment Enforcement Bereavement Services	Pollution Control, Contaminated Land, Air Quality Management Green Space management Development control, Strategic planning Building Control Urban Design, Landscape Architecture, Heritage, Arboriculture Planning enforcement Cemetery and Crematorium

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What are our plans to deliver this outcome in 2015-16?

Priority actions	Key milestones	Dates	Lead Commissioner	Cabinet Lead
ENV 1 - We will put in place the statutory development plan for Cheltenham, including adoption of the Joint Core Strategy (JCS) and preparation of the Cheltenham Plan	<ul style="list-style-type: none"> Examination of the JCS Adoption of the JCS Consultation – Cheltenham Plan issues and options including Green Space designations Consideration of Community Infrastructure Levy Cheltenham Plan – consideration given to the role of neighbourhood groups and parishes in bringing forward neighbourhood plans. 	July 2015 Dec 2015 May 2015 November 2015 January 2016	Head of Planning	Leader of the Council
ENV 2 - We will review and revise the ten year Cheltenham Allotment Strategy.	<ul style="list-style-type: none"> Allotment tenants and stakeholders consulted Revised strategy written and approved by cabinet. 	June 2015 December 2015	Green Space & Allotment Officer	Cabinet Member Clean and Green Environment

<p>ENV 3 - We will deliver CBC's commitments contained within the Joint Waste Committee plan</p>	<ul style="list-style-type: none"> • Investigate the potential to retrieve non approved residual bins • Implement the decision regarding the second phase review of the Cheltenham bring site provision with the outcome of increased recycling at the sites • Review garden waste charging systems • Swindon Road recycling centre review • Implement the decision taken with regard to recycling materials bulking review and support the mobilisation of the Ubico bulking facilities • Proactively increase public awareness by implementing a range of different education and publicity initiatives to reduce landfill and increase recycling and reuse. • Assist Ubico to assess business case for new recycling vehicles • Actively explore options for adding new materials such as cardboard, plastics and cartons within kerbside collections. 	<p>June 2015</p> <p>June 2015</p> <p>Sept 2015</p> <p>Sept 2015</p> <p>October 2015</p> <p>March 2016</p> <p>March 2016</p> <p>March 2016</p>	<p>Strategic Client Officer - Joint Waste Team</p> <p>Strategic Client Officer - Joint Waste Team</p> <p>Strategic Client Officer - Joint Waste Team</p> <p>Strategic Client Officer - Joint Waste Team</p> <p>Strategic Client Officer - Joint Waste Team</p> <p>Strategic Client Officer - Joint Waste Team and Customer Relations and Research Manager</p> <p>Strategic Client Officer - Joint Waste Team</p> <p>Strategic Client Officer - Joint Waste Team</p>	<p>Cabinet Member Clean and Green Environment</p>
<p>ENV 4 - We will develop a project to replace the children's play area in Pittville Park.</p>	<ul style="list-style-type: none"> • Request for internal project management and capital bid to deliver project. • Subject to the above, develop a PID • Project procurement and implementation • Completion 	<p>April 2015</p> <p>May 2015</p> <p>April 2016</p> <p>June 2016</p>	<p>Green Space Development Manager</p>	<p>Cabinet Member Clean and Green Environment</p>
<p>ENV 5 - We will restore Cheltenham's War Memorial</p>	<ul style="list-style-type: none"> • Conservator work commences • Cabinet decision to proceed • Fundraising commences • Award of contract for restoration • Completion of restoration 	<p>April 2015</p> <p>June 2015</p> <p>June 2015</p> <p>March 2016</p> <p>November 2018</p>	<p>Deputy Chief Executive</p>	<p>Cabinet Member Finance</p>

How will we measure our progress to achieving this outcome?

Type of Indicator	Measured by this indicator	Baseline (date)	Lead
Outcome measures	<ul style="list-style-type: none"> An increase in the number of buildings and spaces given an award or commendation in the Cheltenham Civic Awards (bi-annual). Increase the number of applications for green flag status for our parks and gardens Increase in number of volunteer hours given to support community and environmental projects 	<p>At the 2014 ceremony, there were 4 Awards and 5 Commendations</p> <p>Currently there are 4 parks with Green Flag status, Naunton Park, Hatherley Park Montpellier Gardens and Springfield Park</p> <p>Current baseline in the process of being calculated</p>	TBA

Type of Indicator	Measured by this indicator	Baseline (date)	March 2016 target	Lead
Key service measures	<ul style="list-style-type: none"> Percentage of household waste recycled and composted Residual household waste per household (Kg/year) Average number of days to process a major planning application from receipt to issuing of decision Average number of days to process other planning applications Number of improvement schemes to parks, streets and spaces Number properties improved in terms of built environment heritage as a result of council action. 	<p>44.4% (2013-14)</p> <p>467kg (2013-14)</p> <p>58 days combined for both major and other</p> <p>3 (2014-15)</p> <p>138</p>	<p>46%</p> <p>464kg</p> <p>91 days</p> <p>49 days</p> <p>3</p> <p>110</p>	Strategic Client Officer - Joint Waste Team

What are the corporate risks associated with this outcome?

- CR33 - If the council does not keep the momentum going with regards to the JCS. The policy vacuum left by the abolition of the RSS and the resultant delay in projections and framework could result in inappropriate development.
- CR81 - If the Council does not progress as quickly as possible to preparing the Cheltenham Plan, then the Borough will be exposed to the risk of inappropriate development.
- CR91 - If the Council does not take effective remedial action to control any identified infestations of Japanese knotweed in areas on CBC land it could have a detrimental impact on any future plans to sell the private properties and therefore on the timing of any capital receipts.

Our economic outcome:

Sustain and grow Cheltenham's economic and cultural vitality

Strategic direction

Context and needs analysis

Cheltenham has a relatively affluent economy; it supports 72,000 jobs in a range of industries including defence, aerospace, electronics and tourism businesses. It generated between £2.4bn and £2.7bn in economic output, but it is recognised that economic growth has been below national growth rates. The public administration, education and health sector is the largest contributor by GVA to the economy (21.8%), closely followed by production (20.4%), though in terms of job numbers, business administration (8,800), health (8,200) and retail (8,100) are the most significant sectors.

Cheltenham has gained an international reputation as a thriving centre for culture and is home to a number of festivals that take place throughout the year. The four festivals put on by Cheltenham Festivals bring in nearly a quarter of a million people per annum. Cheltenham Racecourse is home to the National Hunt festival season and hosts sixteen events every year including the March Festival with over 500,000 visitors per annum. The borough also plays host to the Everyman Theatre and the Playhouse Theatre, both of which put on a rich and varied programme of professional and amateur performing arts. The Wilson has national recognition as a museum with an outstanding collection.

Cheltenham also has a vibrant night-time economy, the largest such economy between Bristol and Birmingham with an estimated 285 licensed premises in the town centre area out of 460 in whole borough. Our night-time economy is bolstered by the presence of around 10,000 students at the University of Gloucestershire and from the many sporting events, particularly the Festival, mentioned above.

Challenges / opportunities looking forward

- Meeting demand for office and business accommodation
- Junction 10 upgrade to unlock the economic potential of land at north west Cheltenham
- Consistent and joined-up approach across economic development, tourism and regeneration activities

Commissioning intentions

The strategic direction for our economic outcome will be set out in the emerging Council's economic development strategy which will be developed as part of the Cheltenham Plan. Alongside a strategy to bring forward employment sites, the strategy will set out how we use direct delivery, influence and leadership to sustain and grow Cheltenham's economic and cultural vitality. Programmes that we will seek to influence will include:

- Gloucestershire LEP
- Cheltenham Development Task Force which is leading the regeneration of town centre sites
- Cheltenham Transport Plan which proposes improvements to traffic flow and public transport linkages with the town centre
- Cheltenham Trust – delivery of arts, culture and tourism services
- Cheltenham Partnerships – linkages with Job Centre Plus, schools and advice providers
- Late Night Levy to fund night-time economy initiatives

Now that tourism services are now provided by the Cheltenham Trust, we feel that there is need for the council to develop its strategic approach to tourism so

Our economic outcome:

Sustain and grow Cheltenham's economic and cultural vitality

that we are clearer about the how we grow this critical part of the economy. We also want to explore with Cheltenham Business Partnership the opportunity of establishing a Business Improvement District that will create a pot of funding to sustain our quality approach to the town centre.

What are we doing already to deliver this outcome?

We have commissioned the following:	To deliver the following:	We work in partnership with:	On the following activities:	We will deliver directly through these teams:	Delivering the following activities:
The Cheltenham Trust	The Wilson Town Hall Pittville Pump Room Leisureat Cheltenham Sports Play and Healthy Lifestyles	Local Enterprise Partnership Gloucestershire districts and GCC	Strategic Economic Plan for Gloucestershire Business rate pooling	Environmental and Regulatory Services Division	Economic development function
Gloucestershire Enterprise	Business advice clinics	Cheltenham Business Partnership Cheltenham Chamber of Commerce	Potential Business Improvement District Developing our strategic approach		

What are our plans to deliver this outcome in 2015-16?

