



## Notice of a meeting of Cabinet

**Tuesday, 10 November 2015**

**6.00 pm**

**Municipal Offices, Promenade, Cheltenham, GL50 9SA**

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

## Agenda

		<b>SECTION 1 : PROCEDURAL MATTERS</b>	
<b>1.</b>		<b>APOLOGIES</b>	
<b>2.</b>		<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>		<b>MINUTES OF THE LAST MEETING</b> Minutes of the meeting held on 13 October 2015	(Pages 3 - 12)
<b>4.</b>		<b>PUBLIC AND MEMBER QUESTIONS AND PETITIONS</b> These must be received no later than 12 noon on the fourth working day before the date of the meeting	
		<b>SECTION 2 :THE COUNCIL</b> <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
		<b>SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE</b>	
<b>5.</b>		<b>RAILWAY SCRUTINY TASK GROUP</b> Councillor Roger Whyborn, Chair of the Scrutiny Task Group, will present the report	(Pages 13 - 34)
<b>6.</b>		<b>CYCLING AND WALKING SCRUTINY TASK GROUP</b> Councillor Max Wilkinson, Chair of the Scrutiny Task Group, will present the report.	(Pages 35 - 62)
		<b>SECTION 4 : OTHER COMMITTEES</b> <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	

		<b>SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS</b>	
7.		<b>CAKEBRIDGE PLACE PROPOSAL</b> Report of the Cabinet Member Housing	(Pages 63 - 76)
8.		<b>USE OF RIGHT TO BUY RECEIPTS</b> Report of the Cabinet Member Housing	(Pages 77 - 86)
9.		<b>GROWING PLACES-ALLOTMENT STRATEGY 2015</b> Report of the Cabinet Member Clean and Green Environment	(Pages 87 - 130)
10.		<b>BUDGET MONITORING REPORT 2015/16 - POSITION AS AT SEPTEMBER 2015</b> Report of the Cabinet Member Finance	(Pages 131 - 148)
11.		<b>PROPOSAL TO UPDATE AND ADOPT ANIMAL LICENCING CONDITIONS</b> Report of the Cabinet Member Development and Safety	(Pages 149 - 258)
12.		<b>REVISED STREET TRADING POLICY</b> Report of the Cabinet Member Development and Safety	(Pages 259 - 298)
		<b>SECTION 6 : BRIEFING SESSION</b> • Leader and Cabinet Members	
13.		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS</b> Member decisions taken since the last Cabinet meeting	
		<b>SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION</b>	

**Contact Officer:** Rosalind Reeves, Democratic Services Manager, 01242 774937  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

## Cabinet

**Tuesday, 13th October, 2015**

**6.05 - 7.05 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), 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)
<b>Also in attendance:</b>	Councillor Matt Babbage and Councillor Tim Harman

## Minutes

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 15 September 2015 were approved and signed as a correct record.

**4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**

None.

**5. VISION 2020-VIEW OF OVERVIEW AND SCRUTINY**

Councillor Tim Harman, Chair of Overview and Scrutiny was invited to address Cabinet. He explained that at its meeting on 21 September Overview and Scrutiny had had the opportunity to ask questions, which were particularly focussed on governance, of both the Chief Executive and David Neudegg, Interim Managing Director for 2020 Vision. The committee unanimously agreed that Option 1 would best serve the interests of Cheltenham, its residents and staff.

He made the following points :

- a member of the committee had requested Cabinet to consider that a member of the non ruling party at the council should be represented on the Vision 2020 Joint Committee to ensure that scrutiny had a stake in the process.
- O&S believed that 2020 was a good way to ensure that the success of GOSS could be built on and he gave thanks to all officers who had been involved in the project to date. 2020 represented a good way of delivering value for money and configuring local government services.

- Consideration should be given to the title of “Head of Paid Service”. The one main contact officer of the council should have a title which the public could understand
- When asked what consideration O&S had given to the fact that 2020 would comprise 3 predominantly rural authorities and how could Cheltenham best position itself as an urban authority in that arrangement, the Chair of O&S said that this had not been discussed specifically but in the spirit of cooperation it should be possible for adequate dialogue.

In summing up the Leader thanked the Chair of Overview and Scrutiny and the committee for its comments. He supported the comments relating to cross party membership of the Joint Committee providing this was reciprocated by the other Councils and would explore how this could be taken forward with the other authorities. At its meeting on 19 October Council would appoint a Cabinet and non Cabinet member. In terms of the comment on the title of the Head of Paid Service he stated that legally the authority had to have a post with this responsibility but would ask the Appointments Committee to consider the job title during the recruitment process.

### **RESOLVED**

#### **To note the minutes of Overview and Scrutiny**

#### **6. 2020 VISION**

The Leader introduced the report and explained that 2020 Vision had been a challenging and ambitious process and represented an opportunity for the council to make savings without cutting services. He referred to the success the council had experienced with sharing services with GO Shared Services and ICT.

The Leader referred Cabinet to the amended recommendations from the published report as circulated and highlighted the following points :

- Customer services, revenues and benefits and property services had been identified within the project as the next services to be considered for sharing. The amended recommendation 2 stated that Cabinet would receive and have to approve further business case briefings and proposed Service Level Agreements for these services under consideration. He added that this detailed work would begin shortly with a report being brought to Cabinet at some stage in the New Year. He highlighted that members would be involved in this process.
- 2020 would be governed by a Joint Committee with two members represented from each authority. Cabinet would nominate one member and it was proposed that the current Cabinet Member Corporate Services undertake this role. He was the current council representative on the member governance board and the CBC representative on the Joint Monitoring and Liaison Group for GOSS.



- The Joint Committee would be responsible for overall financial policies and potential HR policies. The Leader referred members to the amended recommendation 5 which now included the introduction of a protocol which would require the Joint Committee to defer any item relating to changes to employment terms and conditions where it was unlikely to be passed by unanimous decision in order to seek a resolution to the matter. The Leader added that whilst rationalisation of HR terms and conditions would be useful, to have a mechanism in place to deal with any issues was a sensible approach. He also made reference to the deletion of the last sentence of Section 10.4 in the report.
- The Leader reported that the post of Managing Director of the Partnership had been ringfenced to the Chief Executives of Cheltenham and Cotswolds/West Oxfordshire councils. He explained that the current Chief Executive of Cheltenham had not expressed an interest in being considered for this position. The position of CEX would be deleted at the council but the post of Head of Paid Service was a legal requirement. The recruitment of this post would be a process for the council's Appointments Committee.
- The existing shared service arrangements for GO Shared Services and ICT Shared Services would be undertaken by the Joint Partnership Structure from April 2016.

The Cabinet Member Finance referred to the fact that existing shared services with Ubico and GOSS made the council an annual saving of £2.7 m annually. With Government core funding reduced from £8.8 m to £4.6 m between 2009 and 2015 and likely to be further cut between 25 % and 40 % over the next 4 years, further radical efficiency savings needed to be made without cutting services. With evidence that the four councils concerned were already making shared services work so well 2020 Vision represented further new ways of working which had been supported by Government via the £3.8 m Transformation Challenge Fund. He reported that Vision 2020 would generate £581 000 of savings annually increasing to £800 000 per annum if a Teckal company was established and these figures had been endorsed by CIPFA. The Cabinet Member paid tribute to the hard work invested in the 2020 project by all officers involved but in particular the Deputy Chief Executive, Director Resources and the Head of Finance. The Leader reinforced his thanks to all concerned.

Some Members still had the same concerns they had expressed when discussing 2020 at the December 2014 meeting of Cabinet. They did not share the optimism for 2020 Vision that had been expressed at the meeting thus far although they supported the inevitability of having to further generate efficiency savings. They believed that the 'devil was in the detail'. They said that whilst it seemed sensible for the existing GOSS and ICT Shared Services to be transferred to the Partnership, the transfer of other 'back office' council services should be subject to very detailed scrutiny and that they should not be simply considered as a "fait accompli"; each service must be looked at on a case by case basis. They believed that a Plan B for those services was still an option. What was essential was that residents received the best possible services but they feared that the essence of what was Cheltenham could be lost in a 2020

partnership. In their view it was imperative that REST services remained with the council and Cheltenham focussed as they had little in common with the three rural authorities involved. These members also supported the Chair of Overview and Scrutiny's request that an opposition member should be nominated as the second Borough Councillor on the Joint Committee whilst recognising that this approach would have to be adopted by the other 3 authorities. It was suggested that the Chair of Overview and Scrutiny discuss this with his counterparts in the three authorities. They firmly believed that this approach would provide valuable added scrutiny protection of that joint committee.

A member also suggested that the appointment of the Head of Paid Service be undertaken quickly as in his view the council could not afford to be left with a power vacuum. This would also enable early resolution of any potential conflict between that role and the role of the current Head of Paid Service.

The Leader of the Council, in response to a comment regarding the financial figures in the business case (appendix 3), explained that these figures were those which had been presented in the bid to Government for Transformation Challenge Award funding. The absolute 2020 figures were now available in terms of what contribution 2020 would have to the council's budget going forward as detailed in section 16 of the report.

Members requested that all members receive a rapid turnaround of tonight's decisions by Cabinet.

### **RESOLVED THAT**

- 1. the Authority enter into the shared services partnership structure described in Appendix 2.**
- 2. the consequential revised senior management structure for this Authority be endorsed as set out in section 7.**
- 3. the 2020 Vision Business Case at Appendix 3 be approved.**
- 4. the Commissioning Strategy at Appendix 5 be adopted.**
- 5. the 2020 Vision Joint Committee be established in accordance with Sections 101 and 102 of the Local Government Act 1972, and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 made under Section 9EA, 9EB and 105 of the Local Government Act 2000, with draft Constitution at Appendix 6 including a protocol which requires the Joint Committee to defer any item relating to changes to employment terms and conditions where it is unlikely to be passed by unanimous decision in order to seek a resolution to the matter.**
- 6. authority be delegated to the Chief Executive in consultation with the Leader, the Section 151 Officer and the Borough Solicitor to finalise and complete the Inter Authority Agreement (including the Constitution) and other documentation on terms to be approved by**

**the Borough Solicitor and to take all necessary steps to create the 2020 Vision Joint Committee by April 2016.**

- 7. it be agreed that the existing 2020 Vision Member Governance Board arrangements will continue until the 2020 Vision Joint Committee is created.**
- 8. Upon establishment of the 2020 Vision Joint Committee**
  - 8.1 To authorise the delegation to the 2020 Vision Joint Committee those functions of the Authority as described in the draft Constitution for the 2020 Vision Joint Committee, subject to retained decisions as set out in section 10 of this report**
  - 8.2 To agree to appoint Forest of Dean District Council as Administering Authority to provide administration support to the Joint Committee**
  - 8.3 To agree to appoint Cotswold District Council as the Accountable Body to provide financial support to the Joint Committee and enter into any contracts required on behalf of the Joint Committee**
  - 8.4 To agree to appoint the following councils to provide the following functions of the Joint Committee;**  
  
**Forest of Dean District Council – Monitoring Officer**  
  
**Cotswold District Council – S151 Finance Officer**  
  
**Forest of Dean District Council – Clerk to the Joint Committee**
- 9. to confirm the appointment of David Neudegg as Partnership Managing Director.**
- 10. to agree to make available such of this Authority's staff as are necessary for the 2020 Vision Joint Committee to fulfil the functions which the Authority delegates to it**
- 11. Council be recommended to appoint Councillor Walklett as the Cabinet Member representative on the 2020 Vision Joint Committee.**
- 12. further business case briefings and proposed Service Level Agreements be received and approved providing reassurance on the benefits, costs and savings to the Authority of the services outlined in section 14.4 of this report, and demonstrating that other sharing options have been considered, prior to delegation of those services to the 2020 Vision Joint Committee**
- 13. a report and business case be received during 2016 on the establishment of a local authority company for the delivery of the functions of the 2020 Vision Partnership, or alternatively the continuation of the 2020 Vision Joint Committee, and makes an onwards recommendation to Council as necessary.**

**7. REQUEST FOR RENT SUBSIDY FROM BROADLANDS PRE SCHOOL & APPROVAL TO DISPOSE OF PUBLIC OPEN SPACE**

The Cabinet Member Finance introduced the report which considered a rent subsidy request by Broadlands Pre School for the premise at Burrows Playing Field. He reported that the 3<sup>rd</sup> Sector Policy Board had considered the application and agreed that it could receive an 80 % discount due to its contributions to the local economy and local economy and the welfare of children and families.

The Leader added that this was positive news and the policy added value to the community.

**RESOLVED THAT**

**1. the recommendations of the 3rd Sector Panel be accepted and that a rent reduction of 80% be authorised against the lease between Cheltenham Borough Council and Broadlands Pre School.**

**2. it be agreed that the land and buildings that are currently let to Broadlands Pre School be declared surplus for a further term of 15 years**

**3. authority be delegated to the Head of Property and Asset Management, in consultation with the Borough Solicitor, to agree the terms of the lease.**

**8. BUDGET STRATEGY AND PROCESS 2016/17**

The Cabinet Member Finance introduced the report which proposed a broad strategy and outlined a process for setting the budget, housing rents and council tax for 2016/17. It outlined a number of principles that needed to be established at this stage to enable budget preparation to commence.

He explained that the council was experiencing unprecedented financial squeeze with Government core funding having halved since 2009 and with it likely to reduce further by 25%-40% over the next four years. He referred to the savings that were being achieved from embracing radical change in the way that the council had organised its services or from sharing services. He made reference the £231 000 new saving which the Cheltenham Trust would deliver next year and the £100 000 from the accommodation strategy next year.

The Cabinet Member added that it was still necessary to think creatively and explained that the focus was on sharing services at a new level via 2020 Vision which would deliver £800 k of savings per annum by 2019-2020 and the drive for further business growth in the town in order to attract an increase in its share of business rates. The council's direct financial interest in business rates would grow between now and 2020 as the Government devolved more to local councils. He referred to the role of the Cheltenham Development Task Force in promoting growth in terms of attracting John Lewis to the Beechwood Arcade.

He also added that the council was strengthening its economic development work by appointing a senior director to drive this forward shortly.

The Cabinet Member Finance said that for the first time a target had been set in the MTFS to increase income as a result of economic development and expansion. This represented a huge opportunity for council as it faced substantial risk as Government was talking about removing core funding to councils.

He emphasised that Cabinet was endeavouring to ensure that Government funding cuts would not mean an increase in Council tax and fees and charges. Car parking income had been frozen for 5 years and the MTFS anticipated no increase between 2010-2020. He added that Council tax had been frozen since 2011 which may be difficult to do for a sixth year.

The Cabinet Member Finance wished to put on record his thanks to the S151 Officer for his work in these extremely difficult circumstances. He added that reserves were tight with little room for manoeuvre. It was important that the strategy worked and was a success.

The Leader added the importance of the role of the Managing Director REST in boosting extra income for the council.

### **RESOLVED THAT**

- 1. the budget setting timetable at Appendix 2 be approved.**
- 2. the budget strategy and MTFS outlined in section 5 and Appendix 3 be approved.**
- 3. the reserve realignments outlined in section 7 and the level of reserves projected at Appendix 4 be approved.**
- 4. the expected cut in government baseline funding of £277k for 2016/17, the estimated funding gap of £1.825m and the large amount of work done so far to bridge this gap be noted.**
- 5. the intention for this Council to remain in the Gloucestershire Business Rates Pool in 2016/17 as outlined in section 6 be noted.**
- 6. the Section 151 Officer and the Cabinet Member for Finance be requested to consider suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2016/17 as outlined in section 8.**

### **9. LICENSING ACT 2003 LICENSING POLICY STATEMENT**

The Cabinet Member Development and Safety introduced the report and explained that sections of the Licensing Act 2000 required the council to review, determine and publish its Licensing Act 2003 Policy statement every three years. The current Policy statement was adopted by council on 10 February 2012. He reported that whilst it was not technically necessary to review the adopted policy statement until 2016, an early review had been undertaken to

reflect various changes in law, good practice and changes to the local licensing landscape. He explained that consultation had been undertaken and the report was asking Cabinet to consider the consultation feedback and adopt the revised policy.

The Cabinet Member went on to explain that the Licensing Act 2003 was the primary legislation that dealt with the licensing requirements relating to :

- a) The sale of alcohol
- b) The supply of alcohol by a club
- c) The provision of regulated entertainment
- d) The provision of late night refreshment

These activities were authorised through the issue of :

- a) A premises license
- b) A club premises certificate
- c) A temporary events notice

He explained that the council was obligated to promote the four licensing objectives when discharging its functions under the 2003 Act including setting policy. He reminded members that the licensing objectives were :

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The draft proposed policy statement was attached at appendix 2 of the report. The policy statement set out the principles the council would apply when determining applications under the 2003 Act for up to the next 5 years.

The amended policy statement set out a proposed policy vision to make Cheltenham a safe and clean town that offered a greater diversity in the night time economy that is not solely focused on alcohol and that protected the quality of life for residents. In order for the council to achieve this vision, it must become more proactive in shaping the licensing landscape of the town. The Cabinet Member explained that the specific measures proposed included :

- a) Designating the town centre as an “area of concern” to allow the council to review the impact of licensed premises in this area
- b) Introducing core hours for licensable activities
- c) Introducing “latest admission times” strategy
- d) Restrict the sale of alcohol at take away food premises
- e) Restrict the use of external areas to 23:00 to reduce nuisance to local residents.
- f) Promote a code of good practice for drinks promotions
- g) Film Classifications-introduces a formal classification process for films not classified by the British Board of film control (regulated entertainment)
- h) Introduce a pool of model conditions-to promote the use of clear, proportionate and enforceable conditions

The Cabinet Member reported that the feedback to the consultation exercise was attached at appendix 3. 4 responses were received and all had received responses from licensing officers.

**RESOLVED THAT**

- 1. the consultation feedback and officer comments be noted; and**
- 2. the revised policy attached at Appendix 2 be approved.**

**10. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Development and Safety wished to acknowledge the achievement of the Cheltenham Taskforce in attracting the retailer John Lewis to the town. This would be a positive enhancement to the town and regenerate the retail sector in that part of the town.

The Cabinet Member Healthy Lifestyles congratulated the Cheltenham Poetry Festival on their appointment of Cheltenham's Poet in Residence, Angela France. She wished to also thank Anna Saunders, the festival founder and director for inviting her to formally announce this at an open mic event held on National Poetry Day.

**11. CABINET MEMBER DECISIONS**

Members reported the following decisions which had been taken since the September meeting of Cabinet :

Cabinet Member Clean and Green Environment	<ol style="list-style-type: none"><li>1. To accept the tenders as set out in the Tender Acceptance Report to enable the Authority to sell its recycling material to the re-processors referred to in paragraph 4.4 of the report when the current contract with P W Commercial Ltd (Printwaste) expires on 16th October 2015</li><li>2. Noted that the a decision on the disposal of wood will be taken by the Deputy Chief Executive or Cabinet Member Clean and Green Environment as appropriate once the Joint Waste Team has concluded further investigations.</li></ol>
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Cabinet Member Healthy Lifestyles	Allocation of Positive Activities Funding. There had been £109k worth of bids for a £50k pot. 24 applications had been received and 14 had been successful totalling £49 014. 3 projects had been successful in being awarded funds from the health inequalities grant.
Cabinet Member Development and Safety	To approve the proposed charging structure for private hire vehicle operator licences.
Cabinet Member Finance	Freehold Disposal of 6 Colombia Street
Cabinet Member Finance	Freehold Disposal of 9 Princes Street

The Cabinet Member Healthy Lifestyles also referred to a recent decision she had taken. There had been £109k worth of bids for a £50k pot. 24 applications had been received, 14 had been successful. 3 HE

**Chairman**



## Cheltenham Borough Council Cabinet – 10 November 2015 Scrutiny Task Group Review – Cheltenham Spa Railway Station Covering Report

<b>Accountable member</b>	Councillor Tim Harman, Chair of Overview and Scrutiny Committee
<b>Accountable officer</b>	Saira Malin, Democracy Officer
<b>Executive summary</b>	<p>At its meeting on 8 September 2014 the Overview &amp; Scrutiny Committee commenced a review of the Cheltenham Spa Railway Station. A Scrutiny task group was set up and undertook to better understand the franchise renewal process. The group were also tasked with developing a wish-list of improvements to the station, transport links and rail service itself and establish if and how they were being progressed.</p> <p>The findings and recommendations of that Group are set out in detail in the attached Scrutiny Task Group Report and these recommendations were approved, unchanged, by the Overview and Scrutiny Committee at their meeting on the 26 October 2015, for consideration by Cabinet.</p>
<b>Recommendations</b>	<p><b>Cabinet are recommended to;</b></p> <ol style="list-style-type: none"> <li><b>1. Authorise the Managing Director of the Cheltenham Task force in conjunction with the Leader of the Council to undertake the following tasks and to report progress to O&amp;S in 12 months' time;</b> <ul style="list-style-type: none"> <li>• <b>To proactively lobby the relevant parties for all improvements in Phase 1A and 1B as listed in the table at 5.1.3 of the task group report.</b></li> <li>• <b>Being mindful of devolution, particularly the integration of transport, to continue dialogue with Gloucestershire County Council, Local Economic Partnership and others; in particular to pursue all possible opportunities to improve public transport links to/from Cheltenham Spa station.</b></li> <li>• <b>Publicise Smartcard and PlusBus opportunities in the area.</b></li> <li>• <b>In view of the fact that some funding levels and finalised proposals for all of the improvements to the station have not yet been announced, to keep O&amp;S informed of any developments.</b></li> </ul> </li> <li><b>2. Note that whilst the service improvements announced by FGW are to be welcomed, it should be acknowledged, with concern, that a consequence of the increased services to London will be increased pressure on the rail network in the need to terminate additional trains. Thus Phase 2 will be even more necessary than it is a</b></li> </ol>

present.

3. To note the other relevant matters raised;

- On the north/south route, though train services are fairly frequent, there is concern that lack of route capacity may stifle traffic, and hence modal shift to rail in the future, with too high a proportion of traffic going by road.
- The rolling stock on some local services, particularly operated by Arrive trains, if life-expired, and should be a factor when this franchise is renewed.
- The train service to Worcester remains poor and is not addressed by the recent proposals.
- The potential for future improvements through both electrification and re-signalling on the Bristol-Birmingham line is to be welcomed.

<b>Financial implications</b>	There are no financial implications to the council, arising from this report. <b>Contact officer:</b> Sarah Didcote, <a href="mailto:sarah.didcote@cheltenham.gov.uk">sarah.didcote@cheltenham.gov.uk</a> , 01242 264125
<b>Legal implications</b>	There are no legal implications arising from this report. <b>Contact officer:</b> Shirin Wotherspoon, <a href="mailto:shirin.wotherspoon@tewkesbury.gov.uk">shirin.wotherspoon@tewkesbury.gov.uk</a>
<b>HR implications (including learning and organisational development)</b>	No direct HR implications arising from this report. <b>Contact officer:</b> Julie McCarthy, <a href="mailto:julie.mccarthy@cheltenham.gov.uk">julie.mccarthy@cheltenham.gov.uk</a> , 01242 264355
<b>Key risks</b>	
<b>Corporate and Community Plan implications</b>	
<b>Environmental and climate change implications</b>	Improvements to the railway station, increasing the frequency of service and provision of a wider integrated transport network all support modal shift, which delivers benefits for the environment and climate change by contributing to a reduction in carbon emissions. However, in order to maximise the potential for modal shift, improvements need to be delivered as an integrated package, i.e. an increase in services should be linked to a high quality facility and easy transport links to and from the station to ensure a positive passenger experience. As the task group has highlighted, there are already existing schemes, notably the plus-bus scheme and the smartcard ticket which, if more effectively promoted, could also encourage modal shift.
<b>Property/Asset Implications</b>	

<b>Report author</b>	<b>Contact officer: Saira.Malin@cheltenham.gov.uk, 01242 774937</b>
<b>Appendices</b>	1. Task Group report (including appendices)
<b>Background information</b>	1. Minutes of Overview and Scrutiny Committee (26 October 2015)

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**SCRUTINY TASK GROUP REPORT**  
**CHELTENHAM SPA RAILWAY STATION**



**1. INTRODUCTION**

- 1.1** A review of the Cheltenham Spa Railway Station was initiated by the Overview and Scrutiny Committee at their meeting on 8 September 2014 following a suggestion by the Leader of the Council that this would be an important issue for the town in view of the franchise renewal in 2016, and the parallel activity by the Task Force in trying to secure funding to make improvements.
- 1.2** Members felt that there were issues relating to the station itself, the transport links to the station and within the borough, as well as the rail service offered.
- 1.3** This report sets out the findings and recommendations arising from the scrutiny review by the scrutiny task group.

**2. MEMBERSHIP AND TERMS OF REFERENCE**

- 2.1** Membership of the task group:-
- Councillor Roger Whyborn (Chair)
  - Councillor Flo Clucas
  - Councillor Chris Mason
  - Councillor Dan Murch
  - Councillor John Payne
  - Councillor Max Wilkinson
- 2.2** Councillor Whyborn would like to put on record his thanks to his colleagues on the task group.
- 2.3** The one page strategy for this task group was agreed by the Overview and Scrutiny Committee on the 18 September 2014 and this is attached as Appendix 1. The ambitions for the review were as follows:
- Understand the franchise renewal process
  - Understand the implications of any improvements for Cheltenham railway station and the town as a whole
  - Understand how these issues are currently being progressed
  - Influence the decision makers regarding improvements that would benefit the station and town
  - Consider if there are any wider 'integrated transport' issues
- 2.4** In the event, the London train service franchise was extended by the DfT to the existing franchise holder, First Great Western, in April 2015 by a period of three and a half years who at the same time announced the introduction of improved train services to take place in 2017/18. As a result, the first objective of the task group was superseded.
- 2.5** The main outcome required was therefore for the task group to develop a list of issues (improvements to the station, transport links and rail service itself) that

should be considered as part of a campaign agenda for the Council working with its partners, for the benefit of Cheltenham and residents.

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

**3.1** The task group met on five occasions between November 2014 and June 2015 and spoke to a range of experts who all contributed to the discussions and were able to respond to members questions or provide additional information outside of meetings. These officers and experts included:

- Jeremy Williamson – Cheltenham Development Task Force Managing Director
- Saira Malin – Democracy Officer (facilitator for this scrutiny review)
- Frank Chambers – TravelWatch South West
- Michael Ratcliffe – Chamber of Commerce
- Richard Clarke – National Rail
- Matthew Barnes – First Great Western
- Rupert Cox – Stagecoach West
- Shirin Wotherspoon – OneLegal

Members would like to thank all of the experts and officers who attended meetings and contributed to the review.

The Leader was also involved in our review and we thank him for his input.

### **4. WHAT WE DID**

**4.1** The following paragraphs describe the areas covered in and outside of meetings:

#### **4.2 24 November 2014**

The task group met with Jeremy Williamson, Managing Director of the Cheltenham Development Task Force.

He explained that there had been no major upgrades to the station for some 60 years. The station has restricted up and down, uni-directional two track layout; one track north, one track south and no way of crossing between. This restrictive layout caused major delays in the event of a train failure and meant that the entire network had to close for 7 minutes to allow terminating services to cross the line. As an indication of scale, there were 94 Cross Country train services daily and in addition to this, terminating services and freight trains and 1,812,624 passenger journeys were recorded in 2011/12.

The formation of the Gloucestershire Local Transport Board created an opportunity for third parties to identify and submit bids towards localised priorities and this resulted in the development of a bid, by the Task Force in conjunction with the Chamber of Commerce, with the following components:- two new platforms that would accommodate the future anticipated passenger growth and critically improve performance by separating terminating from through trains (They would also be designed to cater for the Intercity express trains to be

introduced in 2017); a completely new hub layout with a proper bus interchange, cycle facilities and a 2 storey car park (to help alleviate parking issues); new passenger facilities within a new concourse. Members were shown a virtual tour of what the changes would achieve, which he felt reflected upgrades which had been undertaken to a number of stations.

An initial bid for £3.3m of the anticipated £20m spend, was secured from the Gloucestershire Local Transport Board. However, Network Rail and First Great Western (FGW) subsequently felt that the additional bay platforms could not be delivered within control period 5 (which is 2014-2019, a railway operating financial structure) so this element was deleted and a new bid submitted. The revised bid for £1.95m of an estimated £10m spend was submitted and whilst it scored highly, only £1.1m was awarded initially and after further negotiation with GLTB this was raised to c£1.5m. The rail industry had secured funding from Access for All and the National Stations Improvement Programme and whilst it is hoped to be worth £2-3m, these sums had not yet been confirmed. A further bid had been made, with the support of Sustrans from the Department for Transport Cycle-Rail initiative, which would assist delivery of the connection of the Honeybourne Line southwards to Lansdown. This would immediately open up cycle connectivity to the south and an interface with the 10 minute X94 Stagecoach service. This would also align with another ambition/bidding process to create a 4 mile Cheltenham-Bishops Cleeve cycle route. The LEP Growth Fund round 2 (or top-up) had called for projects so a bid was submitted for £10m to fund the bay platforms. This was never expected to be successful as it did not meet the delivery criteria in terms of timescale and it was inevitably unsuccessful, but it was felt important to note future potential, as an important County wide project; Cheltenham is by far the busiest station in the County. To avoid any confusion he explained that he was simply securing funding and that governance and delivery of any improvements would fall to Network Rail and FGW.

The station improvements had thus evolved into what came to be known as Phases 1 and 2, c£10M each. Phase 1 is for a wide range of improvements to the station and station site including car parking, commensurate with a passenger usage looking to exceed c. 2m movements per annum. Phase 2, for which Phase 1 allows passive provision, is the addition of two bay platforms and the associated signalling and enhanced station building.

The task group were reassured to learn that; the Local Transport Plan 3, mentioned rail in far greater detail compared to earlier versions; the publication of the Western Route Survey also supported many of the ambitions for Cheltenham and actually acknowledged the capacity issue posed by Cheltenham; and the LEP Strategic Economic Plan noted that there is: - Limited direct train services to London; High car dependence; High levels of commuting within the County and beyond.

### **4.3 15 December 2014**

The Scrutiny task group had, by email, agreed the wording for a motion.

The motion proposed that the draft response to the Western Route Study, be formally submitted by the Leader, on behalf of Cheltenham Borough Council. The response to the consultation document, which included a statement of



support from colleagues at Gloucestershire County Council, set out areas which the Council were pleased to see had been included and highlight concerns in relation to the proposed timescales and what were considered to be omissions.

The motion was considered and passed by Council at the meeting held on the 15 December 2014 and was duly submitted prior to the consultation deadline.

*"Cheltenham Borough Council is pleased to note the proposals for an enhanced train service from Cheltenham to (especially) London within the Western Route Study Consultation, being conducted by Network Rail. However, this Council is very concerned that these much needed improvements are not projected to take place until 2019 at the earliest, rather than taking advantage of the recent doubling of tracks on the line between Kemble and Swindon, and also supporting the LEP growth strategy.*

*This Council also notes with approval that Cheltenham Spa Station features in the report as a candidate for improvement under NSIP (National Station Improvement Plan) and AfA (Access for All); this is in addition to funding offered by Gloucestershire Local Transport Board and other bids funded by this Council and partners at GCC for an improved Cycle-Rail link. However, the Council is concerned that station facilities are already under enormous strain from greatly increased levels of use in recent years, now expected to increase to 2 million journeys per annum; this Council is concerned that the limitations of access and parking, including disabled access, together with the London train service, are already restricting its use and hampering modal shift by passengers to rail.*

*Cheltenham Borough Council therefore urges Network Rail and First Great Western to do all in their power to expedite improvements to both the rail station and the train service and the authority is willing and keen to engage with all stakeholders in order to facilitate further improvements (e.g. car parking capacity and terminating train constraints), and to help secure the associated funding."*

#### **4.4 8 January 2015**

Frank Chambers (TravelWatch South West) and Michael Ratcliffe (Chamber of Commerce) met with the task group and showed them illustrations, commissioned by the Chamber of Commerce, which showed what the improved station could look like.

The Chamber of Commerce were firmly of the opinion that the bay platforms would improve the passenger experience by allowing them more time to get on and off trains, as well as satisfying the operational need.

Travelwatch South West, who had been advising the Chamber of Commerce in support of the improvements to the station since 2007/08, felt that the station was lacking in functionality and needed dramatic improvements.

The task group were advised that there had been no major investment at Cheltenham since 1953, in contrast with other stations such as Oxford, Bristol Temple Meads, Newport and Swindon, which had recently benefited from a huge amount of work. The suggestion was that improvements would be further warranted once passenger usage increased to 2m per annum (it was currently

1.924m per annum) as the station would then be categorised as B by Passenger Watch on their scale of A-C. The group were also advised that the five year control periods to which the rail industry were wedded, often conflicted with funding programmes such as GLTB.

**4.5 10 March 2015**

The task group met with representatives from Network Rail (NR) and First Great Western (FGW) to discuss their thoughts on the council's submission to the Western Route Study and to establish their position on the proposed improvements to the station and rail service.

FGW accepted that the existing station facilities and layout were a possible reason for why people living in the North and South of the town travelled to Evesham and Swindon or Kemble respectively, to board a train. Both NR and FGW were generally supportive of a scheme to make improvements to the station building, car parking facilities and taxi/bus interchange arrangements at Cheltenham Spa Railway Station; whilst making passive allowance for new bay platforms at some point in the future, should NR deem them necessary.

At the time, FGW were still in negotiations with the Department for Transport over the new direct award franchise and were therefore unable to divulge details of the future service pattern. NR, however, anticipated that, enabled by the route modernisation and deployment of new express trains, an hourly direct service to London was deliverable and that there was potential for reduced journey times. Subsequent to this meeting, it was announced that FGW had been given a new direct award franchise which covered 3.5 years with an option for a 1 year extension.

Following the announcement of the direct award franchise, FGW circulated a briefing to members of the task group which set out some short and long term timetable changes and improvements, which included journey times to Paddington of below two hours.

**4.6 12 May 2015**

In order to fulfil all of the objectives for the review, as set by the Overview and Scrutiny Committee, the task group met with Rupert Cox, the Managing Director of Stagecoach West, to discuss existing bus links to and from the station.

Members were comfortable that the D service provided good linkage and frequency from some areas and that the grant from the Cycle Rail Fund would allow for a meaningful link to the 94 service, but felt that, particularly from the West of the town, links to the station were not as good. They accepted that Stagecoach considered demographics of areas and the suburbs of Cheltenham from which people were most likely to want to access the station but felt that a number of brand new route options, in some cases replacing existing routes, could address connectivity issues in some of the worst affected areas and should form part of a wider network review.

The task group were encouraged by the news that Stagecoach were open to allowing the southbound 'D' service to enter the forecourt at the station and accepted that this would only be possible if there was sufficient clearance on the

forecourt for one bus to pass another; either through increased segregation of the forecourt, or, in the short term, better enforcement. Segregation of the forecourt was a key element of the wider improvements being sought.

Members of the task group were aware that PlusBus tickets were available, but were surprised to learn that these tickets were available for journeys over a weekly, 4 weekly and annual periods and felt that this needed to be more widely publicised.

#### **4.7 9 June 2015**

At the final meeting held on the 9 June 2015, the Leader of the Council, Cabinet Member Development and Safety and a representative of OneLegal were given the opportunity to consider and comment upon the draft report and recommendations and their feedback was taken into account by the task group.

Of all the issues the group had considered, the poor disabled access and ramp access, which also pose issues to those with prams and small children and the shortage of parking bays, (including disabled) were considered the most serious. Integrated transport and economic development of the town was something else which needed to be taken very seriously. The station must be integral to the economic development of the town rather than a barrier to both. The group therefore wanted to focus its attention on completion of phases 1 and 2.

In particular it was expedient to re-define Phase 1 of the proposed improvements as Phases 1A and 1B, the detail of this is described within our conclusions at paragraph 5.1.3.

An approach to integrated transport, similar to that adopted in London, i.e. with more localised funding, was being discussed as part of the devolution debate, though it was too early to be clear how that might work in Gloucestershire.

The group had had some very useful discussions with FGW, NR, Stagecoach and user groups but had concerns there was still no formal mechanism for CBC, as a second tier council, to get involved in formal discussions. The Leader anticipated such discussions are likely to involve the LEP Joint Board, County Council and others. It was important for CBC to be involved in this dialogue.

## **5. OUR CONCLUSIONS**

- 5.1.1 *Understand the franchise renewal process*** It would be fair to say, that whilst the group learned a good deal about the franchise renewal process, and received some valuable insights from industry representatives, as an overall subject it is quite complex. The task group recommends that the Council administration flag to central government and to elected representatives of other bodies, and to the LGA, that the present franchising structure is ill-suited to effective local input. There is no mechanism for ensuring effective local input, and importantly the rail industry's control periods do not really mesh effectively with local government's finance or electoral cycles. Something the group is very much exercised over is that the franchising process does not enable meaningful input from local communities, and especially second tier local authorities, who with populations of

typically the size of Cheltenham are, in our view, key players in the use and development of a mainline railway station.

- 5.1.2** As to, say, the fitness of First Great Western to be the preferred franchisee, the task group does not have specific comment to make.

The group has concerns that the franchising process as a whole is flawed, awarding one contract to one supplier for a number of years without (generally) the options of either open access competition on the one hand or a publicly owned franchisee on the other. This is a wider discussion which needs to take place elsewhere, and is arguably beyond the group's remit. Events have overtaken the original group remit, to the extent that FGW has had its current franchise extended by direct award for some three+ years as of April 2015.

- 5.1.3** *Understand the implications of any improvements for Cheltenham railway station and the town as a whole. Understand how these issues are currently being progressed.*

Before considering these questions we received in-depth assessments of the current weaknesses that beset rail provision at Cheltenham, particularly given its status as the busiest railway station in the County. We were particularly heartened by the public recognition of these issues in the Western Route Study of October 2014 where the constraint of "Capacity through Cheltenham due to terminating trains" was formally noted. This was most helpful as it gave credence to the concerns that we had heard from passenger user groups. Equally we were encouraged and welcomed the service improvements announced as part of the FGW franchise renewal process, in April 2015 although a little cautious over how more & improved services may impact upon the declared challenge posed by terminating trains.

Taking these two aims together we conclude that:

The Council – working closely with the Cheltenham Development Task Force, the County Council, local MP, local transport consumer groups, and local business groups including both the LEP and the Chamber of Commerce should continue to lobby the rail authorities and central government for improvements to Cheltenham Spa station, and for funding. Similarly, the Council should continue to hold the rail authorities and the DfT to account to enact the improvements to the train service already announced for 2017/18, to be achieved on time, and preferably earlier.