Priority actions	Key milestones	Dates	Lead Commissioner	Cabinet Lead
ECON 1 - We will support Gloucestershire Local Enterprise Partnership (LEP) in the delivery of the Strategic Economic Plan for Gloucestershire	<ul style="list-style-type: none"> We will take forward the statement of co-operation agreed between the LEP and JCS authorities in the consideration of land safeguarded for development at junction 10 M5 and work with the Highways Agency to investigate the delivery of a four-way junction We will support the implementation of the Gloucestershire Economic Growth Joint Committee We will identify employment land through the JCS and work with the LEP to bring this to the market. 	March 2016	Chief Executive	Leader of the Council
ECON 2 - We will work in partnership with key stakeholders to agree a strategic approach to deliver our economic outcome; including how best we use the Joint Core Strategy and Cheltenham Development Task Force activities.	<ul style="list-style-type: none"> Publish consultancy advice on economic development Consult with key stakeholders Report to Cabinet with recommended actions 	April 2015 May 2015 July 2015	Director Environmental and Regulatory Services	Leader of the Council
ECON 3 - We will implement the revised and updated governance arrangements for	<ul style="list-style-type: none"> Implementation of shareholder forum 	July 2015	Deputy Chief Executive	Leader of the Council

Our economic outcome:

Sustain and grow Cheltenham's economic and cultural vitality

Gloucestershire Airport Ltd	<ul style="list-style-type: none"> Implementation of updated articles of association and shareholder agreement 	July 2015		
ECON 4 - We will support delivery of the Cheltenham Development Taskforce business plan	<ul style="list-style-type: none"> Support the delivery of the Cheltenham Transport Plan Continue implementation of public realm works. Commence implementation of projects arising from High Street Analysis Report (subject to available funding) Work with Gloucestershire Local Transport Board, Network Rail and First Great Western on the delivery of upgrades at Cheltenham Spa Railway station Support delivery of key sites such as Brewery II, and Regency Place and seek outcomes where challenges exist eg North Place Support property services in securing interim upgrade to Royal Well bus provision 	June 2015	Chief Executive	Cabinet Member Development & Safety
		June 2015		
		Mar 2016		
		Mar 2016		
ECON 5 - We will work in partnership with The Cheltenham Trust as they develop their capital investment strategy to support their business plan	<ul style="list-style-type: none"> Discussions through strategic partnership board 	March 2016	Deputy Chief Executive	Cabinet Members for Healthy Lifestyles / Finance
ECON 6 - We will develop our strategic approach to tourism	<ul style="list-style-type: none"> Implement the tourism forum Work with the tourism forum to develop a strategic approach to tourism 	April 2015 Oct 2015	Deputy Chief Executive	Cabinet Member Healthy Lifestyles

How will we measure our progress to achieving this outcome?

Type of Indicator	Measured by this indicator	Baseline (date)	Lead
Outcome measures	<ul style="list-style-type: none"> Growth in number of new jobs created and their value to the economy Increase in Cheltenham's Economic output 	<p>In 2012, there were 72,000 jobs in the local economy. Between 2000 and 2012, 6,000 net new jobs were created in Cheltenham</p> <p>It is estimated that Cheltenham's economy generated between £2.4 billion and £2.7 billion in economic output in 2011. GVA per head in Gloucestershire is £21,066, on a par with the UK (£21,674)</p>	Head of Planning

Our economic outcome:

Sustain and grow Cheltenham’s economic and cultural vitality

	<ul style="list-style-type: none"> • Growth in births of new enterprises • Reduction in claimant rate 	<p>but above the South West average (£19,023).</p> <p>There were 600 “births” in 2012 and 725 in 2013 (ONS)</p> <p>As at Jan 2015, there were 961 claimants representing a rate of 1.3%. Cheltenham rate of young people not in education, employment or training was 3.9%</p>		
Type of Indicator	Measured by this indicator	Baseline (date)	March 2016 target	Lead
Key service measures	• Number of High Street enhancement schemes implemented by Spring 2016	1	2	Urban Design Manager
	• Number of business advice clinics delivered	To be advised	To be advised	Urban Design Manager

What are the corporate risks associated with this outcome?

CR68 - If there is a failure to align and manage the Cheltenham Task Force developments with the emerging Car Parking Strategy then there is a risk of customer dissatisfaction and the loss of reputation and revenue. There are several strands to mitigating this Corporate Risk each will be managed through Divisional Risks registers.

Our community outcome:

People live in strong, safe and healthy communities

Strategic Direction

Context and needs analysis

Strong communities

We know that Cheltenham is a borough with a great diversity of communities. We have well established neighbourhood-based communities which have a range of structures to represent them including 14 neighbourhood coordination groups, 11 friends of groups, 40 resident associations, 3 neighbourhood partnerships and 5 parish councils. We also have many communities of interest; including those that have representation through established groups such as Cheltenham Inter-Faith forum, Cheltenham Pensioners Forum and Cheltenham Carer's Forum.

We also know that despite Cheltenham being a relatively affluent borough, there are still pockets of deprivation. The Indices of Multiple Deprivation 2010 shows that there are three super output areas in the 10% most deprived areas nationally – parts of St. Pauls, St. Marks and Hesters Way. We also know that child poverty is an issue in Cheltenham; once housing costs are factored in; there are four wards where over 30% of children growing up in poverty.

In terms of housing choice, Cheltenham has a well documented lack of affordable housing and increasing supply is a huge challenge for the borough; a housing needs study carried out in 2010 concluded that to meet the demand for affordable housing 670 affordable dwellings would have to be built every year for the next five years. Mainly due to the constrained environment established by the Cotswolds Area of Outstanding Natural Beauty and green belt surrounding Cheltenham the demand for affordable housing has not been met. A key factor in delivering affordable housing is negotiation on sites delivering market housing as part of the planning process. As set out in the draft Joint Core Strategy, over the next 16 years Cheltenham will need to identify sites to accommodate 9,100 new homes to meet the needs of existing communities and new residents

Safe Communities

Although crime rates in Cheltenham have fallen steadily over the past 20 years from 1993/94 when there were 18,811 recorded crimes to 2013/14 when there were 7,624 recorded crimes, there are still a large number of crimes that cause distress for local people. Domestic burglary, anti-social behaviour, criminal damage and less serious assaults have all increased recently and are subject to intensive work by the Police to address them. Domestic abuse continues to be a significant issue; there were an average of 400 reported incidents of domestic abuse per annum between 2010 and 2013. In addition, in the past year, Cheltenham has had two domestic homicides as the result of domestic abuse.

Healthy communities

Cheltenham is perceived as being a healthy place to live, and many of the statistics related to health outcomes support this perception. Results from the 2011 Census show a higher proportion of people in Cheltenham being in 'good or very good health' compared to the rest of Gloucestershire and the proportion feeling they were in bad or very bad health was lower than the County average. Other measures of healthy behaviour such as the number of people who smoke or who are physically active are better than the Gloucestershire average. But good health is not universally shared by everyone living in Cheltenham. In 2011, 17,500 residents in Cheltenham had a limiting long-term illness/disability equating to 15.1% of the population.

We know that excess alcohol consumption causes significant social and health problems in the town, our local alcohol profile and data from Public Health show higher rates of adults having alcohol specific hospital admissions, and suffering from alcohol-related mortality. There is a particular challenge with young people; many more under-18s are being admitted to hospital due to alcohol when compared to UK and County averages.

In addition, we know that Cheltenham has an ageing population with 17.3% of people are aged 65 or over compared to just 16.9% nationally and this figure is likely to

Our community outcome:

People live in strong, safe and healthy communities

increase as more older people live longer and as young people continue to move out of Cheltenham. Cheltenham has higher rates of excess winter deaths, hospital admissions from falls, and admissions to permanent care than the Gloucestershire average.

Challenges and opportunities looking forward

Many elements of the public and voluntary sectors charged with leading the stronger, safer, healthier agendas will continue to see budgets shrink over the next few years. With less resource, it has become ever more important for all agencies to collectively identify community needs and then agree shared outcomes and then either jointly commission activity or co-ordinate existing local activity. Part of the equation must be to reduce the demand on service providers by empowering and growing the capacity of communities through resourcing, capacity building, training and volunteer support.

Cheltenham has a very well regarded ALMO, Cheltenham Borough Homes, which is now self-funded and so able to bring its resources and assets to the table in the delivery of this outcome.