Whilst recognising the paramount importance of maintaining consensus across the county, and wishing to see a fully rebuilt rail station within the next 5 to 10 years, the problems at Cheltenham Spa station are acute and cannot wait. We fully support the proposals in phase 1 which effectively provide a major station customer experience upgrade with the exception of any future bay platforms which may become a necessity within a phase 2 long-term plan. The priorities are noted as follows, with the appropriate funding stream status at the time of writing identified, and with the strong recommendation to complete Phase 1 within the Rail industry's control period 5, that is 2014-2019:

Proposed improvement	Funding Source	Status	Phase
<b>Full equality access:</b> The group particularly identified problems with the present access via ramps and the need for lifts. Also lack of disabled toilet facilities at platform level - – currently only on Platform 1 & forecourt level. Better safer routes for disabled (and all) passengers accessing/egressing across the forecourt to/from Queens Road on foot. NR have engaged in detailed in detailed discussions with Cheltenham based disability groups, which will in turn, inform the scale of the works to be undertaken.	Access for All –Network Rail to implement.  Agreed in principle.	The liaison with representatives from disability groups is welcomed. Design and costing work to be completed. Budget will then be agreed.	Phase 1A
<b>Car parking (short term):</b> Plan for 70 surface car spaces as part of the works associated with the cycle-rail link, although will require additional funding.	First Great Western	Bid made by FGW on 05/06/15.to NR/DfT	Phase 1A
<b>Forecourt improvements:</b> Re-planning of the whole layout to make it user friendly for buses, taxis, car-parking, pedestrians and cyclists. Providing an integrated transport hub.	Gloucestershire Local Transport Board.	£1.497m funding approved subject to securing other funding components.	Phase 1A
<b>Improved cycle and passenger linkage particularly to Lansdown Road:</b> (also giving a link to the 94 bus route)	Successful Cycle-Rail bid – FGW to implement.	£733k funding approved. Design and costing work to be completed.	Phase 1A
<b>Ticketing office and other facilities:</b> Improved toilets, waiting rooms and ticket hall, buffet/coffee shop and other passenger facilities. If it is possible, enable access to/from Gloucester Road across footbridge to ticket hall without going through barrier.	National Station Improvement Programme – FGW to implement	FGW registered as deliverer but funding not finalised	Phase 1A
<b>Car parking (longer term):</b> two storey car park.	Commercial Facilities Fund	FGW to pursue once phase 1A implemented	Phase 1B
<b>Bay platforms:</b> to alleviate the constraint of capacity at Cheltenham due to terminating trains.	To be determined – potentially rail industry or LEP or a combination	Improvements at Cheltenham Spa to be part of emerging rail strategy for LTP3	Phase 2

#### Phase 1A

The group added that it considered the pedestrian route markings for all passengers across the forecourt to/from Queens Road to represent a possible safety hazard. Subsequently FGW has re-marked this within existing budgets.

#### Phase 1B

The group recognised that whilst the FGW funding bid to increase car parking capacity by approximately 70 spaces was both welcome and useful, it was only a short term expedient to deal with an acute shortage of car parking. Phase 1B is thus the provision of a decked car park facility across much of the present car park site, but designed such as to enable subsequent installation of Phase 2 (bay platforms). The addition of decked car parking would provide c. 400 spaces. Members are concerned that additional decked car parking should be built in a way which is sympathetic to adjacent housing in Kensington Avenue; this should form part of future discussions between CBC and the rail industry.

It would appear that the ambition to complete Phase 1A and 1B is not only supported by the rail industry, local Council, MP, etc, but this has now been validated by the Under Secretary of State, Claire Perry MP, in a letter to the MP in which she confirms that a significant programme of investment and improvement worth approximately £10m is planned (Appendix 2).

#### Phase 2

The increased services announced by FGW would, by their very definition, increase pressure on both the car park, which was already full on occasions despite the addition of 50+ spaces in 2014, and on the single siding with London trains running hourly. Increased services would also add pressure to the rail network's limited capacity for terminating trains at Cheltenham Spa, and the group saw it as essential to address this.

Until delivered, CBC should collectively campaign for these improvements in order to cope with the c2m passengers p.a. and rising. By 'Control period 6', that is 2019 – 2024, a fully rebuilt station is a realistic aim for CBC to work for with others, and it would reflect the expectation of Cheltenham Spa moving into station category B, with over 2m passenger movement p.a. Within control period 6 we should aim to establish whether the additional bay platforms for which passive provision will have been allowed are a necessary requirement and if so progress through the rail industry to full implementation and take advantage of expected rail passenger growth, new Inter City Express trains and potential future electrification, signal upgrades etc.

#### **5.1.4 *Influence the decision makers regarding improvements that would benefit the station and town.***

We note agreeably that during the currency of the group's investigations, significant progress has been made in securing funding from various silos for proposed improvements at the railway station, although the group would not wish to claim too much credit for this, as our work follows the earlier work of others, notably the joint efforts of the Task Force and Chamber of Commerce.

However, what has been extremely useful has been the opportunity to meet with the rail authorities, passenger user groups and other key parties e.g. Stagecoach to explain the full picture of needs and concerns at first hand, and to put the case to managers who have to make business cases for each of the allocations of monies for various stations and services from a defined pot of money available to First Great Western and Network Rail..

What has been demonstrated is the power of collective working to both promote the needs of Cheltenham and its economy and also proactively bid for funds, although we recognise that delivery will be entirely in the hands of the rail industry given that the station lies entirely within rail ownership. The latter point being a major advantage to deliver upgrades at Cheltenham Spa station as there are no land assembly barriers. It will be helpful for elected members to repeat this dialogue in the future, especially as there appears to be no formalised mechanism for consultation between the rail industry and local authorities.

#### **5.1.5 Consider if there are any wider 'integrated transport' issues**

Buses: Having met with the principal operator Stagecoach, the group had formed a number of conclusions:

- Stagecoach was committed to provide good/improving links particularly to the town centre and principle stops on routes D and 94, and to engage fully in future plans for the station, meaning that there would be better linkages to the 94 (Cheltenham-Churchdown Gloucester); there would also be better linkages to the Southbound 'D' (Bishops Cleeve Town –Hatherley/Warden Hill). Both of these should encourage modal shift.
- The group was keen for Stagecoach to re-appraise its overall offer in the light of a rebuilt station with a bus interchange – using this as an opportunity to remodel the whole route network to the advantage of all; Stagecoach included, with holistic network links across the rest of the town, particularly the west of Cheltenham. It was noted that the company has run a network which has been quite successful, and in practice is prepared to cross-subsidise services for the wider benefit of the network. However it was also noted that introduction of new routes are expensive, and recent experiments with new route 'B' to serve Cheltenham Spa Rail station had not been a success. The group would therefore encourage Stagecoach to revisit this opportunity, and encourage the Council and all stakeholders to explore how best to achieve an affordable integrated transport approach encompassing the station.
- The group noted agreeably that plus-bus schemes which utilise combined bus and train tickets already exist, not only as singles and returns but also as weekly and monthly tickets. This was not well known to the public, and the group urges the CBC, GCC and all stakeholders to give much more publicity to this facility, again with the aim to increase modal shift.
- Stagecoach and GCC had been testing a smartcard ticket, a multi-operator ticket which would allow travel in any zone(s). Again the group saw this as an excellent way to promote modal shift from private cars, but adequate promotion is essential for it to become widespread.

Cycle and pedestrian links: The group did not commit a great deal of time to this, as clearly much work of an overview and scrutiny nature had been committed by others, resulting in the successful Cycle-Rail bid and the promise of £733,000 to open up links at Lansdown Road. Nevertheless the group did review both cycle route maps, and the proposed new linkages. It was felt that the main issue at the station was the forecourt, upon which there was no segregation for cyclists, pedestrians, or indeed, buses and taxis. A reorganisation of the forecourt should address most the issues currently faced.

#### **5.1.6 Other relevant matters**

The group stressed that the main focus should be on Cheltenham Spa station and its ability to cope with the increased 2017/18 London train service, which was in itself a very

welcome development. This was not to say that other matters were unimportant but rather the focus should be on completion of Phase 1 and 2 improvements. Other matters which the group believes should remain on the agenda are as follows:

- On the north/south route, though train services are fairly frequent, there is concern that lack of route capacity may stifle traffic, and hence modal shift to rail in the future, with too high a proportion of traffic going by road.
- The rolling stock on some local services, particularly operated by Arriva trains, is life-expired, and should be a factor when this franchise is renewed.
- The train service to Worcester remains poor and is not addressed by recent proposals.
- The potential for future improvements through both electrification and re-signalling on the Bristol-Birmingham line is to be welcomed.

## **6 CONSULTATION**

- 6.1** During the course of this review we have consulted with various experts involved in this issue. The Leader and OneLegal were given the opportunity to review our draft report.

## **7 RECOMMENDATIONS**

- 7.1** Taking all our findings into consideration, the task group agreed a number of recommendations, namely that:

**Overview and Scrutiny Committee recommends to Cabinet:**

**1) To Authorise the Managing Director of the Cheltenham Task Force in conjunction with the leader of the Council to undertake the following tasks and to report progress to O&S in 12 months' time:**

- To proactively lobby the relevant parties for all the improvements in phase 1A and 1B as listed in the table set out in section [ 5.1.3 ] of the report.
- Being mindful of devolution, particularly the integration of transport, to continue dialogue with Gloucestershire County Council, Local Economic Partnership and others; in particular to pursue all possible opportunities to improve public transport links to/from Cheltenham Spa station.
- Publicise Smartcard and PlusBus opportunities in the area.
- In view of the fact that some funding levels and finalised proposals for all of the improvements to the station have not yet been announced, to keep O&S informed of any developments.
- To pursue opportunities for CBC to be represented in formal consultation processes to ensure that local interests are taken into account when relevant authorities make decisions relevant to CBC residents.

**2) To NOTE that whilst the service improvements announced by FGW are to be welcomed, it should be acknowledged, with concern, that a consequence of the increased services to London will be increased pressure on the rail network in the need to terminate additional trains. Thus Phase 2 will be even more necessary than it is at present.**



3) To NOTE the other relevant matters raised:

- On the north/south route, though train services are fairly frequent, there is concern that lack of route capacity may stifle traffic, and hence modal shift to rail in the future, with too high a proportion of traffic going by road.
- The rolling stock on some local services, particularly operated by Arriva trains, is life-expired, and should be a factor when this franchise is renewed.
- The train service to Worcester remains poor and is not addressed by recent proposals.
- The potential for future improvements through both electrification and re-signalling on the Bristol-Birmingham line is to be welcomed.

## 7.2 PROGRESSING THE RECOMMENDATIONS

In terms of the reference set for us by the O&S committee, we feel confident that these have been met.

<b>Report author</b>	<b>Councillor Roger Whyborn, Chair of the scrutiny task group</b>  <b>Contact officer: Saira Malin, Democracy Officer</b> <b>Saira.Malin@cheltenham.gov.uk, 01242 77 5153</b>
<b>Appendices</b>	1. The One page strategy for this review  2. Letter from Claire Perry MP to Alex Chalk MP of 17 June 2015
<b>Background information</b>	1. Council minutes (15 December 2014)

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## SCRUTINY REVIEW – ONE PAGE STRATEGY

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Cheltenham Spa Railway Station
Specific topic area	To review the issues arising from the renewal of the Great Western Franchise in 2016. The Leader has suggested that O&S may want to look at the potential issues that the council should be lobbying for as part of the new franchise. This would include understanding how this links to proposals to refurbish the station as well as transport links to the station and the rail service itself.
Ambitions for the review	<ul style="list-style-type: none"> <li>• Understand the franchise renewal process</li> <li>• Understand the implications of any improvements for Cheltenham station and the town as a whole</li> <li>• Understand how these issues are currently being progressed</li> <li>• Influence the decision makers regarding improvements that would benefit the station and the town</li> <li>• Consider if there are any wider 'integrated transport' issues</li> </ul>
Outcomes	A list of issues (improvements to the station, transport links and rail service itself) that should be considered as part of the renewal of the franchise for the benefit of Cheltenham and its residents
How long should the review take?	Approximately 6 months
Recommendations to be reported to:	Cabinet
FOR COMPLETION BY OFFICERS	
Members	Flo Clucas Dan Murch Max Wilkinson Roger Whyborn John Payne Chris Mason
Officers experts and witnesses	Jeremy Williamson
Sponsoring officer	Exec Board
Facilitator	Saira Malin
Cabinet Member	Leader of the Council
FOR COMPLETION BY THE SCRUTINY TASK GROUP	
Are there any current issues with performance?	It has been acknowledged that there are capacity issues relating to the car park and accessibility issues relating to the station in general. Members also want to consider operational issues and whether there is any economic impact on the town or county.
Co-optees	n/a
Other consultees	User groups (TravelWatch South West) Chamber of Commerce

	Network Rail and First Great Western Stagecoach West
Background information	Members want to establish an understanding of the issues and evidence the impact.
Suggested method of approach	Meetings will be arranged as required. Work on the response to the WRS will be undertaken by email given the timescales.
How will we involve the public/media? Or at what stages	Press release(s) will be made at appropriate times.



**Department  
for Transport**

Alex Chalk MP  
House of Commons  
London  
SW1A 0AA

From the Parliamentary  
Under Secretary of State  
**Claire Perry MP**

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: 0300 330 3000  
Fax: 020 7944 4521  
E-Mail: [claire.perry@dft.gsi.gov.uk](mailto:claire.perry@dft.gsi.gov.uk)

Web site: [www.gov.uk/dft](http://www.gov.uk/dft)

Our Ref:

17 JUN 2015

*Loe Alex*

Thank you for attending the tea room surgery I held on the 27 May, and I was interested to hear your thoughts on Cheltenham station, and train services between Cheltenham and Swindon. I thought that I should write to you to set out in full the current position and future plans for the station.

A multi-billion pound programme of national rail investment by Network Rail has already seen more than £5 billion pumped into projects benefitting passengers on the Great Western network. These include Crossrail, the electrification of more than 200 miles of track on the Great Western line, and the upgrade of Reading Station. The Great Western Main Line is also set to benefit from 57 state-of-the-art intercity express trains as part of the government's £5.8 billion Intercity Express Programme (IEP) from 2017.

There are already a number of direct services between Swindon and Cheltenham, and we currently expect these new IEP trains to provide an hourly Swindon – Cheltenham service from the December 2018 timetable change date. In addition, the recently published consultation draft of the western route study identified extending Swindon – Gloucester services to Worcester via Cheltenham as a possible way of meeting growing demand for Worcester services; we are working hard with Network Rail and First Great Western to evaluate the business case for this. We would certainly encourage the local authority to continue working with First Great Western to monitor the usage in order to assess demand.

In terms of Cheltenham station itself, we are aware that passenger numbers have more than doubled in recent years but is constrained by the station

<sup>1</sup><https://www.gov.uk/government/news/franchising-deal-to-boost-services-on-great-western-main-line>

<sup>2</sup><https://www.gov.uk/government/speeches/franchise-announcement>

building, which is largely Victorian, and facilities which struggle to cope with today's level of demand.

I am pleased to be able to confirm that a significant programme of investment and improvement worth approximately £10m is planned. This includes level access to the platforms via new lifts, additional passenger capacity, more retail space and a better interchange with other transport modes. Funding is being provided by the Department for Transport's Access for All, and Cycle-Rail funds as well as Gloucester Local Transport Board, and First Great Western. I trust that you and your constituents will welcome these planned improvements.

Thank you once again for your enquiry. I am sure you will join me in recognising that Great Britain's railways are a great success story. Our railway is the busiest it has been since the 1920s, we have some of the safest and most punctual rail services in Europe and we are carrying out the biggest programme of railway modernisation in a generation. Network Rail will spend over £38 billion on the railways over the next five years, allowing it to continue maintaining and enhancing the railway, not counting the massive investment in the new HS2 rail link. It really is an exciting time for railway users and it is part of this Government's commitment to reinvest the proceeds of economic recovery in world-class British infrastructure.

Yours,



**CLAIRE PERRY**

I am sure your constituents are delighted that you have picked up their rail concerns & quickly.

## Cheltenham Borough Council

### Cabinet

10 November 2015

## Scrutiny Task Group Review – Cycling and Walking Covering Report

<b>Accountable member</b>	Councillor Tim Harman, Chairman of Overview and Scrutiny Committee
<b>Accountable officer</b>	Rosalind Reeves, Democratic Services Manager.
<b>Executive summary</b>	<p>The Cycling &amp; Walking Scrutiny Task Group was initiated in September 2015 in order to identify opportunities for improving provision for cycling and walking in Cheltenham and to make recommendations which would facilitate these improvements.</p> <p>The scope of this topic is wide and the task group considered a range of evidence. They met with a variety of officers from the borough and county, as well as seeking advice from experts. They undertook a field trip to Bristol to see what could be achieved through implementing a cycling and walking strategy supported by a team of dedicated cycling officers at Bristol City Council.</p> <p>The group have made a number of recommendations to Cabinet which they believe will improve provision for cycling and walking across the borough. They acknowledge that the majority of the recommendations could only be implemented through partnership working so at this stage they would be looking for Cabinet's support in taking the recommendations to the next stage.</p> <p>The findings and recommendations of that Group are set out in detail in the attached Scrutiny Task Group Report and these recommendations were approved by the Overview and Scrutiny Committee at their meeting on the 26 October 2015. Some members however, did raise concerns in relation to some of the recommendations, but agreed that they be forwarded to Cabinet unchanged, for consideration.</p>
<b>Recommendations</b>	<b>To endorse the recommendations set out in Appendix 2.</b>

<b>Financial implications</b>	<p>No direct financial implications at this stage but a full assessment on the impact of 'car free' days in parts of the town centre will need to be undertaken.</p> <p><b>Contact officer: Paul Jones, Head of Finance</b>  <a href="mailto:paul.jones@cheltenham.gov.uk">paul.jones@cheltenham.gov.uk</a>, 01242 775154</p>
<b>Legal implications</b>	<p><b>Contact officer: Shirin Wotherspoon, Head of Law (Commercial)</b></p> <p><a href="mailto:shirin.wotherspoon@teWKesbury.gov.uk">shirin.wotherspoon@teWKesbury.gov.uk</a> 01684 272017</p>

<b>HR implications (including learning and organisational development)</b>	<p>No direct HR implications as a result of this report. Consideration should be given to whether training or development of staff may be helpful to ensure that collaboration and transport hierarchy are fully understood and actioned.</p> <p><b>Contact officer: Richard Hall, HR Business Partner</b>  <a href="mailto:richard.hall@cheltenham.gov.uk">richard.hall@cheltenham.gov.uk</a> 01242 77 4972</p>
<b>Key risks</b>	
<b>Corporate and Community Plan implications</b>	<ul style="list-style-type: none"> <li>Cheltenham's environmental quality and heritage is protected, maintained and enhanced;</li> <li>People live in strong, safe and healthy communities.</li> <li>We will work to promote healthy lifestyles across all communities in Cheltenham.</li> </ul>
<b>Environmental and climate change implications</b>	<p>Encouraging a shift from short car journeys to cycling and walking delivers benefits for the environment and climate change by cutting off the carbon emissions that would otherwise have been produced by those cars and reducing air pollution, thereby improving local air quality. This, in turn, promotes a more pleasant environment encouraging more people to switch.</p> <p>As the task group has highlighted, in order to maximise this shift it is important to consider walking and cycling as different forms of travel to ensure that provision for cyclists does not impact on provision for pedestrians. It is also important for the hierarchy of transport modes to be applied at an early stage in policy and planning decisions to ensure integrated provision and to maximise the opportunities for people to walk and cycle.</p> <p><b>Contact officer: Gill Morris, Client Officer</b>  <a href="mailto:Gill.morris@cheltenham.gov.uk">Gill.morris@cheltenham.gov.uk</a> 01242 26 4229</p>
<b>Property/Asset Implications</b>	none

## 1. Background

1.1 As set out in the report

## 2. Reasons for recommendations

2.1 The scrutiny task group was initiated following a request from a member of the committee and their rationale is set out in the report.

## 3. Alternative options considered

## 4. Consultation and feedback

## 5. Performance management–monitoring and review



- 5.1** The O&S Committee will schedule a follow up to determine the progress on implementing any recommendations agreed by Cabinet.