Commissioning intentions

Our commissioning intentions are to work in partnership with others in the public and voluntary sectors to deliver this outcome and to explore joint commissioning wherever possible. Recent work by Cheltenham Partnerships has identified the following areas for joint work:

- Working together to support vulnerable children and families via Inspiring Families, Our Place and Early Help programmes
- Taking forward our commitment to reduce the harm that alcohol causes individuals and communities in Cheltenham
- Working with the Clinical Commissioning Group to deliver a “social prescribing” project to reduce the numbers of patients going to their GPs with non-medical issues.
- Support the delivery of county’s Domestic Abuse and Sexual Violence strategy and its vision to develop a zero-tolerance approach
- Provide better support for older people so that they can lead independent lives in their own homes.

We will also work to ensure that Cheltenham Borough Homes and other commissioned housing-related service providers support the priorities and outcomes within our Housing and Homelessness Strategy.

What are we doing already to deliver this outcome?

We have commissioned the following:	To deliver the following:	We work in partnership with:	On the following activities:	We will deliver directly through these teams:	Delivering the following activities:
The Cheltenham Trust	The Wilson Art Gallery and Museum Leisureat Cheltenham Sports, Play and Healthy Lifestyles	Gloucestershire County Council	Supporting People Health inequalities grants Early help for vulnerable children and families Safeguarding Domestic abuse	Strategy and Engagement	Neighbourhood Coordination Groups, Inclusion work, Parish Council Liaison, Safeguarding vulnerable children and families, Big Local
Cheltenham Borough Homes	Safer Estates - ASB Rent collection Housing Management Housing improvements and repairs Neighbourhood Warden Service Property repairs	Gloucestershire Police / Police and Crime Commissioner Clinical Commissioning Group	Anti-Social Behaviour Late Night Levy Alcohol Coordination Group Social Prescribing	Housing Strategy Public Protection	Housing enabling Client side for CBH Food safety, Licensing, Public health inspections, Air quality, Anti-Social

Our community outcome:

People live in strong, safe and healthy communities

Welfare benefits & advice Community regeneration	Voluntary sector	Built Environment Enforcement	Behaviour Licensing of HMOs
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What are priority actions to deliver this outcome in 2015-16?

Priority actions	Key milestones	Dates	Lead Commissioner	Cabinet Lead
Decent and affordable housing				
COM 1 - We will work with CBH to ensure the development of older persons community 'hubs' and flexible housing related support arrangements in line with CBC's contractual requirements with Supporting People.	Cabinet agreement to approach.	July 2015	Lead Commissioner - Housing Services	Cabinet Member Housing
	New contract with Supporting People	October 2015		
COM 2 - We will explore potential models for maximising the delivery of affordable housing and supporting community cohesion	JCS strategic allocations - preferred partners agreed (Registered Providers), subject to prior cabinet approval on approach and mechanisms for selection.	June 2015	Director Environmental and Regulatory Services	Cabinet Member Housing
	To maximise the delivery of affordable housing across HRA sites through identification of suitable sites for development through CBH	Summer 2016	Deputy Chief Executive	Cabinet Member Housing
COM 3 - We will develop proposals to introduce a more rigorous approach to the licensing and enforcement of private rented sector housing in the borough within the scope of the commissioning review looking at Environmental and Regulatory Services	Survey undertaken of private rented sector housing	April 2015	Enforcement Manager	Cabinet Member Housing
	Report to council setting out strategic direction	Oct 2015		
	Implementation	Mar 2016		
Safeguarding the welfare of others				
COM 4 - We will work in partnership to ensure that our local response in Cheltenham supports a coordinated approach to supporting victims of domestic abuse and sexual violence	Evaluate the outcomes of the community-led domestic abuse project in Oakley	June 2015	Strategy and Engagement Manager	Cabinet Member Housing
	Assess the recommendations from two domestic homicide reviews and their impact on our own organisational practice and how we work in partnership.	July 2015	Strategy and Engagement Manager	
COM 5 - We will ensure our revenues and benefits service responds to national and local policies	Support the transition to the 'universal credit' benefits system for new claimants to be administered by DWP and to determine the	March 2016	Benefits Manager	Cabinet Member Finance

Our community outcome:

People live in strong, safe and healthy communities

	impact on the residual benefit service.			
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Working with others to reduce demand on public services

COM 6 - Early Help - To provide an effective, reliable multi- agency approach for early help provision for children and families across Cheltenham.	Work with Gloucestershire County Council to develop a hub-model for the delivery of early help based on our Inspiring Family model	June 2015	Deputy Chief Executive	Cabinet Member Healthy Lifestyles
COM 7 - Social prescribing - to link patients who have non-medical health needs with a range of voluntary and community support.	Carry out county-wide evaluation of the pilots to assess impacts on come forward with a preferred option for future delivery in Cheltenham	June 2015	Strategy and Engagement Manager	Cabinet Member Healthy Lifestyles

How will we measure our progress to achieving this outcome?

Type of Indicator	Measured by this indicator	Current Baseline (date)	Lead
Outcome measures	Increase the provision of new affordable housing	11 affordable housing completions to date in 2014-15.	
	Reduce the numbers of households who are homeless	Currently there have been no households accepted as homeless in 2014-15	
	Reduction in recorded crime	As at January 2015, there had been 7,829 recorded crime incidents in the previous 12 months.	
	Reduction in domestic burglary	As at January 2015, there had been 723 domestic burglary incidents in the previous 12 months.	
	Reduction in anti-social behaviour incidents	As at January 2015, there had been 5,483 anti-social behaviour incidents in the previous 12 months.	
	Reduction in the number of residential properties with significant health hazards	In 2011, there were 3,352 properties with one or more category 1 hazards (7.5% of housing stock.)	
	Growth in numbers of food businesses rated 3 stars	There are currently 777 food premises rated 3 stars and above out of 836 food	

Our community outcome:

People live in strong, safe and healthy communities

	and above	premises		
Type of Indicator	Measured by this indicator	Baseline (date)	March 2016 target	Lead
Key service measures	Number of vacant homes for more than 12 months brought back into use as a direct result of Council action	112 (2013-14)	110	
	Number of disabled and older persons able to stay in their own homes as a result of Council action.	126	115	
	Number of private sector dwellings made safe by the Council (As measured by the HHSRS)	237	225	
	Percentage of high-risk food premises, which are inspected	TBA	TBA	

What are the corporate risks associated with this outcome?

CR89 - If the St Pauls Phase 2 project risks are not effectively mitigated then there is a corporate risk that the Council's reputation in terms of working with contractors, managing projects and supporting residents will be damaged

Corporate outcome

Transform our council so it can continue to deliver our outcomes for Cheltenham and its residents

Strategic direction

Context and needs analysis

Since 2009/10 the Council's core funding from the Government has been cut by some £5 million, from £8.8 million to £3.8 million, with a further 15.3% cut proposed for 2015/16. The scale of the cuts has forced the council to transform itself in order to protect frontline services – central to this has been the commitment to become a commissioning council as a means of:

- Delivering better outcomes for our customers and communities;
- Collaborating more with others; and
- Delivering financial savings.

Since then we have commissioned 12 service areas including:

- Human Resources, Procurement and Finance now delivered by a shared arrangement with three other councils;
- Waste collection and recycling services now delivered by a shared arrangement with Cotswolds District Council;
- ICT now delivered by a shared arrangement with Forest of Dean District Council; and
- Leisure and Culture services now delivered by a new charitable trust.

Our overall budget management programme, the Bridging the Gap (BtG) programme has successfully managed the on-going funding gap, with over £7.5m of savings or income generated from commissioning, plus initiatives to increase commercial activity and manage our property assets.

Challenges and opportunities looking forward

- The LGA are projecting that future cuts in our core funding will continue beyond 2015.
- New mechanisms have been introduced to redirect central government funding, principally New Homes Bonus and the Retained Business Rates scheme have enabled local authorities to engage much more with what is happening on the ground in their areas.

Commissioning intentions

The council has committed itself to 2020 Vision which sets out an ambition for further collaboration with Cotswold, West Oxfordshire and Forest of Dean District Councils who, together with CBC make up the GO partner councils. The vision for the partnership is "A number of Councils, retaining their independence and identities, but working together and sharing resources to maximise mutual benefit leading to more efficient, effective delivery of local services." The programme is expected to save CBC £1.32m per annum by year 10. Priority service areas for consideration include revenues and benefits, customer services, ICT services and property services. There will also be work done to understand how a shared commissioning function could work across the four councils.

The council is also currently carrying out a commissioning review of its Environment and Regulatory Services Division (ERSD) which remains the largest block of directly-provided services. Services include; building control, built environment enforcement and private sector housing, development management (development control and planning policy), green space management, strategic housing, public protection, licensing, community safety and parking, heritage and conservation and urban design.

The council is also committed to the effective use of its assets, infrastructure and the way it procures goods and services to support this outcome.

Corporate outcome

Transform our council so it can continue to deliver our outcomes for Cheltenham and its residents

What are we doing already to deliver this outcome?

We have commissioned the following:	To deliver the following:	We work in partnership with:	On the following activities:	We will deliver directly through these teams:	Delivering the following activities:
GO Shared Services	Financial Management Human resources, Health & Safety, Learning & Development Procurement	Forest of Dean, West Oxfordshire and Cotswold District Councils Forest of Dean DC	GO Shared services and 2020 Vision ICT shared services	Property Services Customer and Support Services Revenues and Benefits Business Development Business Transformation Democratic Services Elections	Asset Management, Property Management Reception, Telephony, Custodian services, Post-room, Income processing and Car Park Income collection Council Tax, Housing benefits Project and Programme Management Customer Complaints, Folios systems thinking, Client-side Committee Management Member Liaison Electoral Register, Elections
ICT shared services	IT infrastructure, application and business support IT training				
Audit Cotswolds	Audit and Assurance				

What are our priority actions to deliver this outcome in 2015-16?

Priority actions	Key milestones	Dates	Lead Commissioner	Cabinet Lead
REST project				
VFM 1 - We will implement the findings of the commissioning review looking at Environmental and Regulatory Services and deliver improved outcomes	<ul style="list-style-type: none"> Consultation starts on draft restructure Complete systems thinking cycle Restructure implemented Complete project 	April 2015 July 2015 Aug 2015 Sep 2015	Chief Executive	Cabinet Member Development and Safety
2020 Vision				
VFM 2 - We will have developed and agreed with our 2020 Vision partner councils interim proposals to deliver services in the future together with the necessary management arrangements to implement and with member involvement.	Implementation of new interim partnership proposals Consideration of full business case Initial implementation of agreed arrangements	April 2015 Autumn 2015 Mar 2016	Chief Executive	Leader of the Council
VFM 3 - We will develop collaborative working with partner councils and prepare for the creation of the following shared services: <ul style="list-style-type: none"> Revenues and benefits service Customer services Property services ICT services 	Develop a shared service model ready for implementation Develop and agree a roadmap with partner councils / organisations to determine the future direction of customer services linked to the accommodation strategy Explore a shared service model with 2020 vision partner councils. We will develop collaborative working with partner councils and prepare for the creation of a 4 way shared ICT service to support the 2020 Vision programme	December 2015 December 2015 March 2016 March 2016	Director Resources	Leader of the Council
Assets and Infrastructure				
VFM 4 - We will agree an Accommodation Strategy which delivers more modern, flexible and cheaper office accommodation linked to the 2020 Vision programme.	Review options for alternative office and develop and approve the business case for the preferred option.	March 2016	Director Resources	Cabinet Member Finance

Asset Management Plan	Implement the action plan arising from the Asset Management Plan approved by council in March 2015.	March 2016	Head of Property Services	Cabinet Member Finance
VFM 5 - We will consult on options and agree a car parking strategy, to determine where council investment should best be directed in support of the local economy.	Develop and consult on options Report to Cabinet	Sept 2015 March 2016	Director Environmental and Regulatory Services	Cabinet Member Development and Safety
VFM 6 - We will explore options for the two cremators at the Cemetery and Crematorium	Explore cost effective options for resolving the cremator problems, including the potential delivery of a new crematorium Report to Cabinet on options Implementation of crematorium solution	June 2015 Autumn 2015 Spring 2016	Director Environmental and Regulatory Services	Cabinet Member Clean and Green Environment
VFM 7 - We will further invest in the ICT infrastructure to support effective service delivery	Implement the next phase of the ICT infrastructure upgrade strategy and identify any opportunities for further rationalisation and alignment of CBC/FOD infrastructure. Accept and test the ICT business continuity arrangements developed by ICT shared service	March 2016 March 2016	Director Resources Corporate Governance, Risk and Compliance officer	Cabinet Member Corporate Services
Business Improvement				
VFM 8 - Implement recommendations from the LGA Peer Review	Implement the action plan arising from the peer review	Sept 2015	Director Resources	Leader of the Council
VFM 9 - Findings and recommendations from Audit report into Wilson over-spend	Implement the recommendation arising from the Grant Thornton review of the project overspend. Implement the recommendations arising from the Audit Partnership review of the project overspend	Sept 2015 Sept 2015	Director Resources Director Resources	Leader of the Council
Financial Management				
VFM 10 - We will implement the 'Bridging the Gap' programme and budget strategy for meeting the MTFS funding gap	Identify further savings / income to close gap for 2016/17 and residual MTFS budget gap.	Feb 2016	Director Resources	Cabinet Member Finance

How will we measure our progress to achieving this outcome?				
Type of Indicator	Measured by this indicator	Baseline (date)		Lead
Outcome measures	Bridging the Gap savings / increased income	The 2015-16 budget gap was £1,044,000. The predicted gap for 2016-17 is £1,363,000		Director Resources
Type of Indicator	Measured by this indicator	Baseline (date)	March 2016 target	Lead
Key service measures	Turnover – number of leavers as a percentage of average headcount (excluding those going to the Trust under TUPE arrangements)	18% (1.4.14 to 28.2.15)	TBA	GO Shared Services Head of HR
	No. days lost due to sickness absence	7.5 days per FTE	6.5 days per FTE	GO Shared Services Head of HR
	% staff appraisals completed	100%	100%	GO Shared Services Head of HR
	Number of stage 3 complaints upheld/partially upheld in favour of the customer	7	6	Customer Relations Manager

What are the corporate risks associated with this outcome?

CR3 - If the council is unable to come up with long term solutions which bridge the gap in the medium term financial strategy then it will find it increasingly difficult to prepare budgets year on year without making unplanned cuts in service provision
CR12 - If members, senior managers, managers, supervisors, and employees are not aware of their obligations and responsibilities for health and safety (in relation to the public, customers, employees) and ensure that the necessary H&S arrangements are in place and adhered to, then the council could face prosecution (and/or personal injury claims) which would carry associated capacity, financial, and reputation risks.
CR75 - If capacity to deliver key projects is achieved by diverting necessary resources away from either core services or other provider commitments, then there is a risk of not being able to deliver all of the business as usual expectations including a failure to comply with internal controls that could in turn impact on our reputation and finances.
CR92 - If the recommendations within the car parking action plan are not addressed in the timescales documented then there is a risk of a decreased income stream.
CR93 - If the recommendations within the car parking action plan are not addressed in the timescales documented then there is a risk of damage to the reputation of the Council.
NEW - If the council is not able to progress delivery of the 2020 Vision project, then the Council will have to look for alternative ways to deliver the £1.32m savings predicted to be realised over the 10 years of the programme – proposed corporate risk
NEW - If the council does not progress the REST project, then the council will have to consider alternative ways of transforming its environmental and regulatory services so that they become more customer focused and able to provide services at optimal cost– proposed corporate risk

Cheltenham Borough Council

Cabinet – 17 March 2015

Gloucestershire Airport Business Plan 2015-18

Accountable member	Councillor Steve Jordan, Leader of the Council
Accountable officer	Pat Pratley, Deputy Chief Executive
Ward(s) affected	All indirectly
Key Decision	Yes
Executive summary	<p>In April 2014, Cheltenham Borough Council and Gloucester City Council, as joint shareholders commissioned York Aviation Ltd (YAL) to undertake an independent review of the governance arrangements of Gloucestershire Airport Ltd (GAL).</p> <p>One of the principle recommendations was that the shareholders agree a strategic long term vision for the airport supported by a GAL Board approved business plan. This report sets out the key elements of the airport's business plan for the period 2015-18 for endorsement by the shareholders. A publicly available executive summary is attached at Appendix A.</p> <p>In their 2014 report, YAL also proposed improvements to the airport Shareholders Agreement and Articles of Association as well as recommendations to improve shareholder governance. These recommendations are being progressed in parallel and an update on progress is provided within the report.</p> <p>Since the last report the Joint Airport Working Group has been replaced by a Shareholder Forum with joint representation from members and officers. One of the forum's main purposes is to guide and approve/endorse the strategy and business plan for the airport.</p> <p>The next shareholder forum will take place on 20 March 2015 where the Leader, as the shareholder for CBC, will report the outcome of this Cabinet decision.</p>
Recommendations	That Cabinet approves the Gloucestershire Airport Business Plan 2015-2018.
Financial implications	<p>The 2015-18 Business Plan does not request any financial funding, borrowing or guarantee from the Council in its capacity as shareholder. Any such requests would be subject to separate formal council approval.</p> <p>Contact officer: Nina Philippidis; nina.philippidis@cheltenham.gcsx.gov.uk, 01242 264121</p>