<b>Report author</b>	<b>Contact officer: Tess Beck, Democracy Assistant</b> <b>Tess.beck@cheltenham.gov.uk,</b> <b>01242 26 4130</b>
<b>Appendices</b>	1. Risk Assessment 2. Task Group Recommendations 3. Task Group Report
<b>Background information</b>	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 policies for walking and cycling are not included in the Cheltenham Plan, this will be a missed opportunity to influence future planning decisions		21/09/2015	3	3	9	Reduce				
	If more people are not encouraged to walk or cycle rather than use the car, congestion levels are likely to increase, alongside air quality problems.		21/09/2015	3	3	9	Reduce				

**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

OUTCOME	RECOMMENDATIONS	HOW THIS COULD BE IMPLEMENTED
Produce a strategy for cycling and walking	<ol style="list-style-type: none"> <li>1. Cheltenham Borough Council should endorse the Gloucestershire County Council Cycling Strategy (due to be adopted later this year) and seek to take on some of its recommendations.</li> <li>2. Produce a similar walking strategy for Cheltenham.</li> </ol>	<ul style="list-style-type: none"> <li>• Include in Cheltenham Plan</li> <li>• Create alongside Cheltenham Plan</li> </ul>
Improve cycle route permeability and cycle parking in areas both in and outside the town centre.	<ol style="list-style-type: none"> <li>3. Monitor the implementation of the Cheltenham Transport plan to ensure any barriers to cycling and walking in the town centre continue to be removed.</li> <li>4. Endorse Cheltenham &amp; Tewkesbury Cycling Campaign's wish list for improvements to Cheltenham's cycle network and assess the options for implementation.</li> </ol>	<ul style="list-style-type: none"> <li>• Future follow up from O&amp;S</li> <li>• Explore funding options within the council, GCC and external funding bids.</li> </ul>
Encourage more walking in the town by identifying and removing some of the barriers.	<ol style="list-style-type: none"> <li>5. Initiate a wish list for walkers in the borough similar to that produced for cyclists and review how it could be implemented.</li> <li>6. Undertake an assessment of benches along walking routes to ensure they are strategically positioned, well maintained and suitable for the elderly and disabled, and identify any opportunities for further provision.</li> <li>7. Undertake an assessment of guard rails and identify any that could be removed</li> </ol>	<ul style="list-style-type: none"> <li>• Commission local groups with assistance from Councillors working with their residents</li> <li>• In liaison with GCC</li> </ul>
Improve safety for walkers and cyclists	<ol style="list-style-type: none"> <li>8. Initiate a review to assess the appetite for a 20 mph across the town from residents, businesses and visitors and if need confirmed request GCC to conduct a more detailed feasibility study.</li> </ol>	<ul style="list-style-type: none"> <li>• Investigate funding opportunities from public health bodies to support the review and implementation</li> </ul>
Promote cycling and walking	<ol style="list-style-type: none"> <li>9. Produce guidelines for appropriate images of cycling and walking in Cheltenham Borough Council and Cheltenham Trust promotional material to ensure they are depicted as attractive and</li> </ol>	<ul style="list-style-type: none"> <li>• Work in partnership with Cheltenham Trust and GCC.</li> </ul>

	<p>normal activities for everybody</p> <p>10. Improve the Cheltenham.gov.uk page: Walking in Cheltenham</p> <p>11. Create a map of walking routes within the town and promote through website and Tourist Information Centre</p> <p>12. Appoint a cycling and walking champion Member Champion for CBC and seek an invitation from the GCC for them to join the GCC Cycle Forum.</p> <p>13. Cheltenham Borough Council should lead by example by devising and implementing its own green staff travel plan.</p> <p>14. Consider the introduction of Car Free Sundays. This would involve the shutting of defined town centre streets to traffic one Sunday per month to allow for community events, following the example of successful schemes elsewhere.</p>	<ul style="list-style-type: none"> <li>• Work with Cheltenham Trust</li> </ul>
Consider the needs of walkers and cyclists before other road users when making policy and planning decisions	<p>15. Incorporate the following in planning policy and guidelines</p> <p>i. At the start of any major project when the equality impact statement is carried out, the needs of cyclists and walkers should be considered (as two separate categories).</p> <p>ii. Cycling and walking are not the same mode and their needs should be considered separately in all policies and plans. The planning hierarchy of transport modes adopted by the JCS should also be adopted by the Cheltenham Plan and applied to planning and policy decisions.</p>	<ul style="list-style-type: none"> <li>• .</li> </ul>

	<table><tr><th colspan="2">Hierarchy of Transport Modes</th></tr><tr><td>Highest</td><td>1. Pedestrians and people with mobility difficulties 2. Cyclists 3. Public transport and social/ community services 4. Access by commercial vehicles 5. Ultra-low emission vehicles</td></tr><tr><td>Lowest</td><td>6. Other motorised vehicles</td></tr></table> <p>iii. Increased cycling provision should not be at the expense of walkers. Ideally cycle provision should not be on the footway. Where traffic speeds make it necessary, good quality segregation should be provided for bikes on the highway.</p> <p>iv. If people are to be encouraged to walk, pedestrians need to have an at least equal level of service as other methods of transport and positive provision of space and safe crossing points. Their needs should be considered in the design of all public space including car parks.</p> <p>v. Walking is a particularly important mode of transport for some groups of people such as those with visual impairment or other disabilities. The needs of these groups should be considered in planning and policy decisions.</p> <p>vi. The Cheltenham Plan will consider the inclusion of separate cycling and walking policies.</p>	Hierarchy of Transport Modes		Highest	1. Pedestrians and people with mobility difficulties 2. Cyclists 3. Public transport and social/ community services 4. Access by commercial vehicles 5. Ultra-low emission vehicles	Lowest	6. Other motorised vehicles	<ul style="list-style-type: none"><li>Cheltenham Borough Council should push for a more collaborative approach on street design, working across disciplines and departments and also across councils (County and Borough).</li></ul>
Hierarchy of Transport Modes								
Highest	1. Pedestrians and people with mobility difficulties 2. Cyclists 3. Public transport and social/ community services 4. Access by commercial vehicles 5. Ultra-low emission vehicles							
Lowest	6. Other motorised vehicles							
Improve street design for cyclists and walkers	<p>16. Consider the needs of walkers and cyclists in street design</p> <p>17. A cycling and walking working group should be created to provide input into projects.</p> <p>18. Develop a collaborative approach on street design, working across disciplines and across the borough and county council.</p>	<ul style="list-style-type: none"><li>This could operate in a similar way to the accessibility working group with Wilf Tomaney as the facilitator</li></ul>						

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## SCRUTINY TASK GROUP REPORT

### CYCLING & WALKING



Photo courtesy of Thinktravel.

## 1. INTRODUCTION

- 1.1 A review of cycling and walking in Cheltenham was initiated by Overview and Scrutiny in September 2014 in response to a request by Councillor Max Wilkinson. Cheltenham is well placed to foster a cycling and walking culture. There is also an acute need to reduce congestion and improve air quality within the borough. A shift from driving to cycling or walking will benefit the health and fitness of residents and help to tackle health inequalities.
- 1.2 The review supports Cheltenham Borough Council's Corporate Strategy outcomes that:
- Cheltenham's environmental quality and heritage is protected, maintained and enhanced; and
  - People live in strong, safe and healthy communities.
- And the Cheltenham Partnerships' action plan<sup>1</sup> priority:
- We will work to promote healthy lifestyles across all communities in Cheltenham.
- 1.3 Nationally, there is a commitment to investment in promoting cycling, with the Department for Transport (DfT) publishing a Cycling Delivery Draft plan for consultation in October 2014<sup>2</sup> (despite the name, it did also include mention of walking). The government has pledged to double the number of journeys taken by bicycle and pledged £200million to making cycling safer<sup>3</sup>. The Infrastructure Act 2015<sup>4</sup> has committed the government to producing a cycling and walking investment strategy (CWIS).
- 1.4 This report sets out the findings and recommendations arising from the scrutiny review by the scrutiny task group.

## 2. MEMBERSHIP AND TERMS OF REFERENCE

- 2.1 Membership of the task group:
- Councillor Max Wilkinson (chair);
  - Councillor Tim Harman;
  - Councillor Adam Lillywhite; and
  - Councillor Suzanne Wilkinson.
- The group also included co-optees who fully participated in the review, producing and evaluating evidence, and they have demonstrated the value they can add to the scrutiny process:
- John Mallows of Cheltenham & Tewkesbury Cycling Campaign (C&TCC);
  - Bronwen Thornton of Walk21; and
  - John Newbury of Living Streets.
- 2.2 Terms of Reference agreed by the Overview and Scrutiny Committee
- Develop a wish list of improvements to cycle provision in Cheltenham;\*
  - Submit proposals that will enhance the cycling and walking provision in the town centre for consideration by Gloucestershire Highways as part of the town centre development;
  - Promote cycling and walking in the town and the associated benefits (including health);
  - Consider opportunities for walking and cycling as part of a Borough Council staff green travel plan;
  - Submit proposals to the Borough Council and County Council for policy development in both planning and transport;
  - Submit proposals on street design principles to help promote cycling and walking; and
  - Feed into the Cheltenham Plan.

\* As the task group covers walking as well as cycling, there should also be a wish list of improvements to the



walking environment.

### **3. METHOD OF APPROACH**

- 3.1** The task group met on eight occasions and a site visit was undertaken to Bristol to see examples of good practice in cycling infrastructure and promotion. Some members went on a walkabout in Cheltenham to look at the walking environment from a pedestrian point of view, in the manner of a street audit. Members of the task group also attended presentations on 20's plenty (a national campaign to reduce speed in urban areas) and the Gloucestershire local transport plan consultation.
- 3.2** The group heard evidence from a range of people, namely:
- Chris Riley from Gloucestershire Highways;
  - Howard Barber, Public Space Designer at Cheltenham Borough Council;
  - Mark Power, Gloucestershire Highways Development Manager;
  - Martin Chandler, Planning Applications Team Leader;
  - Sue Bushell from Guide Dogs;
  - Marc Gulwell from Insight; and
  - Rowena Tassell, Healthy Lifestyles Development Officer at the Cheltenham Trust.
  - We were supported in the review by the following officers:
  - Tess Beck – Democratic Services Assistant : Facilitator for the task group
- 3.3** Members would like to thank all of the officers who attended meetings and contributed to the review, especially Wilf Tomaney, Townscape Manager, Rhonda Tauman, Transport Projects Officer, James Brain, Senior Planning Policy Officer, Malcolm Walls, Community Parks Officer, and Richard Cornell and Thomas Evans, Gloucestershire Local Sustainable Transport Fund Programme Managers.
- 3.4** Members would also like to thank Gloucestershire County Councillor Iain Dobie for his updates on progress with the County Council's work on barriers to cycling.
- 3.5** The task group reviewed a variety of evidence including:
- Baseline figures for walking and cycling to help set the local and current context;
  - Current initiatives in Cheltenham to support walking and cycling;
  - Barriers to walking and cycling in Cheltenham;
  - Consideration of walking and cycling by Gloucestershire Highways;
  - Consideration of walking and cycling in the planning process;
  - The needs and concerns of blind and visually impaired people;
  - Policy options for walking and cycling; and
  - Promotion of walking and cycling.

### **4. ROLES AND RESPONSIBILITIES**

- 4.1** It may be helpful to clarify the roles and responsibilities of those mentioned in the report in the context of this review
- 4.2** **Gloucestershire County Council** has responsibility for Highways design and maintenance in

Cheltenham.

- 4.3 Local Sustainable Transport Fund (LSTF)** is funded from the Department for Transport. This is delivered locally through Gloucestershire County Council in partnership with other local authorities and organisations. Projects funded include the Thinktravel initiative promoting smarter travel choices and the Cheltenham Transport Plan.
- 4.4 The Cheltenham Trust** was created in October 2014. It is a charitable trust contracted to promote physical recreation and healthy lifestyles on behalf of Cheltenham Borough Council. The Trust's Healthy Lifestyles team works across the borough encouraging people of all ages to be more active.
- 4.5 Cheltenham Borough Council** has responsibility for planning decisions within the borough, townscape design in the town centre, and Development Plan Documents such as the Joint Core Strategy (JCS) and the Cheltenham Plan. As a commissioning council it sets objectives for the Cheltenham Trust to deliver. It works with Gloucestershire Highways to commission improvements to roads and pavements in Cheltenham.
- 4.6 Cheltenham & Tewkesbury Cycling Campaign (C&TCC)** is a local group campaigning for improved cycling provision within and around Cheltenham. It works closely with the local authorities identifying barriers and opportunities for improvement. The Campaign is a member of UK's Cyclenation, of which John Mallows is a director.
- 4.7 Walk21** is an international organisation promoting walking around the world, chiefly through a series of international conferences and policy projects. We are fortunate that one of its directors, Bronwen Thornton, lives in Cheltenham and has given us her time and expertise.
- 4.8 Living Streets** is a national charity campaigning to make streets better for pedestrians, and leads on national campaigns such as 'Walk to School Week'

## 5. OUR FINDINGS

- 5.1 The reasons why Cheltenham Borough Council should promote walking and cycling.**
  - 5.1.1** Cheltenham suffers from high levels of congestion especially at peak times, and the whole borough has been designated an Air Quality Management Area (AQMA) due to the pollution levels from vehicle emissions. Cheltenham has a higher proportion of adult deaths attributable to air pollution from traffic than the UK average. Although the proportion is lower than cities like Bristol and Swindon, it is still higher than any other local authority area in Gloucestershire and third highest in the South-West region<sup>5</sup>. Encouraging residents to make short trips by bike or on foot rather than in the car would help to reduce both congestion and pollution. It will also reduce road danger and traffic noise
  - 5.1.2** Cheltenham is a town which lends itself to cycling and walking on a number of levels. The historic town estates create an urban form which is easily walkable for fit adults, thanks to a permeable street layout, manageable distances and a relatively easy topography. The town as a whole should be easily capable of supporting cycling for similar reasons.
  - 5.1.3** Cheltenham is often described as a 'town within a park' with many green spaces which create a pleasant environment for walking and cycling. Walking and cycling enable everyone to participate in and enjoy the outdoor environment and maintain independent mobility, especially young adults

and older residents.

- 5.1.4** Cycling and walking help to sustain and grow the local economy. Walking and cycling have been shown by a number of studies to contribute to local spend<sup>6</sup>, with walkers and cyclists making more frequent visits to shops and spending more in the local economy.
- 5.1.5** A switch to more active forms of travel such as walking and cycling of travel will improve the health and physical fitness of individuals. Increasing physical activity levels reduces the risk of many diseases and disorders as well as promoting mental wellbeing. For older people, it helps to maintain cognitive function, bone density and independence.
- 5.1.6** Walking and cycling provide more opportunities for social interaction and help to reduce social exclusion, as well as putting more 'eyes on the street' that contributes to crime reduction and community safety.
- 5.1.7** Local authorities are expected to take an active role in promoting walking and cycling on the recommendations of the National Institute for Health and Care Excellence (NICE)<sup>7</sup> and Gloucestershire NHS<sup>8</sup>

## **5.2 Base Line Data**

- 5.2.1** Bi-annual surveys of cycling levels carried out by Cheltenham & Tewkesbury Cycling Campaign (C&TCC)<sup>9</sup> and ongoing monitoring of key cycle routes by the LSTF indicate no significant overall change in cycling levels between 2002 and 2012. Anecdotally, cycle parking is well used.
- 5.2.2** Figures from the Department for Transport 2013-2014 Walking and Cycling Statistics<sup>10</sup> (see Appendix 3) show 26% of Cheltenham adult residents cycle at least once a month which is in the top ten of local authorities nationally, and shows a significant increase on previous years. The proportion of people cycling more frequently and for utility purposes is lower and has not shown similar levels of growth, so there is room for improvement.
- 5.2.3** The number of residents who walk at least once a month (definition of walking is for more than 10 minutes) is 90% which is above the national average, and which indicates that most people who can walk do walk at least once a month. 53% of Cheltenham residents walk at least five times a week, which is also higher than both the national and the county average<sup>11</sup>.
- 5.2.4** Parking reviews in South Cheltenham in 2011<sup>12</sup> showed that 20% of car journeys started and finished in a c.1km radius. As a result the LSTF commissioned a personal travel planning (PTP) intervention which consisted of a combination of face to face travel planning advice and the provision of travel information literature. This resulted in a net reduction in the number of car journeys, with walking being the most popular alternative<sup>13</sup>. This demonstrates there is the opportunity to encourage more residents to walk and cycle in Cheltenham.

## **5.3 Barriers to cycling in Cheltenham identified by C&TCC**

- 5.3.1** John Mallows was able to update the group on the summary of barriers to cycling which had recently been compiled by C&TCC for Gloucestershire County Council. This contributed to the county council's report on Barriers to Cycling in Gloucestershire, published in November 2014<sup>14</sup>. A significant amount of funding has since been secured within the county council for more in depth feasibility studies and potential delivery of priority arterial cycle routes in Gloucestershire.

Cheltenham would be the ideal location to trial the delivery plan before rolling it out to other areas.

- 5.3.2** Principal barriers in Cheltenham include roundabouts, particularly those at Kingsditch (A4019), Princess Elizabeth Way (A40), Westall Green, Old Bath Road (x2), Hatherley Way (A46) and the Racecourse (A435). Also various one way streets which mean cyclists cannot go by the most direct route.
- 5.3.3** Policy barriers to cycling included the priority given to motor vehicle movements. The increasing volume and speed of motor vehicles make cycling less attractive and less safe. The location of housing in relation to services creates distances and routes that are beyond most people's cycling range. There is insufficient integration with public transport.
- 5.3.4** Key barriers to cycling in the town centre have already been addressed in the Cheltenham Transport Plan which was recently approved by Gloucestershire County Council. This lifts restrictions on cycling in traffic free areas of the High Street and Promenade and has introduced a number of contraflow cycle routes, both of which will improve permeability.
- 5.3.5** The group believed that depiction of cycling in promotional material could be a potential barrier for people choosing to take up cycling. Depiction of walkers and cyclists should emphasise the positive aspects of cycling and walking. Cyclists should be wearing normal clothes rather than lycra and helmets. Terms to avoid include: safety, congestion, pollution, helmets, sports, special clothes and equipment, and even the word cyclist.
- 5.3.6** The group agreed that images of walkers should not be limited to ramblers in hiking boots, the very young and very old, but should show a range of ages and abilities, and the interactive, social dimensions of walking, not just putting one foot in front of the other.
- 5.3.7** Publicity for both modes should focus on convenience, health, fun and reliability. Although cost-saving is relevant, cycling and walking should be seen as aspirational activities rather than a necessity for the less well off.
- 5.4 Barriers to walking in Cheltenham identified by Bronwen Thornton of Walk 21**
  - 5.4.1** In Bronwen's view Cheltenham has the advantage of being very walkable due to its scale and geography. The attractiveness of its architecture, tree lined streets and parks, shops and public art all help to enhance the walking experience. However, especially outside the town centre, pedestrian movement is often compromised in favour of vehicle movement.



Pedestrian and cycle crossing at junction of Lansdown Road, Hatherley Road and Queens Road. Pedestrians and cyclists are corralled into a narrow fenced off area and have to cross on two phases of lights.

- 5.4.2** Walking is a very important local means of transport. Almost everybody can walk, and walking forms a part of most journeys. Walking is also the most popular modal shift for shorter journeys, as evidenced by the south Cheltenham PTP intervention. However, cars dominate the physical landscape, and their needs tend to be prioritised making drivers complacent. Bronwen gave Westall Green junction and crossing as an example of this. If you are inviting people to walk you need to give them at least the same level of service as motorised traffic and not just in the town centre.
- 5.4.3** Many pavements are in poor condition, with uneven surfaces, often too narrow and without drop kerbs. This is a particular barrier to older people and those with reduced mobility, as well as parents with small children. These are the groups who more often rely on walking to maintain independent mobility.
- 5.4.4** It was felt that newer housing developments have failed to deliver walkable neighbourhoods. Especially on the outskirts of Cheltenham, loops of cul-de-sac development, ring roads and big box stores have promoted the idea that a vehicle is needed to reach your destination, even when the geographical distance is not great.
- 5.4.5** The school run creates a lot of short car journeys, and provides an opportunity to promote the health and social benefit of walking to school. Ironically, fear of traffic is one of the reasons many children do not walk to school<sup>15</sup>. Possible solutions include vehicle exclusion zones, more positively marketed as park and stride.
- 5.4.6** Cycling and walking are often jointly promoted, both being banded together as active travel<sup>16</sup>. They do both share the advantages of a low environmental impact and reducing congestion, as well as increasing physical activity levels. But thinking of them together leads to similar physical provision, often causing provision for cycling to impede on pedestrian space. The committee were agreed that walking and cycling are not the same and need to be treated differently. Local transport plans and strategies should have specific and separate sections and policies for walking and cycling.
- 5.4.7** The committee are agreed that, with very few exceptions, cycles should be on the carriageway,

not on the footway. The committee also recognised that to encourage more cycling, provision on the highway needs to be clear and safe space for bicycles.