<p>Legal implications</p>	<p>The input of Pinsent Masons Solicitors is being provided to both shareholder councils with regard to revision of the legal governance documents (shareholders agreement and company articles). The changes to the shareholders agreement and articles will require appropriate shareholder decisions. At CBC, the shareholder responsibility sits with the Leader (with key decisions currently being reserved to Cabinet).</p> <p>Contact officer: Peter Lewis; peter.lewis@tewkesbury.gov.uk; 01684 272012</p>
<p>HR implications (including learning and organisational development)</p>	<p>None arising from this report</p> <p>Contact officer: Richard Hall; richard.hall@cheltenham.gov.uk; 01242 774972</p>
<p>Key risks</p>	<ol style="list-style-type: none"> 1. If the airport shareholders and the Board do not agree a strategic vision and a business plan for the airport then it will not be possible to maximise the commercial potential of the airport for the benefit of the local economy and shareholder dividends. 2. If the key actions and performance measures within the business plan are not agreed then it will not be possible for the shareholders to hold the airport board to account for delivery of the business plan.
<p>Corporate and community plan Implications</p>	<p>Shareholder and airport board alignment on strategic vision and business plan will bring about a stronger and more commercially focused company and therefore support the Council's objective of strengthening our economy.</p>
<p>Environmental and climate change implications</p>	<p>The airport has a Green Policy, approved by Cabinet in April 2009, which is subject to regular review. This policy covers the environmental impact of issues such as air and ground operations, operational controls (eg aircraft movements), noise, green travel, waste, water quality and landscape and ecology. This is a key document from an environmental perspective and it is therefore suggested that it should sit alongside the business plan to ensure that growth is planned and delivered in a way which addresses the environmental and climate change implications thereof. It is also suggested that review of the Green Policy forms part of the annual report on airport company performance.</p>
<p>Property/Asset Implications</p>	<p>To realise the proposed capital receipt from the aerospace related development will require the existing lease to be varied, as there is a covenant prohibiting GAL taking premiums. Relaxation of this covenant should be considered but only if the premium is reinvested in the airport to support income growth particularly the provision of additional hangar space.</p> <p>Other identified operational infrastructure spend should help protect existing income as well as assisting future income growth.</p> <p>Contact officer: David Roberts@david.roberts@cheltenham.gov.uk; 01242 264151</p>

1 Background

- 1.1 In 2014 CBC and Gloucester City Council, as joint shareholders of the airport, commissioned York Aviation Ltd (YAL) to undertake an independent review of governance arrangements for Gloucestershire Airport. Members may recall that the review followed on from a previous report commissioned by Gloucester City Council which allowed them to determine a settled policy on the airport's long-term future.
- 1.2 The key recommendations flowing from the 2014 YAL governance report were:
 - 1.2.1 The requirement for a clear strategy agreed by the Shareholders
 - 1.2.2 An appropriate forum for co-ordinating shareholder views
 - 1.2.3 A business plan and budget set by the Board and approved by the shareholders
 - 1.2.4 Clarity on strategic targets for the company, roles and responsibilities of the Board and performance monitoring for management
 - 1.2.5 Clarity on delegation of authority to act within the limits of the business plan and budget.
- 1.3 At its July 2014 meeting Cabinet supported the YAL governance report recommendations and, in order to commence delivery of them, initiated the following actions:
 - The establishment of the shareholder forum,
 - Expanding the capability of the board and management; and
 - To initiate the process of strategy formulation to improve business performance and the development of the airport business plan.
- 1.4 This report deals primarily with the latter point above but will also provide an update on the work being undertaken with regard to reviewing governance arrangements.

2 Gloucestershire Airport Strategic Vision

- 2.1 The strategy formulation work has culminated in the shareholders confirming their objectives for the airport company as being to:

“Manage the operation and development of the Airport in a manner aimed at delivering environmentally sustainable and profitable growth, supporting the sub-regional economy and delivering financial returns to the shareholders”.

- 2.2 Delivering the strategic vision in the short to medium term will require the airport to do a number of things in parallel;
 - Continue to control its operating costs and strengthen the capacity and capability within the team to provide a stronger commercial focus together with a strengthened board;
 - Attract more based aircraft to deliver revenue growth, this will need to be supported by the provision of additional hangarage;
 - Invest in improvements in landing aids (GPS), pilot controlled lighting and, in the medium term, resurfacing of the runway;
 - Seek to establish a fixed based operator to attract additional business¹

- Seek to build on the existing scheduled service offer, for example, by seeking an additional route to a UK destination;
- Fully realising where possible the potential of the property assets, subject to planning processes.

3. Gloucestershire Airport Business Plan 2015-18

3.1 The executive summary is attached at Appendix A.

3.2 Overall the business plan aims to present a challenging target but not an unrealistic one. There are a number of new business opportunities which have arisen following the shareholders public endorsement for the airport's future. However the aviation sector is a fast moving business and so some of the current opportunities may not come to fruition and others may present themselves over the coming 12 months and beyond.

3.3 In such a fast moving sector communication and positive dialogue between the airport board and the shareholders is going to be absolutely crucial. The recently established shareholder forum will play a key role in holding the airport board to account for the airport's financial performance, delivery against the action plan and key performance indicators as well as providing an arena where business development opportunities can be discussed. It should also be noted that any new opportunities with substantial financial implications will be brought forward with a detailed business case for both board and shareholder approval prior to any commitment being made.

3.4 Turning therefore to the business case in a little more detail, this section of the report will provide an overview of the:

- Three year budgeted profit and loss
- Growth opportunities
- Capital expenditure
- Shareholder return

3.3 Three Year Budgeted Profit and Loss

3.3.1 The business plan quantifies the estimated year-end performance for 2014-15 which, despite a slight shortfall in aircraft movements, anticipates a profit of €£104K by the year end. There are two key factors which have resulted in this improved financial performance. Firstly, staff cost savings through the delay in appointing to key management posts and increased profit on fuel sales.

3.3.2 With specific regard to the appointment to key posts, bearing in mind the underlying presumption of the business plan is one of commercial growth as will be discussed below, it will be important to move forward quickly with confirming the key roles and responsibilities of the airport management team if the challenging targets within the business plan are to be achieved.

3.3.3 The business plan forecasts a significant rise in profit to £503K in 2015-16, for reasons explained below, then reducing back down to £176K in 2017-18.

3.3.4 The increase in profit in 2015-16 is due to the accounting treatment of a one-off capital receipt which is planned to be invested in aerospace development. However, in preparing a prudent business case the airport board has also taken account of the following in its long term financial ~~planning:~~

¹ A **fixed-base operator** (FBO) is a commercial business granted the right by an airport to operate on the airport and provide aeronautical services such as fuelling, hangaring, tie-down and parking, aircraft rental, aircraft maintenance, flight instruction, etc.

- The recent fall in oil prices means that the total income earned falls dramatically from 2014-15 and whilst fuel volumes are expected to increase over the 3 years of the business plan the gross profit margin will see a reduction.
- An increase in staff costs arising from the need to bring in additional capacity to the management team to deliver the growth opportunities within the business plan. The budget also makes an allowance for funding 2 non-executive board members in line with the 2014 governance review.
- Contingency provision in line with business planning practice.

3.4 Growth Opportunities

- 3.4.1 The 3 year business plan is a growth based plan with some immediate short to medium term opportunities which need to be progressed as a matter of priority by the board if the forecasted profits are to be achieved. Initially, growth is predicated on the need to provide more high quality hangarage to support growth in the number of based aircraft and growth in the business overall. The development of additional hangars, in the first instance mainly by other developers, is the principal means to deliver the “step-change” in business performance by increasing income from landing fees, fuel sales as well as rental income.
- 3.4.2 To facilitate this commercial growth opportunity the airport has been successful in securing £550k Growth Deal funding from GFirst, the Local Enterprise Partnership, to fund enabling works. This welcome financial support facilitates an immediate opportunity for hangar development within the airport curtilage, development which is a key priority for delivering profit to the company.
- 3.4.3 There is also an opportunity which has arisen to support an aerospace related development generating a capital receipt which the airport plan to use to fund some replacement hangarage and other facility upgrades. It must be noted however that the generation of this particular capital receipt will require a decision by council officers before any deal can be concluded by the airport.
- 3.4.4 In addition, the growth projections require some improvements in other facilities and infrastructure to support the commercial/business aviation market sector. There is also a potential for growth with regard to targeted commercial air services and possibly a UK schedule service opportunity.

3.5 Capital Expenditure

- 3.5.1 The business plan includes a detailed capital expenditure plan for 2015-2025 totalling £6M.
- 3.5.2 The airport will require capital receipts to facilitate the growth plan. There are 3 short-term opportunities, one of which is discussed above, which will provide significant cash receipts to the business which will allow the infrastructure investment required to drive the growth and improvement in the financial performance. These receipts to a large extent underpin the capital investment in the period of this business plan and as such are crucial to deliver the long term financial returns to the company in order to put it in a position in the future to be able to pay a dividend to the shareholders in the medium to long term.

3.5 Shareholder Returns

- 3.5.1 Members will be aware that, in recent years, it has not been possible for the Airport to declare a dividend because of the pension deficit arising from the Local Government Pension Scheme. It is important to note that the pension deficit is outside the control of the airport company.
- 3.5.2 The business plan indicates, at this point in time, and assuming that the pension deficit does not worsen further, the profit and loss account would be in a position to pay dividends from the end of 2015-16. This is because of the accounting treatment of the capital receipts which offset the accounting treatment of previous negative pension revaluations.