The group has made a number of recommendations to facilitate pedestrians in response to the Local Transport Plan consultation:

- That pavement railings are removed where possible to encourage the free movements of pedestrians;
- Pedestrians should be enabled to cross roads in places they find convenient rather than being considered as a secondary thought after the convenience of traffic;
- Pavement parking should be discouraged as this discourages walking and is particularly discriminatory to those who use wheelchairs or have other mobility problems, as well as parents with prams;
- For pensioners, the condition of pavements is a key factor in influencing both sustainable transport use and also social inclusion. Poorly maintained pavements discourage the elderly from walking which in turn can lead to exclusion; and
- The St Margaret's Road traffic light trial should be reconsidered, as anecdotal evidence suggested that it was a success from a pedestrian perspective.

### **5.5 20's Plenty**

**5.5.1** Members of the group, other Members, officers and members of the public attended a presentation by Rod King of the 20's Plenty Campaign. Research has shown a significant increase in both walking and cycling in 20mph zones. A study in Bristol showed an average increase of over 20% in both cycling and walking<sup>17</sup>. The group recommends that Cheltenham follow the example of several other towns and cities and introduces a default 20mph speed limit. Higher speeds are then sign-posted only where appropriate.

**5.5.2** Cheltenham's AQMA Action Plan supports the reduction of the urban speed limit to 20 mph in some areas to improve air quality<sup>18</sup>. As the 20 mph speed limit has benefits for public health from both improved air quality and increased physical activity levels, it has been funded from local public health budgets in some parts of the country. Some major arterial roads would be exempt from this default. Other roads, such as the High Street, would have an even lower speed limit. In practice, the actual change in traffic speeds may not be as much as prescribed, but there will be some reduction, and the reduced speed limit would give reassurance to cyclists and walkers. It should also lead to a reduction in acceleration which has a negative effect on both air quality and noise.

**5.5.3** This recommendation was included in the group's response to the Gloucestershire Local Transport Plan consultation which was agreed by Cabinet in April 2015.

**5.5.4** The group realises that to achieve compliance and acceptance of a lowered speed limit, there should be local buy in. Therefore they believe there should be public consultation before any imposition of the lower speed limit. In other parts of the country, where a 20 mph limit has been implemented, it has not been lifted and where trials have taken place, the limit has not been raised at the end of the trial (except for individual roads).

### **5.6 Gloucestershire Local Transport Plan Consultation**

**5.6.1** Members of the group attended a Members' Briefing on the Gloucestershire County Council Local Transport Plan in March 2015. The group's response to that consultation (see appendix) was

included in the Cheltenham Borough Council response<sup>19</sup> to the consultation agreed by Cabinet in April 2015. A revised Local Transport Plan will be put out for a second round of consultation in November 2015, with plans for its eventual adoption in May 2016.

### **5.7 Highway design**

- 5.7.1** Chris Riley from Gloucestershire Highways came and met with the group to discuss highway design and how that could facilitate cycling and walking.
- 5.7.2** Any major improvements such as pavement widening could only be undertaken as part of a wider scheme as there is no funding available otherwise. But some minor changes such as road markings could be possible, and it is possible to do trials as was done at the top of Bath Road. Group members suggest that the use of white paint to 'remake the space' could be a powerful and cost-effective means of addressing some critical concerns in the short term.
- 5.7.3** The move for cycle provision has moved away from containment to including cycle provision in the overall design. Gloucestershire County Council has already resolved that cycling and cycle parking is considered as part of all highways schemes.
- 5.7.4** The aim to facilitate pedestrian movement and road crossings has been taken into account in the Cheltenham Transport Plan. The favoured approach is to look at where people want to cross and see what can be done to facilitate that. There are still a number of railings around Cheltenham for historic reasons, which no longer required by DfT guidelines. Where there is no safety argument for retaining the railings, someone needs to have the courage to initiate their removal.

### **5.8 Shared spaces**

- 5.8.1** The removal of the ban on cycling on pedestrianised parts of the High Street and Promenade is essential to enable cycle permeability of the town centre, and underpins the Cheltenham Transport Plan and LSTF bid.
- 5.8.2** The task group met with representatives of Insight Gloucestershire and Guide Dogs. Walking is an essential method of transport for blind and visually impaired people and the walking environment is fundamental to independent mobility. The needs of this group include clearly demarcated footpaths and controlled crossings. There is understandable concern by this group about sharing space with cyclists. The group agrees that with limited exceptions, cycles should be on the carriageway, not on the footway.
- 5.8.3** There is potential for conflict in the non-motorised areas of the High Street and Promenade. The Promenade does have a marked space for vehicle movement which could possibly be employed in the High Street. The movement of most shoppers is not linear, though that of cyclists is likely to be. Decisions over demarcation of space in these areas should take into account the needs of blind and visually impaired people. Cyclists should be made aware of the needs of other users – though this will not mitigate for anti-social cyclists.
- 5.8.4** The group heard from Howard Barber, CBC Public Space Designer, that there has been a move away from fully shared space without demarcated areas for traffic. This has been in response to the needs of people with disabilities. However shared space is still attractive to developers who mistakenly perceive it as a means to create less public space.
- 5.8.5** Howard Barber has established an accessibility working group who are assembled on an adhoc basis to give their views on major projects. Marc Gulwell of Insight who attended the scrutiny

committee is part of this group. Projects the group have been involved in include plans for the town centre and Lower High Street, and more recently the group went to the railway station to look at access and signage. Wilf Tomaney would like to create an equivalent working group of walking and cycling experts.

- 5.8.6** At the start of any major project an Equality Impact Assessment is carried out. Howard Barber suggested that the needs of cyclists and walkers (as two separate groups) could be considered at the same time, and this was agreed by the group.

### **5.9 Creating Streets for Cycling and Walking**

- 5.9.1** Wilf Tomaney, Townscape Manager, emphasised that attractive streets were essential to encouraging more people to walk and cycle. People are attracted to beautiful and interesting places, which are safe - both from crime and traffic danger; they shy away from ugly, dangerous places. Cheltenham has tree-lined streets, lined with buildings which overlook them and a selection of attractive parks and gardens strategically located around the town. This gives it a head-start in delivering a place to walk and cycle around. The values of creating beautiful streets and spaces should not be underestimated in delivering walking and cycling to the town - we should be creating streets and places where people want to be and where they want to linger. Planting, surface materials, public art, benches, attractive buildings, shade, water, visual stimulation are all valuable tools in delivering this

- 5.9.2** Street and space design must be supported by a multi-disciplinary approach and ongoing maintenance. This requires collaboration between engineers, architects, landscape architects, police, and local authorities in delivering street-scene and highway design. The group members who went to Bristol saw the results of this collaborative approach.

### **5.10 Planning**

- 5.10.1** The group met with Mark Power of Gloucestershire County Council Highways and Martin Chandler, Cheltenham Borough Council Applications Team Leader.
- 5.10.2** Mark Power's role is to respond to significant planning proposals on behalf of Gloucestershire Highways as a statutory consultee. He stated that highways have the power to suggest improvements or conditions, but that all conditions must be reasonable, related and viable. He considers that large developments give more opportunity for improvements and imaginative thinking as there is more money to spend. In his view, in smaller developments, the money and attention needs to go to the mode of transport that will cause most (negative) impact (i.e. motorised vehicles).
- 5.10.3** Responses have to be in the context of National Planning Policy Framework (NPPF), and any local policy documents such as the Local Transport Plan, JCS and the Cheltenham Plan. The more current a document, the more weight it will carry. Any policies must stand up to legal scrutiny.
- 5.10.4** Influencing developers remains a challenge. Although Highways are not involved until later in the process, there is the possibility of Cheltenham Borough Council having some influence at the pre-planning stage. Martin Chandler is re-introducing the 'Design Surgery', and has invited John Mallows to join the panel on a trial basis.
- 5.10.5** The group had concerns about the permeability of many residential developments, especially on



the outskirts of Cheltenham, e.g. Up Hatherley and Warden Hill. These areas tended to be very car-centric, as the direct routes preferred by walkers and cyclists were not available. Martin suggested that the police would be concerned about open-ended street layouts that hinder enforcement. Building in permeability would require attention to Crime Prevention through Environmental Design (CPTED) principles and building out this concern.

**5.10.6** Both CBC planning and Highways consulted with C&TCC on plans with regard to cycling. There is as yet no equivalent organisation for them to consult with on walking.

**5.10.7** Wilf Tomaney suggested that the hierarchy proposed by policy SD5<sup>20</sup> of the JCS be applied to all policy and planning decisions, and the needs of walkers and cyclists should be considered before other road users. Walking should come before cycling in the hierarchy because almost everyone walks at some time, and most people will do part of any journey on foot.

Hierarchy of Transport Modes	
Highest	<ol style="list-style-type: none"> <li>1. Pedestrians and people with mobility difficulties</li> <li>2. Cyclists</li> <li>3. Public transport and social/ community services</li> <li>4. Access by commercial vehicles</li> <li>5. Ultra-low emission vehicles</li> </ol>
Lowest	<ol style="list-style-type: none"> <li>6. Other motorised vehicles</li> </ol>

**5.10.8** The group agreed that the hierarchy of planning adopted for the JCS should also be adopted by the Cheltenham Plan.

## 5.11 Planning Policy

**5.11.1** James Brain, Senior Planning Policy Officer, has attended almost all the meetings of the scrutiny task group and taken note of what has been discussed. He considered that the proposals made are achievable within the Cheltenham Plan and will consider the inclusion of separate walking and cycling policies. When the policy has been drafted, he would like to reconvene the group to review it.

**5.11.2** James suggested that a corporate strategy or suite of strategies would help support the Cheltenham Plan. A strategy would lend more detail to the policies contained in the plan, and would provide significant weight to the direction and content of planning policy as well as support wider spatial strategies (networks) for walking and cycling. He suggested the group looked at creating separate cycling and walking strategies as have been done in Bristol, and possibly an additional public realm strategy to cover the town centre. Specific strategies could also form the basis for future funding bids. The group supported this proposal

**5.11.3** Gloucestershire County Council's Cycling Strategy for Gloucestershire is currently at the draft stage. It is likely to be finalised and adopted in 2015/16.

## 5.12 Cheltenham Borough staff green travel plan

**5.12.1** Money raised from CBC staff parking charges is collected to fund a green travel plan and officers have been assigned to develop it. A green travel scheme could include the provision of facilities and incentives or personalised travel planning. The results should be monitored. In the event of moving out of the Municipal Offices, it should be ensured that any new premises provides suitable

facilities for walking and cycling, and can be easily accessed by residents, members and staff on foot or by bike.

### **5.13 Promotion of walking and cycling.**

**5.13.1** Rowena Tassell from the Cheltenham Trust told the group about the success of the Walk Well Health Walks. These are volunteer led, very popular and very sustainable, the main costs to the Trust being that of producing and printing the walk programmes. The Trust is attempting to introduce the same sort of scheme for cycling, but that is still at an early stage and so far take up has been slow. Both schemes are promoted through the exercise on prescription scheme and are open to all.

**5.13.2** The Local Sustainable Transport Fund (LSTF) currently has responsibility for promotion of sustainable transport in Gloucestershire. Its current emphasis is on travel planning, with workplaces and around stations. They support national promotions such as walk to school week and bike week. Active travel is promoted through the Thinktravel website [www.thinktravel.info](http://www.thinktravel.info). They have funding until March 2016, when ownership of the Thinktravel brand will pass to the Integrated Transport Unit for maintenance.

**5.13.3** In the group's opinion, there was a missed opportunity to promote walking on the Cheltenham.gov.uk website which, apart from the health walks, mostly refers to walking outside Cheltenham. There is also currently no walking map of Cheltenham, though this could be a possibility in the future with plans for a new suite of maps (in partnership with the Tourist Information Centre). A partnership with the Walkit website could be considered as this would also be used to promote health walks and themed walks on behalf of the Trust.

**5.13.4** Open Streets events where an area of the town is closed to traffic on one Sunday a month were discussed, similar to Open Streets events in London or Make Sunday Special in Bristol. This would encourage people to walk and give an opportunity for traffic-free cycling.

### **5.14 Fieldtrip to Bristol**

**5.14.1** Members of the group took a trip to Bristol to meet with cycling campaigners and council officers responsible for cycling. Many of the infrastructure changes are fairly recent as Bristol has benefitted from funding from Cycling City designation (2011) and the Cycle City Ambition grant which has made a number of improvements possible. Before this there was a tolerance of cyclists using shared traffic free spaces which enabled permeability and offered the opportunity to cycle away from motorised traffic. Bristol City Council has a dedicated cycle team. The group were impressed by the number of people riding bikes, most of whom did not wear helmets, and the respect shown to cyclists by other road users. The recently introduced 20 mph speed limits meant roads were calmer and members felt more comfortable cycling in traffic.

### **5.15 Funding**

**5.15.1** The LSTF has no funding for infrastructure and most of its funding has already been allocated. At the time of writing there was £5-10K available to be spent by March 2016 but that is likely to be gone soon. There are also small pots of funding held by the Townscape department at Cheltenham Borough Council. Many County Councillors had funding available from their Active Together funds, and they also had small Highways budgets. Another potential funding source was the Health Inequalities Funding administered by Richard Gibson. The CBC Environmental Fund had also been used to fund some cycling projects.

- 5.15.2** Wilf Tomaney pointed out that projects needed to be sufficiently funded. If there is insufficient budget, the project should be cut to match the budget. Adequate maintenance budgets also need to be in place.

## **6. CONSULTATION AND FEEDBACK**

- 6.1** Walking and cycling straddle a number of Cabinet portfolios: Healthy Lifestyles; Leader; but chiefly Development and Safety. The group chair kept the Cabinet members updated throughout the process.

## **7. RECOMMENDATIONS**

- 7.1** This has not been straightforward as many of the issues discussed have not been within Cheltenham Borough Council's remit. For this reason, and for budgetary reasons many of our recommendations have concentrated on influencing policy rather than infrastructure.

- 7.2** Taking all these findings into consideration, the task group are making the following recommendations to Cabinet:

- i. Rec 1: Identify opportunities for improving cycle route permeability and cycle parking in areas outside the town centre.** A lot of work has been done on removing barriers within the town centre and most of these proposals have been included in the Cheltenham Transport Plan. There is still work to be done outside the centre.

- i. Cheltenham Borough Council should endorse Cheltenham & Tewkesbury Cycling Campaign's wish list for improvements to Cheltenham's cycle network. Once agreed, the authority should put aside funds each year to pay for the items suggested, or proactively identify and bid for funds to pay for the suggestions and encourage the County Council to do the same. These could be added to a costed wish list of improvements, which could then be added to Community Infrastructure Levy (CIL) 123 lists or included in funding bids.

- ii. **An equivalent exercise should be undertaken for walking.** Councillors should work with residents and walking experts to draw up a wish list of improvements for residents. Locations should be identified for benches and funding identified for maintenance.

- ii. Rec 2: Gloucestershire County Council should investigate and engage with Cheltenham residents in order to promote a borough wide 20mph default speed limit to make the environment safer and more attractive to walkers and cyclists.** A default speed limit does not mean that all roads will have a 20mph limit. Selected roads will have a higher speed limit, and a few may have an even lower limit. The Council should also investigate the possibility of securing additional funding for this from public health budgets.

- iii. **Rec 3: Gloucestershire County Council should undertake an assessment aimed at removing guard rails, which are a key barrier to walking and encourage faster vehicle speeds.**
- iv. **Rec 4: Benches should be strategically positioned along routes to allow people to rest – on inclines, at attractive view points, at nodal points on the street and transport network (bus stops in particular.** Benches are an important part of any walking strategy, for elderly and disabled people in particular. They need to be well maintained and comfortable.
- v. **Rec 5: Cheltenham Borough Council should work with the Cheltenham Trust and Gloucestershire County Council to promote cycling and walking within Cheltenham, especially once Thinktravel loses its LSTF funding in 2016.**
  - i. Images of cycling and walking in Cheltenham Borough Council and Cheltenham Trust promotional material should depict them as attractive and normal activities for everybody.
  - ii. The Cheltenham.gov.uk page: *Walking in Cheltenham* should be improved to promote walking within the borough.
  - iii. Cheltenham Borough Council should work with Cheltenham Trust to create maps of walking routes within the town.
- vi. **Rec 6: The needs of walkers and cyclists should be considered before other road users when making policy and planning decisions, and their needs should be considered at the start of any major planning project.**
  - i. At the start of any major project when the equality impact statement is carried out, the needs of cyclists and walkers should be considered (as two separate categories).
  - ii. Cycling and walking are not the same mode and their needs should be considered separately in all policies and plans.
  - iii. The planning hierarchy of transport modes adopted by the JCS should also be adopted by the Cheltenham Plan and applied to planning and policy decisions.

Hierarchy of Transport Modes	
Highest	<ol style="list-style-type: none"> <li>1. Pedestrians and people with mobility difficulties</li> <li>2. Cyclists</li> <li>3. Public transport and social/ community services</li> <li>4. Access by commercial vehicles</li> <li>5. Ultra-low emission vehicles</li> </ol>
Lowest	<ol style="list-style-type: none"> <li>6. Other motorised vehicles</li> </ol>

- iv. Increased cycling provision should not be at the expense of walkers. Ideally cycle provision should not be on the footway. Where traffic speeds make it necessary, good quality segregation should be provided for bikes on the highway.
- v. If people are to be encouraged to walk, pedestrians need to have an at least equal level of service as other methods of transport and positive provision of space and safe crossing points. Their needs should be considered in the design of all public space including car parks.
- vi. Walking is a particularly important mode of transport for some groups of people such as those with visual impairment or other disabilities. The needs of these groups should be considered in planning and policy decisions.
- vii. The Cheltenham Plan will consider the inclusion of separate walking and cycling policies.
- vii. **Rec 7: A cycling and walking working group should be created to provide input into projects.** This could operate in a similar way to the access working group with Wilf Tomaney as the facilitator.
- viii. **Rec 8: Cheltenham Borough Council should endorse the Gloucestershire County Council Cycling Strategy and draw up its own walking strategy.** The Gloucestershire County Council Cycling Strategy is likely to be adopted this municipal year. Cheltenham Borough Council could resolve to endorse it and take on some of its recommendations. There is no equivalent County Council strategy for walking, which strengthens the case for CBC producing its own walking strategy.
- ix. **Rec 9: Cheltenham Borough Council should select a cycling and walking champion from its members.** This member could represent CBC on the GCC Cycle Forum.
- x. **Rec 10: Cheltenham Borough Council should lead by example by devising and implementing its own green staff travel plan.**
- xi. **Rec 11: Cheltenham Borough Council should consider the introduction of Car Free**

**Sundays.** This would involve the shutting of defined town centre streets to traffic one Sunday per month to allow for community events, following the example of successful schemes elsewhere.

- xii. **Rec 12: Cheltenham Borough Council should push for a more collaborative approach on street design, working across disciplines and departments and also across councils (County and Borough).**

## **8. TAKING FORWARD THE RECOMMENDATIONS FROM SCRUTINY**

### **8.1**

<b>Report author</b>	<b>Contact officer: Tess Beck ,    tess.beck@cheltenham.gov.uk, 01242 264130</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. One page strategy agreed by O&amp;S committee</li><li>2. Group response to Local Transport Plan consultation</li><li>3. Walking and cycling statistics</li></ol>
<b>Background information</b>	

## Appendix 1

**SCRUTINY REVIEW – ONE PAGE STRATEGY**

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Cycling and Walking
Specific topic area	To review the facilities for cycling and walking in the town.
Ambitions for the review	<ul style="list-style-type: none"> <li>• Establish existing provision for cycling and walking in the town</li> <li>• Identify any areas for improvement</li> <li>• Establish how best to influence the decision makers</li> <li>• Determine means by which the council could help to promote cycling and walking</li> <li>• Consider if there are any wider 'integrated transport' issues</li> </ul>
Outcomes	<ul style="list-style-type: none"> <li>• Develop a wish list of improvements to cycle provision in Cheltenham</li> <li>• Submit proposals that will enhance the cycling and walking provision in the town centre for consideration by Gloucestershire Highways as part of the town centre development</li> <li>• Promote cycling and walking in the town and the associated benefits (including health)</li> <li>• Consider opportunities for walking and cycling as part of a Borough Council staff green travel plan</li> <li>• Submit proposals to the Borough Council and County Council for policy development in both planning and transport</li> <li>• Submit proposals on street design principles to help promote cycling and walking</li> <li>• Feed into the Cheltenham Plan</li> </ul>
How long should the review take?	It is suggested that this review will take six months
Recommendations to be reported to:	Overview and Scrutiny Committee and CBC Cabinet
FOR COMPLETION BY OFFICERS	
Members	Tim Harman Dan Murch Suzanne Williams Max Wilkinson

	Adam Lillywhite
Officers experts and witnesses	Wilf Tomaney, Rhonda Tauman Rowena Tassell, Malcolm Walls, James Brain
Sponsoring officer	Tbc
Facilitator	Bev Thomas/Tess Beck
Cabinet Member	Cabinet Member Development & Safety and Cabinet Member Healthy Lifestyles
FOR COMPLETION BY THE SCRUTINY TASK GROUP	
Are there any current issues with performance?	
Co-optees	John Mallows, Cheltenham & Tewkesbury Cycle Campaign Bronwen Thornton, Walk 21 John Newbury, Living Streets, GCCllr Iain Dobie
Other consultees	Other interest groups to be consulted as and when throughout the review period
Background information	Tess Beck is maintaining a useful list of web sites to circulate. Local cycle leaflet; pedestrian phase information; local cycle groups
Suggested method of approach	structured programme timetable for next 6 months
How will we involve the public/media? Or at what stages	



## Appendix 2

### Cycling and Walking STG response to Local Transport Plan consultation

The Cheltenham Borough Council Walking and Cycling Scrutiny Task Group is concerned with an investigation and analysis of the issues around and promotion of walking and cycling as a transport choice within Cheltenham.

The group notes and welcomes the fact that in LTP3 almost the entire area of the borough of Cheltenham is designated a 'place for people' in the vision for 2031. However, if the borough of Cheltenham is to become a 'place for people', rather than a place beholden to traffic, significant changes to encourage active travel choices will need to be enabled.

Evidence presented to the group by Rod King, of the 20s Plenty campaign, suggests that introducing default lower speed limits in urban areas encourages the development of spaces in which people use sustainable transport rather than cars. We would encourage the county council, if it is truly seeking to create a 'place for people', to pursue a policy of introducing a default 20mph limit in the borough. The group would recommend that, in line with practice elsewhere, the county seeks funding from health authorities to help pay for a scheme.

The group has heard evidence that positive promotion of cycling should be used to encourage a change in mindset. The choice of cycling should be made to look attractive and normal, rather than a niche pursuit.

Having heard evidence from county council officers, the group would question why the trial scheme for removing traffic lights in St Margaret's Road was not made permanent. Anecdotal evidence suggested the trial was a success from a pedestrian perspective, regardless of the apparent lack of car journey time improvement. However, it should be considered that a solution to the problem of a reduced cycle links resulting from the trial would need to be solved.

The group would encourage the removal of as many pavement railings as possible, to encourage the free movement of pedestrians across the town. Pedestrians should be enabled to cross in places they find convenient, rather than being considered as a secondary thought after the convenience of motorists. As part of this, we must seek to discourage pavement parking, which discourages walking and is particularly discriminatory to those who use wheelchairs or have other mobility problems, as well as parents with prams.

For pensioners, the condition of pavements is a key factor in influencing both sustainable transport use and also social inclusion. Poorly maintained pavements discourage the elderly from walking, which in turn can lead to exclusion.

The full findings of the scrutiny task group are due to be completed this summer, but we hope these interim thoughts will help inform the county council's LTP3.

Max Wilkinson

On behalf of Cheltenham Borough Council Walking and Cycling Scrutiny Task Group

## Appendix 3

## Department for Transport statistics

Walking and Cycling Statistics (<http://www.dft.gov.uk/statistics/series/walking-and-cycling/>)

Proportion of residents<sup>1</sup> who do any walking<sup>2</sup> or cycling<sup>3</sup>, at least once per month: England, 2013/14

	% Walking	% Cycling
<b>Cheltenham</b>	<b>90.2</b>	<b>26.1</b>
Gloucestershire	88.5	19.1
Bristol	87.4	25.9
South West	87.3	18.2
England	86.3	14.971

Proportion of residents<sup>1</sup> who walk<sup>2</sup> or cycle (any length or purpose) at a given frequency: England, 2013/14

	Walking				Cycling			
	1xper month	1xperweek	3xperweek	5xperweek	1xper month	1xperweek	3xperweek	5xperweek
<b>Cheltenham</b>	<b>90.2</b>	<b>83.3</b>	<b>61.8</b>	<b>53.1</b>	<b>26.1</b>	<b>17.6</b>	<b>7.2</b>	<b>4.2</b>
Gloucestershire	88.5	81.1	59.0	47.8	19.1	11.5	4.9	2.6
Bristol	87.4	78.8	59.1	46.1	25.9	17.0	9.4	5.0
South West	87.3	80.0	59.2	48.2	18.2	11.6	5.5	3.1
England	86.3	78.9	57.9	47.2	15.0	9.5	4.4	2.5

Proportion of residents<sup>1</sup> who walk<sup>2</sup> or cycle (any length) for utility purposes<sup>5</sup> at a given frequency: England, 95% CI refers to the 95% confidence interval<sup>4</sup>

	Walking				Cycling			
	1xper month	1xperweek	3xperweek	5xperweek	1xper month	1xperweek	3xperweek	5xperweek
<b>Cheltenham</b>	<b>65.1</b>	<b>56.5</b>	<b>38.6</b>	<b>28.7</b>	<b>13.7</b>	<b>9.2</b>	<b>3.4</b>	<b>2.3</b>
Gloucestershire	56.7	47.8	30.2	20.2	7.9	5.3	2.6	1.6
Bristol	70.9	59.5	36.5	25.4	15.5	12.4	7.2	2.8
South West	55.9	47.2	29.5	19.4	7.8	5.4	3.0	1.8
England	58.7	50.1	33.0	22.3	6.5	4.5	2.6	1.6

Proportion of residents<sup>1</sup> who walk<sup>2</sup> or cycle (any length) for recreational purposes at a given frequency; Eng

	Walking				Cycling			
	1xper month	1xperweek	3xperweek	5xperweek	1xper month	1xperweek	3xperweek	5xperweek
<b>Cheltenham</b>	<b>59.3</b>	<b>44.6</b>	<b>21.9</b>	<b>14.5</b>	<b>16.0</b>	<b>9.2</b>	<b>3.3</b>	<b>1.3</b>
Gloucestershire	60.3	47.8	27.5	19.2	13.3	6.6	2.2	0.7
Bristol	51.0	37.3	18.3	11.7	13.9	5.8	1.5	0.7
South West	60.5	48.7	27.8	19.8	12.7	7.0	2.2	0.8
England	55.4	42.2	23.1	16.2	10.3	5.7	1.7	0.7

Cycling to work: Data from the 2011 Census<sup>6</sup>

Proportion of adult residents who usually cycle to work, as at March 2011 (Office for National Statistics, 2011 Census)

	%
<b>Cheltenham</b>	<b>4.5</b>
Cotswold	1.4
Forest of Dean	0.8
Gloucester	3.5
Stroud	1.5
Tewkesbury	3.1
Gloucestershire	2.6
Bristol	5.0
South West	2.3
England	1.9

## Comments:

Cheltenham shows a significant increase in the number of adults walking 5x a week or more (up from 44.6% to 53.1%) with increases in the numbers walking at all frequencies. This correlates with significant increases in utility walking.

Cheltenham shows a significant increase in the numbers cycling 1x a month (up from 20% to 26%) and increases in the level of recreational cycling. Cheltenham is one of the top 10 local authorities nationally with the highest % of adults cycling 1x a week. There has, however, been a decrease in the numbers cycling 5x a week or more and no significant changes in utility cycling levels.

Nationally, there is a distinct gender difference in cycling uptake, with men outnumbering women 2:1 across all ages. Although cycling levels decline with age, there is also a decline in the 25 - 34 age band with numbers increasing again in the 35-44 age band.

For walking, there is no significant gender difference, and smaller differences between age groups, although there is a decline with age, especially in utility walking.

People who walk and cycle regularly are also more likely to be physically active in other ways.

## Notes

- Residents based on a sample of adults aged 16 up surveyed by Sport England's Active People Survey (APS)
- Walking refers to a continuous walk of at least 10 minutes and can be any type of walk, although 'walking around shops'
- Cycling can be any distance and any type of cycling.
- The APS data is weighted and has a 95% confidence interval.
5. Number of days of utility walking = Total number of days walking - Number of days walking for recreation
- The census only asks about cycling to work, so would exclude other journeys and those not working, e.g. students,

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- <sup>1</sup>Cheltenham Partnership action plan  
[http://www.cheltenhampartnership.org.uk/cheltenhampartnership/info/21/project\\_information/2/partnership\\_action\\_plan](http://www.cheltenhampartnership.org.uk/cheltenhampartnership/info/21/project_information/2/partnership_action_plan)
- <sup>2</sup> DfT Cycling Delivery Plan Draft October 2014  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364791/141015\\_Cycling\\_Delivery\\_Plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364791/141015_Cycling_Delivery_Plan.pdf)
- <sup>3</sup> The Conservative Party Manifesto 2015 <https://s3-eu-west-1.amazonaws.com/manifesto2015/ConservativeManifesto2015.pdf>
- <sup>4</sup> Infrastructure Act 2015 part 2 <http://www.legislation.gov.uk/ukpga/2015/7/part/2/enacted>
- <sup>5</sup> Public Health England (2014) Estimating Local Mortality Burdens Associated with Particulate Air Pollution.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/332854/PHE\\_CRCE\\_010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332854/PHE_CRCE_010.pdf)
- <sup>6</sup> e.g. Transport for London: Town Centre Study 2011: Economic contribution made by walkers, cyclists and other transport users to retail centres. <http://www.tfl.gov.uk/cdn/static/cms/documents/town-centre-study-2011-report.pdf>
- <sup>7</sup> NICE local government briefings: Walking and cycling (2013) <http://publications.nice.org.uk/lgb8>
- <sup>8</sup> Ballantyne, R & Blackshaw, N (2014) Active Planning Toolkit 2. Gloucestershire NHS  
<http://www.gloucestershireccg.nhs.uk/wp-content/uploads/2012/12/Active-Planning-Toolkit-2.pdf>
- <sup>9</sup> <http://www.cyclecheltenham.org.uk/counts.html>
- <sup>10</sup> [www.gov.uk/government/organisations/departments-for-transport/series/walking-and-cycling-statistics](http://www.gov.uk/government/organisations/departments-for-transport/series/walking-and-cycling-statistics)
- <sup>11</sup> Ibid.
- <sup>12</sup> Cheltenham Parking Review Phase II – Southern Review Area June 2011: Gloucestershire County Council
- <sup>13</sup> Steer Davies Gleave (2014) Cheltenham PTP 2013 Executive Summary Report February 2014  
[http://www.thinktravel.info/files/uploads/Executive\\_Summary\\_Cheltenham.pdf](http://www.thinktravel.info/files/uploads/Executive_Summary_Cheltenham.pdf)
- <sup>14</sup> <http://glostext.gloucestershire.gov.uk/documents/s23808/Barriers%20to%20Cycling%20Report.pdf>
- <sup>15</sup> <http://www.livingstreets.org.uk/time-to-target-the-walk-to-school-says-living-streets>
- <sup>16</sup> As they were in the Gloucestershire Local Transport Plan consultation
- <sup>17</sup> [https://bristol.gov.uk/committee/2012/ua/ua000/0726\\_7.pdf](https://bristol.gov.uk/committee/2012/ua/ua000/0726_7.pdf)
- <sup>18</sup> Cheltenham Borough Council Air Quality Action Plan April 2014  
[http://www.cheltenham.gov.uk/downloads/file/3780/air\\_quality\\_action\\_plan\\_2014](http://www.cheltenham.gov.uk/downloads/file/3780/air_quality_action_plan_2014)
- <sup>19</sup> [https://democracy.cheltenham.gov.uk/documents/s15154/2015\\_04\\_14\\_CAB\\_LTP3\\_Appendix\\_2\\_CBC\\_comments.pdf](https://democracy.cheltenham.gov.uk/documents/s15154/2015_04_14_CAB_LTP3_Appendix_2_CBC_comments.pdf)
- <sup>20</sup> Joint Core Strategy – Gloucester – Cheltenham- Tewkesbury Submission Version November 2014  
<http://www.gct-jcs.org/Documents/Publications/Submission/JCS-Submission-Version-November-2014a-corrected.pdf>

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## Cheltenham Borough Council Cabinet – 10 November 2015 Cakebridge Place Proposal

<b>Accountable member</b>	<b>Peter Jeffries Cabinet Member Housing</b>
<b>Accountable officer</b>	<b>David Roberts Head of Property and Asset Management</b>
<b>Ward(s) affected</b>	<b>Oakley Ward</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>Following approval by Cabinet on 15 July 2014 to acquire three properties on Cakebridge Place, CBC now owns all 12 bungalows on the site all of which are beyond economic refurbishment. The site has long been identified as a redevelopment site, although initial flooding concerns led to an approach to the football club regarding a land swap to allow residential development off Whaddon Road. This opportunity for offsite provision also supports a more holistic view of the Council's property assets in the immediate locality</p> <p>The flood risk of Cakebridge Place has now been re-designated to a lower flood risk thus enabling residential redevelopment of up to 21 new units on the site.</p> <p>This means that CBC now has two options available:</p> <ol style="list-style-type: none"> <li>1. Develop on the Whaddon Road site following a land swap with the football club, or</li> <li>2. Develop on the existing Cakebridge Place site</li> </ol> <p>The Whaddon Road development option would be more expensive due to creating a car park on the Cakebridge Place site to serve the football club. With this option 5 fewer units will be delivered (16), but would bring environmental benefits, improve commercial opportunities to the football club and potentially enhance CBC's longer term value of the football club site.</p>
<b><u>Resolution 1:</u></b>	<p><b>Cabinet Resolves that:</b></p> <ol style="list-style-type: none"> <li>1. The "Cakebridge Place" option set out in paragraph 1.7.1 of the Report be adopted and that Cakebridge Place be cleared</li> <li>2. If necessary to enable the development to take place an application is made to the appropriate authority to stop up Cakebridge Place in whole or part</li> <li>3. That the Right to Buy receipts be used as far as possible to fund the project</li> </ol>

**Resolution 2:**

**Cabinet Resolves that:**

- 1. The “Whaddon Road ” option set out in paragraph 1.7.2 of the Report be adopted and that appropriate steps be taken to clear and redevelop both the Cakebridge Place and the Whaddon Road sites to reflect the proposed development, and making an application to the appropriate authority to stop up Cakebridge Place in whole or part**
- 2. The Head of Property and Asset Management (in consultation with the section 151 Officer and the Borough Solicitor) be authorised to proceed with negotiations with Cheltenham Town Football Club to enable the land shown in Plan B to return to the Council’s possession and for the land shown in Plan A to be included within the area leased to the Club substantially upon the terms (including expiry) of the existing lease and such other terms as the Head of Property and Asset Management deems necessary or advisable to protect the Council’s interests**
- 3. That the Borough Solicitor be authorised to conclude such documents as she deems appropriate to reflect the terms negotiated under paragraph 2 of this Resolution, whether by surrender of part and lease of substitute land, or surrender of the whole and grant of a new lease of the varied area**
- 4. At the relevant time, the land returned to the Council’s possession under resolution 2 above be appropriated to Housing (HRA) land**
- 5. That the Right to Buy receipts be used as far as possible to fund the project**

**Financial implications**

As detailed within the report. The proposed recommendation does result in a higher cost per unit, mainly due to the creating of a car park on the Cakebridge Place site to serve the football club. However, the development off Whaddon Road not only provides new housing, but also the following benefits namely; potential new commercial opportunities for the club, leading to additional employment, environmental improvements and potential increase in long term land value of the football club site. A development feasibility study has not been undertaken on the site but indications are that there could be an improvement in the value of the site by circa £750,000

**Contact officer:** [paul.jones@cheltenham.gov.uk](mailto:paul.jones@cheltenham.gov.uk) 01242 775154

<b>Legal implications</b>	<p>The site at Cakebridge Place is HRA land and disposals are therefore governed by section 32 of the Housing Act 1985. The Council has power to lease (all or) part of the land to a third party by virtue of paragraph A3.2 of the General Housing Consents 2013, made under section 32.</p> <p>In terms of legal documentation, the proposed land swap is the more complicated and therefore likely to be the more time consuming. The land proposed to be surrendered by the Club will have to be appropriated to Housing (HRA) purposes</p> <p><b>Contact officer:</b> <a href="mailto:Rose.gemmell@teWKesbury.gov.uk">Rose.gemmell@teWKesbury.gov.uk</a> 01684 272014</p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications</p> <p><b>Contact officer:</b> <a href="mailto:Julie.McCarthy@cheltenham.gov.uk">Julie.McCarthy@cheltenham.gov.uk</a> 01242 264355</p>
<b>Key risks</b>	
<b>Corporate and community plan Implications</b>	Both options provide new housing. The Whaddon Road option brings potential additional commercial and land value benefits
<b>Environmental and climate change implications</b>	The Whaddon Road option removes the risk of the residential units flooding and will also remove match day traffic from the narrower Whaddon Road as vehicular traffic to the club will be off the much wider Prestbury Road, which will make it much easier for supporters to access and get away from the ground.
<b>Property/Asset Implications</b>	<p>As set out in the report.</p> <p><b>Contact officer:</b> <a href="mailto:David.Roberts@cheltenham.gov.uk">David.Roberts@cheltenham.gov.uk</a></p>

1.

## 1. Background

- 1.1 Cakebridge Place currently consists of 12 Tarran bungalows 9 have been boarded up for a number of years and CBC has recently acquired the 3 bungalows that were in private ownership and so now owns the whole site.
- 1.2 The bungalows are beyond economic refurbishment and the site has been identified for redevelopment and incorporated into an agreed regeneration programme.
- 1.3 A Cabinet report in October 2012 authorised CBH to progress contractual negotiations with Lovell but due to their concerns that the majority of the site was within a recognised flooding zone and the impact this had on viability Lovell withdrew from the site.
- 1.4 As a consequence CBH and CBC jointly approached Cheltenham Town Football Club to explore a small land swap as indicated on Plan A which would move the development away from Wymans Brook whilst helping fulfil a long held ambition of the football club to enable an extension to the west stand
- 1.5 Out of these discussions and concerns about building in a flood zone an additional option was tabled which would involve a larger land swap as shown in Plan B, with the new housing being

provided on what is currently part of the football clubs car park with access being off Whaddon Road, and car parking to the club off Prestbury Road.

**1.6** Further specialist commissioned work into the flood risk assessment has resulted in the Cakebridge Place site being re-designated at a lower flood risk, therefore making it viable for residential redevelopment.

**1.7** The re-designation of Cakebridge Place at a lower flood risk now presents options which need careful consideration, namely:-

### **1.7.1 Redevelop Cakebridge Place**

1.7.1.1 The clearance of the existing bungalows and redevelopment of Cakebridge Place will provide the largest number of new affordable homes from the options being considered with the potential for up to 21 new units.