3.5.3 The business plan has identified the need for investment to deliver profitable growth. Therefore whilst it is pleasing to note that dividends may be payable in the immediate future the shareholders are choosing at this time to reinvest in their asset. If profits are delivered over and above those required by the business plan to deliver the growth outlined, then the shareholders could be minded to take some financial return at that point. The position currently however is that by foregoing dividends in years 1 and 2 in favour of reinvestment the shareholders are looking to maximise dividends going forward.

4 Airport and Shareholder Governance Arrangements

4.1 The shareholder forum has been established and will meet a minimum of 4 times a year. Its purpose is *“to provide a forum for the shareholding councils to approve and oversee the performance of the airport company and to enable the airport’s management to seek shareholder approval, as required”*.

4.2 Membership of the forum comprises 4 representatives from each of the shareholding councils with the 2 shareholders (CBC and GCC) having voting rights.

4.3 In summary the forum will:

- Approve and review, as and when required, the airport strategy.
- Approve the airport business plan each year and the accompanying budget provided it is within the financial framework of both shareholding councils.
- Approve and oversee the performance of the airport company
- Receive requests from the airport board for funding not within the approved budget
- Review and make recommendations to the airport company on the memorandum, articles of association and shareholders agreement
- Report on airport company performance to each shareholding Council at least annually.

4.4 CBC and GCC officers have been working together to make proposals to modify and update the Shareholders Agreement, in particular the inclusion of a defined scheme of delegation. Once these are accepted by the airport board the articles of association can be updated. The current proposal is to bring a report to Cabinet in April for advisement before the Leader proceeds to make a shareholder decision to approve the revised Shareholder Agreement and Articles.

4.5 Following the governance review, and in order to expand on the capability of the airport board, the 2 shareholding councils will jointly recruit 2 independent non-executive directors with specific skills in financial management and airport/aviation management.

5 Alternative options considered

5.1 This report provides Cabinet with an update on the actions they agreed to initiate following the July 2014 report and the options implemented are in line with the approved recommendations.

6 Consultation and feedback

6.1 The airport management and board have been extensively engaged in the development of their business plan. In formulating the airport vision YAL engaged with the Leaders and senior officers of CBC and GCC. YAL also engaged with airport staff in the development of the vision.

6.2 Officers from legal and finance have been engaged both in the review of the business plan and also the updating of the governance arrangements. Members of Overview and Scrutiny attended a seminar where the airport presented their business plan proposals and took questions on its content.

7 Performance management – monitoring and review

7.1 The airport business plan contains a detailed action plan for the financial year 2015-16 together with clear and measurable key performance indicators (KPIs). The action plan and KPIs will be monitored through the shareholder forum. In addition the forum terms of reference require it to report on the airport company performance to each of the shareholder councils annually.

Report author	Contact officer: Pat Pratley, Deputy Chief Executive Pat.pratley@cheltenham.gov.uk; 01242 775175
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Gloucestershire Airport Ltd – 3 Year Business Plan 2015-18 Executive summary – Appendix A
Background information	<ol style="list-style-type: none"> 1. Gloucestershire Airport Ltd – Confidential 3 -Year Business Plan 2015-18 (not for publication by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972) 2. YAL Governance Report 2014 (exempt) 3. CBC Cabinet Report July 2014 – Review of GAL Governance Arrangements (exempt)

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	In ability to monitor the performance of the airport board and company	Pat Pratley	17.3.15	4	3	12	Reduce	Quarterly shareholder forum will monitor business plan performance and hold airport board to account	Ongoing	Pat Pratley	
2	Shareholder vision for the airport not delivered	Pat Pratley	17.3.15	5	3	15	Reduce	Shareholder approval to the vision and support for the business plan	Ongoing	Pat Pratley	
3	Shareholder dividends unable to be delivered in the medium to long term	Mark Sheldon	17.3.15	3	4	12	Reduce	Shareholder Forum to monitor level of shareholder reserves and to take action as necessary	Ongoing	Mark Sheldon	
4	Non-executive director capacity in the airport board remains with regard to finance and aviation/airport experience	Pat Pratley	17.3.15	3	4	12	Reduce	1.Business plan includes element for non-exec directors 2.Robust selection process with appropriate support	By June 2015	Pat Pratley	
5	Airport capital strategy not clear to support business growth	Mark Sheldon	17.3.15	5	2	10	Reduce	Business plan contains detailed capital expenditure plan which will be reviewed annually by the shareholder forum	Ongoing	Mark Sheldon	
6	Airport needs to look to either the shareholders or commercial borrowing to facilitate short term	Mark Sheldon	17.3.15	4	3	12	Reduce	Short-term capital receipts can fund initial investment to deliver growth in the	Ongoing	Mark Sheldon	

	investment							life of the business plan			
7	Business plan growth not deliverable due to capacity constraints in the airport management team	Pat Pratley	17.3.15	4	3	12	Reduce	Shareholder approval to management team job roles and recruitment to commercial director role	July 2015	Pat Pratley	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

Guidance

Types of risks could include the following:

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

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

Risk ref

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

Risk Description

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

Risk owner

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

Risk score

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

Control

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

Action

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

Responsible officer

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

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

Transferred to risk register

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

Introduction

In the light of the 2013 Review of the Airport and a subsequent review of its Governance, the Shareholders have confirmed that their objectives for the Airport Company are to:

“Manage the operation and development of the Airport in a manner aimed at delivering environmentally sustainable and profitable growth, supporting the sub-regional economy and delivering financial returns to Shareholders.”

At present, the profits generated by the operation of the Airport are sufficient to repay the loans on investment in upgrading the runway (RSP) and funding the LGPS pension deficit, but dividends to the Shareholders are not possible. A fundamental objective of the Vision is to set out a strategy to improve the profitability of the Airport and deliver both financial and wider economic returns to the Shareholders. This Business Plan sets out how this will be delivered in more detail.

Economic Impact

It is worth reiterating that the Airport provides high value employment in the region, with a strong GVA impact through direct, induced and indirect employment.

In 2013, Gloucestershire Airport directly supported 401 jobs directly related to the aviation sector, amounting to 361 Full Time Equivalent (FTE) positions and contributing £23.7m of GVA to the regional economy. A further 59 jobs (56 FTEs) and £2.1m of GVA were supported by non-aviation related activities at the Airport and 805 jobs (796 FTEs) and £30m of GVA were supported through the broad employment base in the Meteor Business Park. Including indirect and induced employment, the Airport business contributed £67.3m of GVA and supported over 1,500 jobs in 2013.

The Airport plays a role in supporting the wider economy with a number of local businesses using both scheduled services and business aviation to support their travel needs.

Although the Aerospace cluster originally developed in the area as a result of the proximity of the Airport, relatively few companies within the cluster continue to rely on the Airport. However, the existence of the Airport at the heart of this cluster demonstrates a catalytic role in attracting additional investment into the area, as recognised by GFirst.

Vision

The 1998 Vision set for Gloucestershire Airport was:

“To be a Super General Aviation Airport”

This remains a valid vision for the future as the success of Gloucestershire Airport is founded in the diversity of the activities operating there and its status as the busiest and best General Aviation Airport in the UK.

Implicit in this vision are:

- maintaining the highest levels of safety;
- delivering profitability for our shareholders;
- retaining our status as the busiest General Aviation airport in the UK.

Achieving this Vision requires a focus on sustaining and growing the Airport’s market share in all sectors of general aviation activity in the short to medium term.

In the long term, as the Airport approaches its agreed movement limits and, in order to maximise the value of its estate, there may be a need to focus on higher value growth but this is not envisaged to be a constraint within the 10 year period covered by this Strategic Vision or the Business Plan.

Within this Vision, sustaining commercial scheduled services are a second order priority but the Airport will continue to exploit opportunities in this sector so long as it can be done profitably, having regard to the potential costs of infrastructure enhancements to support such services, and to provide wider support to the regional economy.

Strategy

In the short to medium term delivering this Vision will require:

- Continued control on operating costs, subject to the identified need to strengthen the Airport's Management Team to provide a stronger commercial focus and a strengthened Board;
- Attracting more based aircraft to drive movement and revenue growth, which will in turn require investment to support the provision of additional hangarage;
- Investment in improvements to landing aids (GPS) and pilot controlled lighting and in the resurfacing of the runway in the medium term;
- Realising the potential of the property assets through release of more land for development of ancillary supporting activities, subject to planning. Opportunities include:
 - development on the northern airfield, including extensions to the Meteor Business Park and development adjacent to the Bamfurlong Industrial Estate;
 - seeking redevelopment and reconfiguration of some already occupied sites to maximise their income potential and contribution to the business overall;
 - exploring other commercial opportunities on land to the east of the Airport access road to provide supporting facilities such as hotel accommodation for pilots, retail and catering facilities to service staff and passengers and office accommodation.