1.7.1.2 It is the cheaper of the two options in terms of build cost ( £127,194 per unit for Cakebridge Place compared to £159,559 per unit for the 16 units off Whaddon Road ) as there would be no need to reconstruct Cakebridge Place as a car park to serve the football club.

1.7.1.3 Developing Cakebridge Place is the easiest option to pursue as the site is already residential use

1.7.1.4 The development of 21 units on the site uses a larger proportion of the right to buy receipts thereby reducing the amount of potential right to buy monies that may have to be handed back to central government.

1.7.1.5 Without the Cakebridge Place development there will need to be an alternative approach to use the right to buy receipts which will be the subject of a separate report in November.

### **1.7.2 Develop Whaddon Road**

1.7.2.1 This option would produce 16 units 5 less than the Cakebridge Place Option.

1.7.2.2 It is a more costly option as a carpark will need to be provided on the Cakebridge Place site. It is estimated that this will add approximately £350,000 to the total scheme costs, although there will be further dialogue with the football club to manage their expectations with the aim of reducing this high level estimated cost.

1.7.2.3 The alternative development off Whaddon Road will remove any risk of the new units flooding.

1.7.2.4 It removes the risk of a rights of light challenge to an extension to the west stand which the football would like to build at a future date.

1.7.2.5 Vehicular access to the football club for both car and coach traffic will then be directly off Prestbury Road which environmentally is more beneficial than using the narrower Whaddon Road, and provides the opportunity to more easily segregate travelling supporters from home fans.

1.7.2.6 Developing Whaddon Road would provide the football club with the opportunity to explore potential beneficial commercial activities, which are more difficult with the current arrangement, which in turn could lead to an increase in employment as well as safe guarding local leisure provision.

1.7.2.7 Should the football club relocate then the potential future redevelopment of the stadium



site would be better served off Prestbury Road as this will have greater marketability and therefore impact on land value.

## 2. Reasons for recommendations

- 2.1** The Head of Property and Asset Management recommends the Whaddon Road option and the proposed land swap with the football club. This enables a more holistic view to be taken of the Councils assets. The development off Whaddon Road not only provides new housing, but also the following benefits namely:- potential new commercial opportunities for the club, leading to additional employment, environmental improvements and potential increase in long term land value of the football club site, as access off Prestbury Road will improve the marketability of the site, therefore developers would pay a higher value. A development feasibility study has not been undertaken on the site but indications are that there would be an improvement in the value of the site by circa £750,000.

## 3. Alternative options

- 3.1** Do nothing, which is not acceptable.
- 3.2** Proceed with the smaller land swap which would enable the proposed development on Cakebridge Place to be moved reducing the flooding impact, but would not reduce the risk of a right of light claim as and when the west stand to the football club is extended or realise the other benefits of the Whaddon Road option.

## 4. Consultation and feedback

- 4.1** Cabinet Member for Housing and Cabinet Member for Finance

## 5. Performance management – monitoring and review

<b>Report author</b>	<b>Contact officer: david.roberts@cheltenham.gov.uk</b> <b>01242 264151</b>
<b>Appendices</b>	<ul style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Plan A Cakebridge Place Site</li> <li>3. Plan B Whaddon Road Site</li> </ul>
<b>Background information</b>	<ul style="list-style-type: none"> <li>1. See attached copy of the positioning paper</li> </ul>

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 Cakebridge Place option is implemented then neither the commercial opportunities to the club, nor the environmental and land value benefits will be realised.	DLR	21/Oct/2015	4	3	12	Accept	Proceed with Whaddon Road option.	Dec 2015	DLR	

## **Cakebridge Place Regeneration – Options Review**

### **1.0 Introduction**

- 1.1 In 2004/05 CBH commissioned a structural review of all non-traditional housing from Curtins Consulting Limited. This review included two housing schemes consisting of 'Tarran' bungalows, 8 at Brighton Road and 12 at Cakebridge Place. The review found them all to be beyond economic repair and a decision was made not to relet voids and to undertake redevelopment as a priority.
- 1.2 The 2007 Asset Management Plan identified the priority of redevelopment and both schemes were placed into the agreed regeneration programme, with Brighton Road being addressed first as it had only one unit disposed of under R-t-B and a higher number of voids.
- 1.3 Cakebridge Place was included in the Phase 2 Development Programme in 2012 and was tendered alongside the St Pauls Phase Two and Garage Sites Phase One works. A suitable tender was received for the redevelopment contract from Lovell Partnership Homes, together with the Garages Phase One scheme.
- 1.4 At Cabinet on 16 October 2012, CBH was authorised to progress contractual negotiations with Lovell in respect of Cakebridge Place.

### **2.0 Initial Progress and Issues**

- 2.1 Lovell knew at tender stage that the issue of flood zoning had to be addressed and they procured independent advice in respect of the flood zoning. They spent a considerable period investigating redevelopment options, however eventually they were unable to confirm that, on the basis of the advice received, they had a viable development option and withdrew from the site.
- 2.2 On that basis, CBH and CBC began to consider alternative options, in conjunction with Cheltenham Town Football Club (CTFC) who were interested in establishing the potential to extend their stand. One option was to move the development away from Wymans Brook by undertaking a small localised land swap, utilising a strip of the existing car park for housing and preserving an undeveloped strip alongside the football ground, which would facilitate stand extension if appropriate at some stage in the future.
- 2.3 Out of those discussions particularly regarding concern about building in a flood zone came a further option to undertake a larger land swap within the current CTFC leased grounds (all in CBC ownership). The option was to utilise the existing car park area adjacent to Whaddon Road for housing and to create a new entrance and car park on the Cakebridge Place site for CTFC. This would retain the central area of car parking for ongoing use and allow for any future extension of the stand. This option removed the flood risk issue as an impediment to redevelopment. It also provided the opportunity to look at the Councils land and property assets in that locality in a more holistic strategic way.

2.4 The option was considered jointly with planning and highways in order to ensure that there would be general support if it were to be further developed and support in principal was given.

2.5 At Cabinet on 15 July 2014 approval was granted for the acquisition of the three privately owned properties in order to unrestricted possession of the full site at Cakebridge Place, a prerequisite to redevelopment. The Paper acknowledged that should the land swap option prove to be unviable then alternative options would be sought.

### **3.0 Development of Whaddon Road Option**

3.1 In order to develop this option, CBH instructed Quattro Architects to produce a plan indicating the provision of an area equivalent to the footprint of Cakebridge Place on the Whaddon Road end of the CTFC car park. Quattro went on to produce an indicative layout for the assumed area, which identified the potential capacity for a scheme of up to 16 units.

3.2 A key aspect of this alternative option is the additional cost of clearance and reconstruction of the Cakebridge Place site to form an access road and secure car and coach parking. This was costed up by CBH's Employers Agent at £490,000 for a fully surfaced and fenced car park (exclusive of VAT).

3.3 This was seen as a significant 'premium' to secure development and as a result CBH decided to revisit the original option and ensure that the potential to redevelop within a slightly adjusted Cakebridge Place footprint was absolutely ruled out on flood risk grounds.

### **4.0 Changed Circumstances at Cakebridge Place**

4.1 In order to do this, CBH directly commissioned a Flood Risk Assessment from a specialist consultant. During that exercise, the consultant was able to secure more detailed information from the Environment Agency which crucially re-designated a large part of the site as being at a lower flood risk.

4.2 Based upon that information, Quattro Architects were able to produce a viable redevelopment option for the adjusted site (allowing still for a minor land swap to facilitate a stand extension for CTFC in due course if applicable). This option provides the potential for up to 21 new homes.

### **5.0 Current Position**

5.1 The current position is that there are therefore two potential schemes that support redevelopment of the existing site, one with 21 units and a second through a full site swap for 16 units, with the additional cost of works associated with the car park re-provision.

5.2 For either option, CBH required full site possession of Cakebridge Place and therefore the acquisition of owner occupied properties was a priority. All the purchases have been completed and the site is now vacant.

5.3 Section 6 below sets out a comprehensive comparison between these two options in order that an informed decision can be made in respect of which option will be taken forward.

## 6.0 Cost Options Comparison

6.1 CBH was asked to consider three options as follows:

- The current 21 unit scheme at Cakebridge Place
- The current 16 unit scheme at Whaddon Road
- An expanded 21 unit scheme at Whaddon Road to equate to the Cakebridge Place potential.

6.2 Comparative development costs:

Unit Costs for Cakebridge Place Options			
Scheme	Units	TSC	£/unit
Cakebridge Place	21 Units	2,671,068	127,194
Whaddon Road	16 Units	2,202,946 +350,000 <b>2,552,946</b>	137,684  <b>159,559</b>
Whaddon Road (Significant loss of parking capacity + addl. Services diversions costs not yet included).	21 Units	2,776,656 +350,000 <b>3,126,656</b>	132,222  <b>148,888</b>

6.3 The development costs are QS indicative cost estimates based upon initial designs for both options. The additional cost of £350,000 added to the Whaddon Road options consists of a reduced works cost for the car parking with the addition of oncosts and VAT, which would be applicable.

6.4 It is estimated that the additional five units required for the last of these options would require at least 30% of the available parking area and a significant cost premium to relay the incoming electrical mains to the CTFC stands and buildings. On that basis is suggested that this would not be a viable solution.

6.5 Assuming that the additionality can be calculated based upon the 9 previously owned units, the options generate 12 and 7 new units respectively. On that basis the gross costs can be discounted by £457,896 and £289,135 respectively.

6.6 Scheme costs net of R-t-B receipt contribution:

Net Total Cost after deduction of RtB Contributions				
Scheme	Units	TSC	TSC Net of RTB	RTB Calculation Basis

Cakebridge Place	21	2,671,068	2,213,170	12 x 38,158
Whaddon Road	16	2,552,946	2,263,811	7 x 41,305

As a result, for an estimated cost lower by £51,000 the Cakebridge Place option delivers five more units than the Whaddon Road one and demonstrably presents the best value option.

- 6.7 The schedule at Appendix A demonstrates the comparative impacts of the options considered above.

## 7.0 Strategic View of CBC Surrounding Land Holdings

- 7.1 In pure cost terms the development of Cakebridge Place as presented is the best cost option, even though it may be possible to make cost savings to the provision of the car park .
- 7.2 However an opportunity exists that could have longer term holistic benefits to the Councils assets in this vicinity.
- 7.3 The development of Cakebridge Place on the basis of the smaller land swap ( see plan 1 ), will provide 21 affordable units, however due to its strategic location could provide the principle gateway to a larger development site should the football club relocate or cease to exist.
- 7.4 It will be extremely important that care is taken with regard to layout, design, materials, house type and treatment of car parking otherwise it will have a negative impact on the land value of the potential future larger development site. These factors along with the strategic nature of the site should be the overriding factors rather than seeking to maximise density.
- 7.5 The smaller land swap to facilitate a future extension of the west stand is not without risk to the football club due to potential rights of light claims from residents of the redeveloped Cakebridge Place site. Whilst the Council can exclude right of lights in the land transfer, it does not remove the possibility of prescriptive rights subsequently being obtained especially as the clubs desire to extend the stand will not be achieved in the short term.
- 7.6 A Light Obstruction Notice procedure can be used to prevent rights subsequently being claimed but this requires an appropriate administrative process to be in place to ensure a new notice is served every 20 years which raises a risk should an error occur.
- 7.7 The above matters are irrelevant if the affordable residential scheme is provided on the Whaddon Road option. Whilst the cost of the scheme is greater due to the car park works and there being 5 fewer units, there will be other significant benefits which also meets the Councils core strategic objectives.
- There are likely to be potential commercial benefits to the football club as in addition to the west stand extension there will be the opportunity for a commercial income generating development in the north west corner of the

site ( within what is currently Cakebridge Place ) which will help increase employment and safe guard the provision of leisure in the locality.

- There are also likely to be some environmental advantages by the removal of a significant volume of traffic off Whaddon Road on match days as access for coaches,cars and service vehicles into the stadium will be off the wider Prestury Road . This will help alleviate the current match day problems experienced along Whaddon Road and provide safer entry to the stadium by vehicles and pedestrians.
- The potential future redevelopment of the stadium site would be better served with a more commercially led design and layout off Prestbury Road, as this will have greater marketability thereby maintaining the value of the remainder of the Councils site.

7.8 Caution therefore needs to be exercised in pursuing an immediate short term gain at the expense of longer term strategic benefits.

**Appendix 'A'****Cakebridge Place Options Issues**

<b>Cakebridge Place – 21 Units</b>	<b>Whaddon Road – 16 Units</b>	<b>Whaddon Road – 21 Units</b>
Requires full site possession at Cakebridge Place.	Requires full site possession at Cakebridge Place.	Requires full site possession at Cakebridge Place.
Requires resolution of misuse of land at rear of 103 Prestbury Road.	Requires resolution of misuse of land at rear of 103 Prestbury Road.	Requires resolution of misuse of land at rear of 103 Prestbury Road.
Requires Planning and Highways approvals.	Requires Planning and Highways approvals.	Requires Planning and Highways approvals.
Requires demolition and clearance of Cakebridge Place.	Requires demolition and clearance of Cakebridge Place.	Requires demolition and clearance of Cakebridge Place.
Requires Stopping-Up of existing highway.	Requires Stopping-Up of existing highway.	Requires Stopping-Up of existing highway.
N/A	Requires reconstruction of Cakebridge Place for parking use.	Requires reconstruction of Cakebridge Place for parking use.
N/A	Could require additional highways design works including Traffic Impact Assessment.	Could require additional highways design works including Traffic Impact Assessment.
N/A	Requires relocation of gas main.	Requires relocation of gas main.
N/A	N/A	Requires relocation of substantial electrical service mains cable.
N/A	Requires land swap of approximately equal areas.	Requires larger land swap with loss of at least 30% of parking capacity.
N/A	Would introduce a programme delay to property construction and thereby R-t-B drawdown.	Would introduce a programme delay to property construction and thereby R-t-B drawdown.
N/A	May require a change of use at Planning stage.	May require a change of use at Planning stage.
N/A	Greater impact on neighbour at 119 Prestbury Road.	Greater impact on neighbour at 119 Prestbury Road.
N/A	Status of CTFC may mitigate against significant investment by CBC.	Status of CTFC may mitigate against significant investment by CBC.



PLAN B

site boundary

4no. 1BSP Flats  
@6-51sqm

4no. 2B4P Houses  
@76sqm

7no. 3B5P Houses  
@85sqm

Total: 45no. units

Site Area: 0.404Ha

37 Units per Hectare

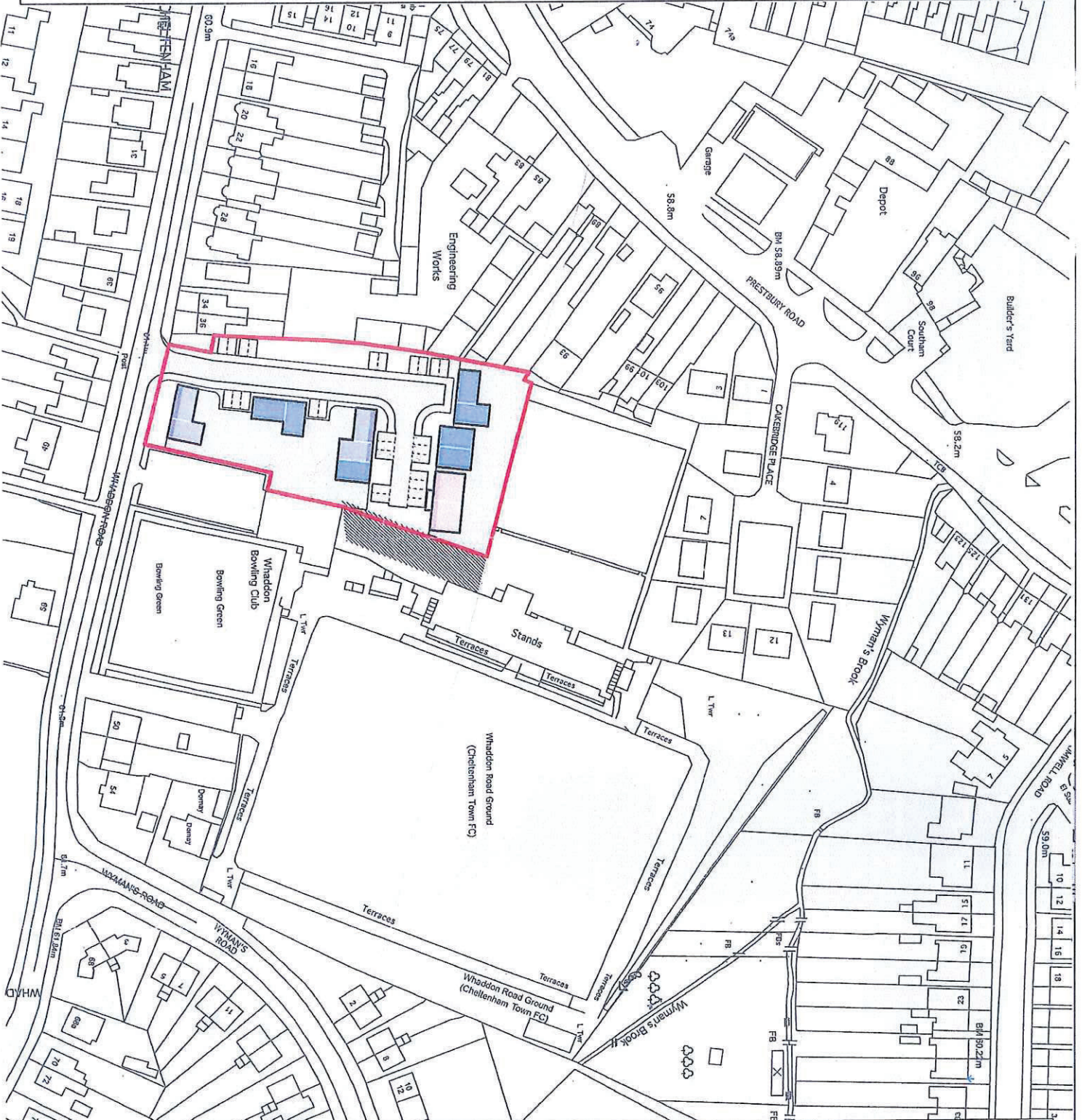
road

parking space

rear gardens

previous flood area

land to be taken by  
football club



NOTES:  
1. The proposed development is shown in blue.  
2. The site boundary is shown in red.  
3. The site area is 0.404 Ha.  
4. The site is bounded by Prestbury Road to the north, Whaddon Road to the west, and Wymen's Brook to the east.  
5. The site is adjacent to the Whaddon Road Ground (Cheltenham Town FC) to the west.  
6. The site is adjacent to the Depot and Southern Court to the east.  
7. The site is adjacent to the Engineering Works to the north.  
8. The site is adjacent to the Stands and Terraces to the south.  
9. The site is adjacent to the Whaddon Road Ground (Cheltenham Town FC) to the west.  
10. The site is adjacent to the Depot and Southern Court to the east.  
11. The site is adjacent to the Engineering Works to the north.  
12. The site is adjacent to the Stands and Terraces to the south.