Specific actions include:

- Establishing a FBO (fixed base operator) service to attract additional business aviation aircraft by developing the internal handling capabilities and upgrading an area of the terminal for pilots and Business Aviation customers, as well as potentially seeking to franchise with a major global operator such as Signature Aviation. This may include some rebranding to appeal better to corporate users;
- Building on the existing scheduled service offer by seeking an additional route to Scotland and developing other niche opportunities such as seasonal leisure flights to Europe as well as the return of flights from Ireland to support the Cheltenham Festival.

In the longer term, it is envisaged that the focus will be on growth in Business Aviation and by major based operators and priority will need to be given to such activities.

In the medium to long term, as the Airport's financial performance improves, it will be attractive for the Airport to invest itself in more of the property development opportunities so as to realise higher returns from rental income.

If additional scheduled and charter services can be attracted in the short to medium term, this may create a platform for the attraction of additional services but this is likely to require additional investment in terminal facilities and car parking.

Current Business Performance

Despite a shortfall in aircraft movements in FY2014/15, compared to the original budget, the Airport expects to make a profit of approximately £104,000 by the year end, representing a 202% improvement over the originally projected loss of £101,000,

Reductions in staff costs accounted for an equivalent to 60% of the improvement in projected profits, with delays in appointing a Senior Air Traffic Control Officer and a number of other posts. There were marginal increases in some other costs and small reductions in some other revenue streams.

Growth Opportunities

The Business Plan sets out in detail specific growth opportunities which have been identified.

First and foremost, as identified previously, there is a critical need to provide more high quality hangarage at the Airport to support growth in the number of based aircraft and growth of the business overall. The Business Plan identifies a number of specific and immediate opportunities for hangar development, including on a new site adjacent to the South East Camp (the existing developed part of the airfield) for up to 10 new hangars over the medium term and for which GFirst has provided Growth Deal grant funding for the enabling works.

Furthermore, release of a site on the Meteor Business Park for an aerospace related development is generating a capital receipt, which can be used to fund some replacement hangarage and other facility upgrades by the Airport.

The development of additional hangars, in the first instance mainly by other developers, is seen as the principal means to generate the desired step-change in business performance, increasing income from landing fees and fuel as well as rental income.

Achieving some market opportunities will require some improvements to other facilities and infrastructure. This will include aircraft de-icing facilities, remote controlled airfield lighting, upgraded GPS approach systems, refurbishment of the passenger facilities and expanded car parking among others.

There is also potential for some growth in commercial air services, with services from Ireland expected to operate during the Cheltenham Festival in 2016 and with the possibility of additional scheduled services to Scotland or on niche leisure routes also being delivered by 2016.

It is intended to establish a Fixed Base Operation to attract more visiting business aviation aircraft to the Airport.

There remains strong interest in non-aviation related development in proximity to the Airport, with a number of opportunities likely to materialise, but these will be subject to achieving appropriate land use zoning through the JCS and Tewkesbury Local Plan, which will take more time to deliver than the short term aviation related opportunities.

Capital Receipts

Although cash flow for the business has been a long term concern of both the Management and Shareholders, three short term opportunities will provide significant cash receipts to the business

which will allow the infrastructure investment required to drive the growth and improvement in the financial performance. These are:

- A cash receipt in FY2015/16 associated with 99-year lease for a 3 acre site on the Meteor Business Park, in lieu of on-going ground rent. There will be some short term reduction in rental income from the site but this will be more than compensated for by increased rentals as the capital receipt will be invested in new Airport property;
- A cash receipt in FY2015/16 from the re-gearing of properties within the portfolio of an existing tenant. This will come with no negative impact on the ground rents received as the premium is to secure longer leases to allow the tenant to improve his buildings;
- A cash receipt in FY2016/17 as a premium from a developer to secure the development of a new hangar.

A critical part of the Business Plan is to ensure that the benefit of these receipts are realised through profitable investment by providing infrastructure which will deliver long term financial returns to the business in order to position it to be able to pay a dividend to Shareholders in the medium to long term.

These receipts largely underpin the capital investment in the early years, aimed at further upgrading the Airport estate and facilities without significant recourse to further loans. Some loans will be required in later years to fund the resurfacing of the runway, radar upgrading and new fuel storage facilities but by this point the loans to fund the Runway Safety Project will largely have been paid down.

Capital Expenditure

Capital Expenditure can be broadly divided into 5 categories, with the total sums over 10 years indicated:

- | | |
|---|--------------|
| • Airside Business Resilience | £3.6 million |
| • Commercial Development | £1.8 million |
| • Landside Business Resilience | £0.1 million |
| • Plant & Machinery | £0.2 million |
| • Scheduled Service and Fixed Base Operator | £0.3 million |

Some capex items are required to provide resilience to the business, to maintain the existing level of traffic, or to retain existing operators through provision of new technologies.

In order to make tax-efficient use of the Capital Receipts in each year, some capital expenditure has been accelerated by up to a year, although priority has been given in these circumstances to schemes which will directly deliver growth in income.

Towards the end of the 10 year period, there remain some larger scale items, such as runway resurfacing and the replacement of the radar which will need to be funded probably through new loans. In some cases, these large items may not generate additional income, but the business case for their refurbishment will be predicated on the potential loss of traffic and income without the work.

There is scope for the timing of some items, and their funding source, to be reviewed over the life of the Business Plan and beyond. Other investment opportunities may be brought forward where there is a business case to do so.

In all cases, operating costs and revenues associated with capital expenditure and developments have been built into the financial plan.

Financial Projections

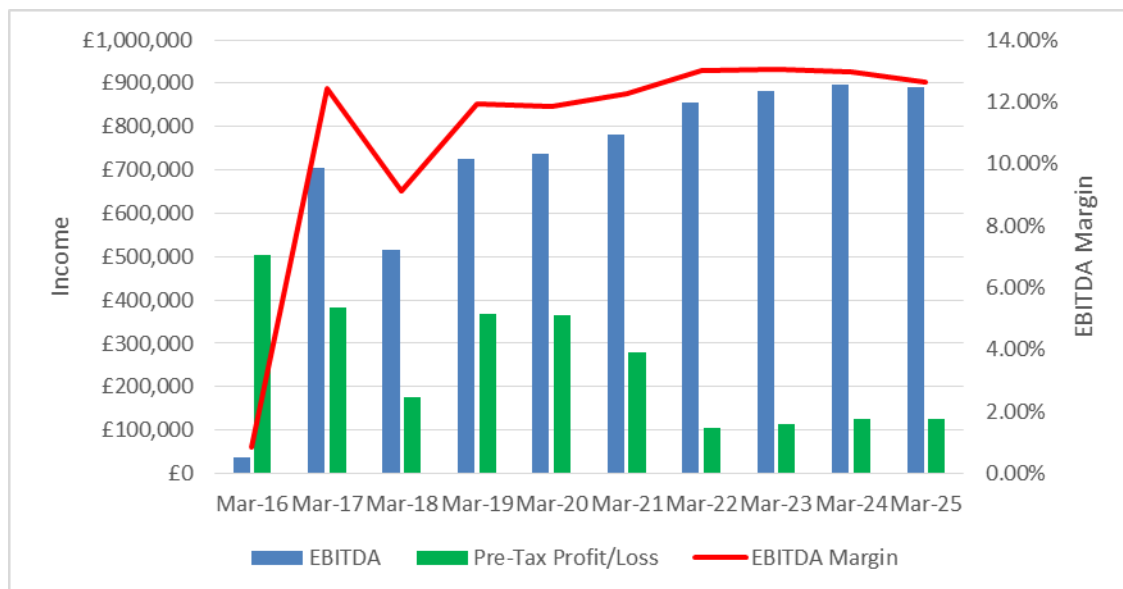
The Airport is projected to make a profit for each year of the Business Plan, initially in part as a result of the release of the cash receipts and grant to the P&L, but even without these elements, the operational aspect of the Business will in itself be profitable by Year 2 of the plan, and then grow forward. Operational performance is impeded in the first year as a result of several factors, including:

- Salary provision for three new staff, including a senior member of staff, possibly at Director level;
- Allowance for the funding of two external Board members;
- An anticipation that oil prices will not immediately rise, meaning that the Airport will make a smaller margin on all fuel sold for the year over the previous year.

The income benefits from the Capital Expenditure in the year are expected to be generated from the later part of the year, particularly from hangar development. In Year 2 and beyond, however, profits are projected to climb quickly to sustainable levels and to support the necessary investment in runway resurfacing and radar upgrading

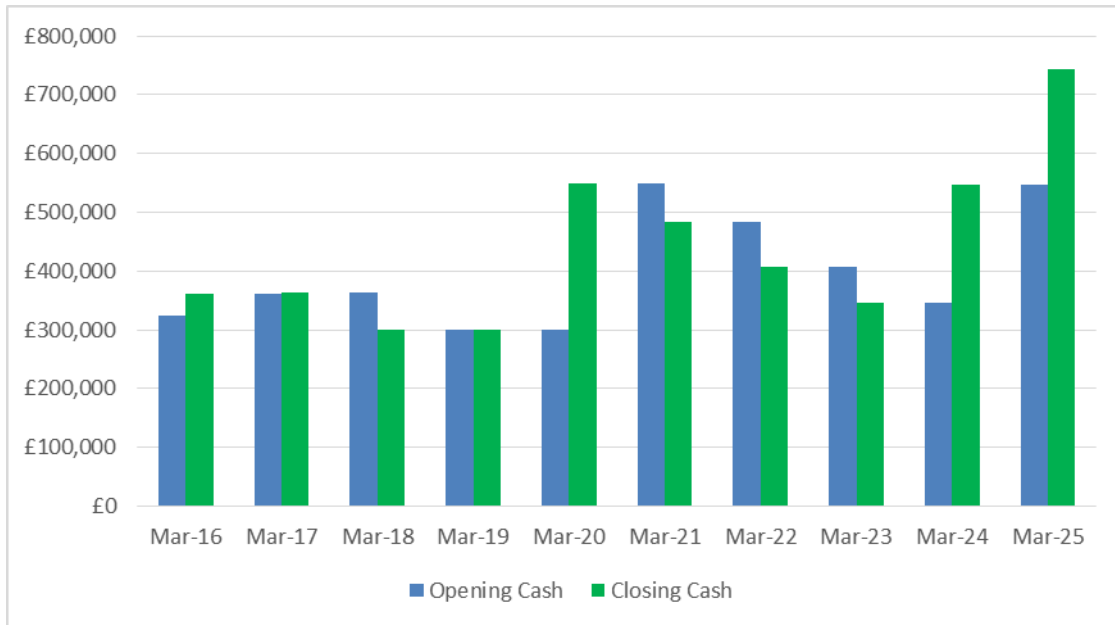
In the medium to long term, the EBITDA margin earned by the Airport is expected to grow substantially as a result of the initial investment funded by capital receipts. Pre-tax profits will be impacted from 2021 by the anticipated requirement to take out new loans to fund essential runway and radar replacement works. This can be seen in Figure E1.

Figure E1: 10-Year P&L and EBITDA Projections



The cash reserves will grow over the same timeframe. This may allow some projects earmarked to be funded by loans to be funded from capital, so improving profitability. This can be seen in Figure E2.

Figure E2: Balance Sheet Cash Projections



Overall, the balance sheet of the company could be expected to exceed the Pension Deficit by the end of the first year of the Business plan, meaning that in principle payments of dividends may be possible in the early years of the plan, although this will be subject to the annual valuations of the Pension. However, there may be a case for retaining the cash in the business to fund further infrastructure improvements and minimise the need for further loans. There will also be increases in the ground rent pass-through to the Shareholders associated with more hangars and commercial development, albeit this will be relatively small in scale initially.

Risks and Upside Potential

The three principal risks to achievement of the Business Plan are:

- **Planning Risks:** The Hangar Development will need to go through a CLOPUD Application, including an Environmental Scoping Statement. Initial discussions with Tewkesbury Borough Council have been positive, but some risk of delay remains. Broader property development, particularly on the North-side of the site, also remains subject to some planning risks but such development has not been assumed within the Business Plan until beyond Year 3 to allow sufficient time for planning to be sought.
- **Fuel Price:** Given that the Airport's current operating income is generated by fuel sales, there is significant vulnerability for the business if fuel prices remain at current low levels for a prolonged period, albeit lower fuel prices could stimulate movement growth to some degree; and
- **Traffic Movements:** Leaving aside the inability to achieve significant growth in aircraft movements if new hangar development is delayed, the Airport's achievement of

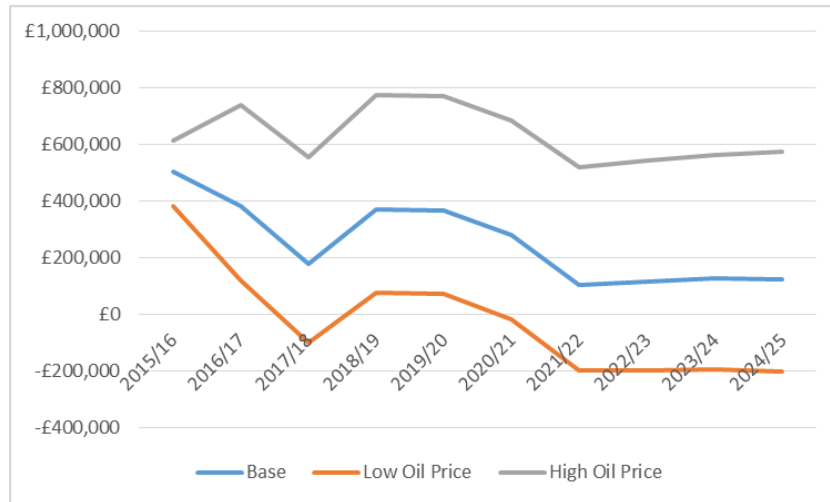
movement growth will always remain vulnerable to broader influences on General Aviation, including regulatory burdens or the impact of bad weather on flying.

There would also be resource related risks, if the new Board and enhanced Management Team are not put in place promptly.

There remain a number of upside opportunities not yet included in the Business Plan because of relatively low confidence in deliverability or the early nature of discussions. Furthermore, upside from land development adjacent to the entrance road and main airport site is not yet included in the Business Plan, pending further analysis and planning discussions, but would represent a significant upside on property incomes. Other opportunities may also come forward more quickly.

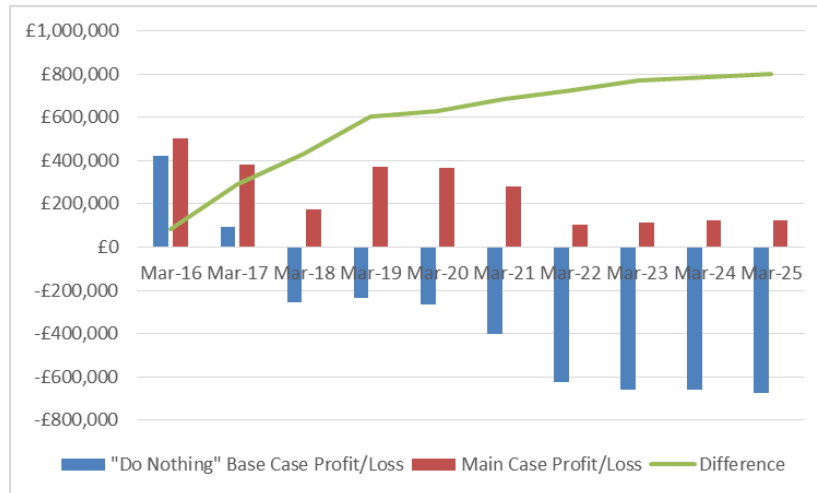
Upward fuel price fluctuations could significantly improve the performance of the Business and the implications of fuel price variance on the P&L, both through higher fuel prices and through the risks of long term stagnation of fuel prices at the current level, are shown in Figure E3.

Figure E3: Profit & Loss Implications of Fuel Price Variation



We strongly believe that the cash receipts which are expected over the first two years of the Business Plan should be invested in development to drive growth towards a long term sustainable position. We do not believe that it is appropriate to simply retain this cash to fund the larger business resilience schemes in the long term, such as the runway resurfacing and radar upgrade. If the Airport therefore continued with business as usual rather than growth, and retained these profits (and excluded income from the new hangar development site), then the Airport would quickly return to long term and unsustainable losses, as can be seen in Figure E4 on the basis of the other assumptions within the plan. Using the cash receipts to deliver growth in the short term would generate additional income of up to £800,000 per annum by the end of the 10-year projections.

Figure E4: Profit & Loss Comparison of Main Business Plan and 'Do Nothing' Base Case



Key Performance Indicators

KPIs for the business have been defined for the first year of the Plan, and these are:

- Achievement of CLOPUD status for the hangar site adjacent to the South East Camp by July 2015.
- Completion of the hangar enabling works to ensure delivery of at least the 1st hangar on the new site plus 2 further additional on-site hangars by December 2015.
- Completion of all rent reviews by the due date (unless there are demonstrable business benefits from doing otherwise).
- New FBO operation to be confirmed and marketed by May 2015.
- Maintain a suitable gross fuel margin provided it is profitable to do so.
- Achieve 78,000 aircraft movements in the year ending March 2016 and at, of which at least 2,000 should be business aviation or air taxi operations,
- Control of costs to within budget or to increase by no more than deliverable improvements in income in year.
- CAA License status maintained.
- Achieve budget profits (losses) or better, subject to recovery of fuel prices in line with plan.
- Implement the new governance and management arrangements by October 2015.

These KPIs will form the basis for monitoring the performance of the Airport by the Board and Shareholders and will be reviewed and updated in subsequent years.