PROJ ECT  
Cakebridge Place  
Cheltenham Borough  
Homes  
T I T L E  
Proposed Layout  
Option 3

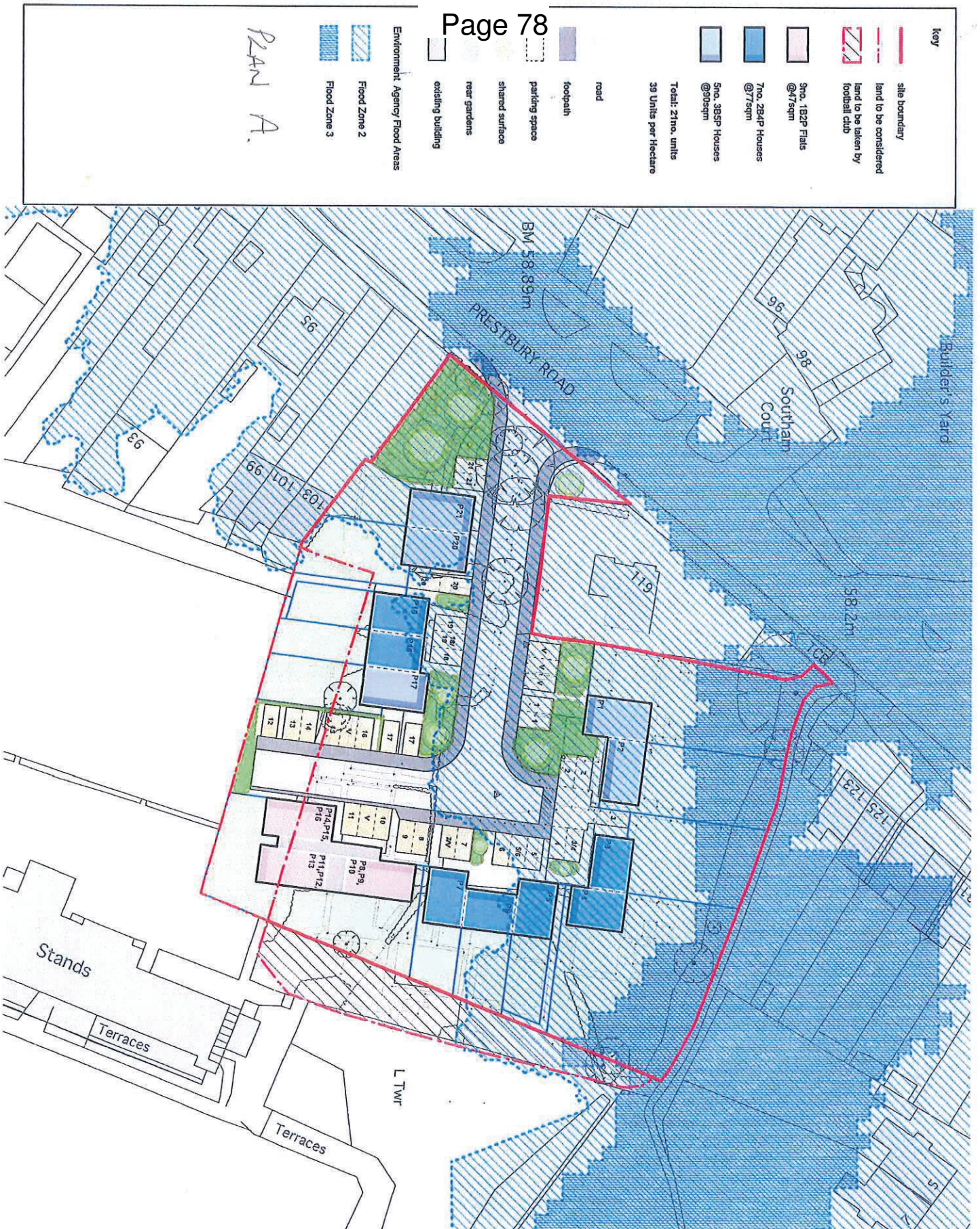
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**R E V I S I O N 3**  
A: Parking area south of the turning head continued to provide access: football club car park. Plots 8 - 16 lay out, parking and planting amended accordingly. 17.06.15 DC  
B: Planting shown at the end of parking area to south of the turning head. 03.07.15 DC

**PERNOCET**  
**Cakebridge Place,**  
**Cheltenham**

Cheltenham Borough  
HomesProposed Layout  
Option 2

DRAWN CHECKED  
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SCALE DATE  
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Quattro  
designarchitects

DRAWING NO	REV
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## Cheltenham Borough Council Cabinet – 10<sup>th</sup> November 2015

### Use of Right to Buy Receipts

<b>Accountable member</b>	<b>Councillor Peter Jeffries, Cabinet Member Housing</b>
<b>Accountable officer</b>	<b>Martin Stacy</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>In April 2012 the Government introduced a self-financing model for the HRA, leading to new freedoms and flexibilities over the way Councils were able to invest in their social housing stock, as well as enabling them to deliver new affordable homes and provide enhanced services for their tenants.</p> <p>The Government also allowed Councils to retain their Right to Buy Receipts on the understanding that these receipts must be used to deliver new affordable housing.</p> <p>These Right to Buy Receipts can be used in a number of ways to bring about the delivery of new affordable housing. The Council's preferred approach is to use the receipts for delivering new build on council-owned land, as this option provides the greatest value for money.</p> <p>This option can however be complex and the timing of delivery can be uncertain, which is not ideal given that these receipts have to be spent within strict deadlines. If the deadlines are not met, the receipts must be repaid to the government with interest.</p> <p>It is therefore proposed that the Council opens up another option of using the receipts to purchase homes from the open market, which will then be converted to affordable housing. This will ensure that repayments of receipts to the government can be avoided.</p>
<b>Recommendations</b>	<p><b><u>Cabinet Resolves:</u></b></p> <ol style="list-style-type: none"> <li>1. To authorise the Head of Property and Asset Management ( in consultation with the section 151 Officer), to purchase dwellings that are considered to be suitable for use as affordable housing (in accordance with the parameters as set out within Section 4.5 of this report), subject to a total cap on the consideration paid for the entire portfolio of £1 million .</li> </ol>

2. To authorise the Borough Solicitor to negotiate and complete such documents as she deems necessary or desirable to conclude the transactions negotiated by the Head of Property and Asset Management under Resolution 1 above
3. To authorise the section 151 Officer to use the Right to Buy receipts where necessary to fund the acquisition of the properties purchased under Resolution 1 above

<b>Financial implications</b>	As detailed within Sections 3 and 4 of this report.  <b>Contact officer: Paul Jones, <a href="mailto:paul.jones@cheltenham.gov.uk">paul.jones@cheltenham.gov.uk</a>, 01242 775154</b>
<b>Legal implications</b>	<p>The Council has power under Section 9 of the Housing Act 1985 to acquire houses for the purpose of providing housing accommodation. The houses so acquired must then be dealt with in accordance with the provisions of the Act, and may become subject to the Right to Buy.</p> <p>The procedure for acquiring a house in the open market can be time consuming, especially if the property is part of a conveyancing chain. A transaction can prove abortive if one link in the chain fails for any reason.</p> <p>Some properties have a restriction in the title that prevents them from being used for social housing. It would be advisable for title to be obtained at the earliest opportunity to prevent wasted time and costs.</p> <p><b>Contact officer: Rose Gemmell, <a href="mailto:rose.gemmell@tewkesbury.gov.uk">rose.gemmell@tewkesbury.gov.uk</a>, 01684 272014</b></p>
<b>HR implications (including learning and organisational development)</b>	None as a direct result of this report.  <b>Contact officer: Richard Hall, <a href="mailto:richard.hall@cheltenham.gov.uk">richard.hall@cheltenham.gov.uk</a>, 01594 812634</b>
<b>Key risks</b>	<b>See Appendix 1 of this report</b>
<b>Corporate and community plan Implications</b>	This proposal supports our corporate outcome of people living in stronger, safer and healthier communities.
<b>Environmental and climate change implications</b>	Neutral
<b>Property/Asset Implications</b>	<p>The proposal ensures that the right to buy receipts are kept and invested locally; it not only adds to the housing stock but overcomes the possibility of having to hand monies back to central government.</p> <p><b>Contact officer: David Roberts</b></p> <p>David <a href="mailto:Roberts@cheltenham.gov.uk">Roberts@cheltenham.gov.uk</a>, 01242 264151</p>

## **1. Background**

- 1.1** In April 2012 the Government introduced a self-financing model for the HRA, leading to new freedoms and flexibilities over the way Councils were able to invest in their housing stock and services for their tenants.
- 1.2** The Government also supported Councils' aspirations to deliver more new affordable homes by allowing them to retain their Right to Buy Receipts, provided that these receipts are used to bring about more affordable housing.

## **2. The Use of Right to Buy Receipts**

- 2.1** Right to Buy Receipts can be used to increase the provision of affordable housing in any of the following ways:
- Building new affordable housing on council-owned land
  - Acquiring new build from a developer or from existing private stock for conversion to social/affordable rent.
  - Acquiring land for future schemes
  - Funding a Registered Provider (other than CBH) to build new affordable housing in the area
- 2.2** The Council's preferred approach to increasing the provision of new affordable housing in Cheltenham is to build affordable homes on council-owned land, as this provides a future revenue stream to the HRA (in terms of rental income) at least cost. As such, this approach provides the Council with the greatest value for money.
- 2.3** Building new homes in this way can however be complex and time consuming. There are therefore a number of reasons why it is prudent for the Council to consider other ways of using its Right to Buy Receipts. These are detailed in Section 3 below.

## **3. Reasons for the recommendations**

- 3.1** Right to Buy Receipts must be spent within 3 years of the receipts becoming available. If the Council fails to spend the receipts by then, it is required to repay the receipts to the government with interest at 4% above the base rate.
- 3.2** Right to Buy Receipts can only be retained if they are used to fund the delivery of new affordable housing in the ratio 100/30. In other words, when using Right to Buy Receipts, additional resources to the tune of 70% of the eligible spend are required from the HRA (or through borrowing against the HRA) to meet the remaining costs. This means that use of the receipts must be used proportionately throughout the build period.
- 3.3** Delivering new build affordable housing is complex. There are a range of issues that can affect the pace of delivery. These include:
- Negotiating with third parties over rights of access and right to roam issues. This is a particular issue on garage sites, for instance, where finding resolutions to these issues can be long and protracted, leading to the potential for a scheme to either not go ahead or for a scheme redesign to be implemented.
  - Rehousing of tenants on sites where it is proposed that existing homes will be replaced with new homes can sometimes lead to delays if the needs of households cannot be easily met.

- Undertaking relevant approval processes such as Planning, along with the necessary tendering processes all need to be built into the timeframe.
- Some sites may have commercial links which can involve the need to carry out complex commercial negotiations and these too can take time.

**3.4** The rate at which Right to Buy Receipts are received, as well as the amount received over any given period is unpredictable (this is illustrated within Appendix 2 of this report). This adds to the complexity in timing their use in accordance with the projected delivery of new build. The result is additional uncertainty over whether the receipts will be spent within the required timeframe.

**3.5** There are also a number of other limitations over the way in which the Council is able to use Right to Buy Receipts. These are detailed as follows:

- Receipts cannot be used in combination with grants from the Homes and Communities Agency (HCA). This means that where grants are potentially available, a choice must be made over which funding mechanism makes greatest financial sense on any given site. In the absence of other options for using Right to Buy Receipts, the Council's default position is always likely to be to use the receipts over any potential grant provision, because of the pressures to spend the receipts within the 3 year timeframe. Having an alternative means by which the receipts can be used to deliver new affordable housing will therefore allow the Council greater freedom to consider the use of grants from the HCA as an alternative funding stream, where this is more appropriate.
- Right to Buy Receipts can only be used if the site generates 'additionality'. In other words, where the receipts are used on a site with previous social housing, the receipts can only be used to fund the cost of additional dwellings over and above the previous number of social/affordable homes on the site.
- Right to Buy Receipts cannot be used to acquire new affordable housing on s.106 sites.

#### **4. Acquiring new homes from the Open Market**

**4.1** In view of these challenges and limitations over how Right to Buy Receipts can be used, it is estimated that up to £220,000 (plus interest) may have to be repaid to the Government by March 2018 unless alternative approaches for increasing the provision of affordable housing are used for the Right to Buy Receipts. This estimate of £220,000 assumes a worst case scenario that other schemes currently in the pipeline do not proceed, but in any event the pressures to spend are set to increase, potentially significantly, from March-June 2016 onwards unless alternative options for spending the Receipts are made available.

**4.2** Having considered alternative options open to the Council for the use of these Receipts (see Section 5 below) it is proposed that the Council will use any Right to Buy Receipts, which might otherwise have to be repaid back to the government, to acquire additional homes from the open market. These homes will be converted to affordable housing, and the rents received will provide revenue for the HRA.

**4.3** Given the unpredictable nature of delivering new build, it is proposed that up to £1 million of total HRA funds (including Right to Buy Receipts, applying the 100/30 referred to in section 3.2 above) could be used to purchase homes from the open market. This proposal retains the benefit of the receipts in Cheltenham and increases the volume of revenue generating housing stock within the town.

**4.4** In the first instance, it is proposed that the Council will purchase one home from the open market, although more may be required during 2016 and beyond.

**4.5** In order to ensure that we achieve value for money when pursuing this option the Council will

purchase new homes on the following basis:

- Only 2 or 3 bedroom houses will be purchased. Flats have been discounted on the grounds that it is likely to mean acquiring single dwellings within existing blocks of private flats, and owning just one flat within a block has implications on the cost of management and maintenance of that dwelling and associated complications of taking on a lease with maintenance cost liabilities and service charges.
- The Council will only purchase properties that are of a standard construction and that are preferably either new build or built after 1990 in order to minimise any immediate or ongoing major repair costs.
- Maximum price of £250k for a 3 bed and £190k for a 2 bed, each being £10k lower than the estimated high value property thresholds identified by the National Federation of ALMOs and the Association of Retained Council Housing as the basis of their survey on the potential impact of the Government's high value property disposal policy to support extended right to buy for housing associations.
- A range of operational criteria will be met to ensure that the property purchased is fit for purpose as social/affordable housing.
- Former social housing properties cannot be purchased with Right to Buy Receipts (unless under a Compulsory Purchase Order) and therefore have been discounted.

**4.6** Consideration has been given to using the Right to Buy Receipts to purchase long term empty homes as part of our Empty Homes Strategy. However the potential timescales involved in acquiring such properties (via a Compulsory Purchase Order) in combination with the strict timescales by which these receipts must be spent, means that using the receipts in this way would not be appropriate.

## **5. Alternative options considered**

**5.1** Acquiring land for a future scheme. This has been rejected on the basis that it would require the Council to identify appropriate sites with planning permission and outbid private developers in a competitive market, or identify sites without planning permission with the associated risks of gaining planning approval.

**5.2** Funding a Registered Provider (other than CBH) to build new affordable housing in the area. Given the relatively short timescales to pursue alternative strategies the development of a new build scheme through a private Registered Provider is unlikely to deliver sufficient eligible expenditure to prevent potential loss of receipts. In addition, funding a Registered Provider is less preferable than using the Receipts to increase our own affordable housing stock, because of the additional revenues the latter can later generate to the HRA in rent.

## **6. Consultation and feedback**

**6.1** The proposed alternative use of Right to Buy Receipts has been discussed with and has the support of the Joint Programme Group (JPG). This group is made up of senior officers from both the Council and Cheltenham Borough Homes.

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

**7.1** JPG will continue to monitor the use of the Right to Buy Receipts against the delivery of new build and, where necessary, will support the acquisition of new properties from the open market, with the final decision resting with the s.151 Officer.

**7.2** The decision to purchase homes will be delegated to the s.151 Officer, who is a member of the JPG.

<b>Report author</b>	<b>Contact officer: Martin Stacy,</b> <b>martin.stacy@cheltenham.gov.uk,</b> <b>01242 775214</b>
<b>Appendices</b>	1. Risk Assessment 2. Right to Buy Sales Data
<b>Background information</b>	None



The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council's Right to Buy Receipts are not spent within the required timeframe of 3 years from their receipt, then the Receipts must be repaid to the Government, with interest.	Pat Pratley	7.10.15	3	4	12	Reduce	Cabinet approves alternative option to spend Receipts on purchasing homes from the open market.	31.3.16	Martin Stacy	
<b>Explanatory notes</b> <b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) <b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) <b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close											

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## Appendix 2

## RTB Sales Data

Year	Number of Sales	Sale Price (Total)	Sale Price (Average)
		£'000	£'000
2012/13			
Quarter 1	0	0	0
Quarter 2	2	136	68
Quarter 3	5	370	74
Quarter 4	6	376	63
<b>Total for Year</b>	<b>13</b>	<b>882</b>	<b>68</b>
2013/14			
Quarter 1	6	468	78
Quarter 2	7	512	73
Quarter 3	6	366	61
Quarter 4	9	464	52
<b>Total for Year</b>	<b>28</b>	<b>1,810</b>	<b>65</b>
2014/15			
Quarter 1	3	210	70
Quarter 2	3	185	62
Quarter 3	6	483	80
Quarter 4	1	50	50
<b>Total for Year</b>	<b>13</b>	<b>928</b>	<b>71</b>
2015/16			
Quarter 1	5	298	60
Quarter 2 to date	6	393	66
<b>Total for Year</b>	<b>11</b>	<b>691</b>	<b>63</b>

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**Cheltenham Borough Council**  
**Cabinet - 10th November 2015**  
**Growing Places - Allotment Strategy 2015**

<b>Accountable member</b>	<b>Cllr. Chris Coleman</b>
<b>Accountable officer</b>	<b>Fiona Warin, Green Space and Allotment Officer</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The Allotment Strategy 2015 is an updated allotment strategy that explores the demand and supply issues for allotments in Cheltenham and proposes actions in key areas of allotment management, infrastructure, protection and provision, promotion and health and safety, with a view to ensuring the effective provision and management of allotments now and in the future.</p> <p>Within the action plan of the allotment strategy, there are proposals to explore the option to use some of the money currently set aside for new allotment provision for allotment site improvements, particularly in relation to site security, health and safety and provision for disabled gardeners.</p>
<b>Recommendations</b>	<b>That Cabinet approves the Allotment Strategy and the action plan.</b>

<b>Financial implications</b>	<p>The remaining available capital budget stands at £586,700 as at 13<sup>th</sup> October 2015. In developing proposals for using these allocated funds to support infrastructure requirements, consideration must be given to ongoing allotment provision requirements arising from new housing developments in the town and ensure adequate resource remains available to address these needs.</p> <p>Repairs and maintenance works should either be funded from annual service maintenance budgets or proposed for inclusion within the annual Green Space Programme Maintenance Plan depending on the nature of the expenditure.</p> <p><b>Contact officer: Nina Philippidis, Business Partner Accountant</b>  <b>nina.philippidis@cheltenham.gov.uk, 01242 264121</b></p>
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<b>Legal implications</b>	<p>The law relating to allotments is quite complex. In summary, both Parish Councils and District Councils are Allotment Authorities but due to Schedule 29 Part 1 Paragraph 9 of the Local Government Act 1972, Cheltenham Borough Council is prohibited from exercising its allotment functions in parish areas. Therefore the Council is required to consider and provide for demand in allotments as set out in the Allotments Acts in relation to non-parished areas and Parish Councils are required consider and provide for demand in their areas. The action plan refers to the Council and Parish Councils working together to develop joint/shared policies with regard to surplus allotments and waiting lists. If the Council wishes to agree with Parish Councils that, in the event of there being no demand from non-parished residents, that residents in parished areas can rent a Cheltenham Borough Council allotment, detailed procedures for allocating allotments will need to be carefully considered in order to comply with these legislative requirements.</p> <p><b>Contact officer: Shirin Wotherspoon, shirin.wotherspoon@tewkesbury.gov.uk, 01684 272017</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>No HR implications</p> <p><b>Contact officer: Richard Hall, Richard.Hall@cheltenham.gcsx.gov.uk 01242 774972</b></p>
<b>Key risks</b>	<p>Allotments are a statutory function. The risk assessment is included.</p>
<b>Corporate and community plan Implications</b>	<p>Allotments make a significant contribution to healthy communities objectives, with an average of 8 people benefiting from each of the 811 allotments, in terms of organic or locally produced food and the health and well-being benefits of fresh air, exercise and the social interaction associated with allotment gardening. In addition, there is the contribution in terms of Cheltenham's environmental quality.</p>
<b>Environmental and climate change implications</b>	<p>Allotment sites are among the most bio-diverse environments within the publicly owned green spaces and they contribute environmentally in terms of the locally produced food, reduction in food miles, increased use of composting. Actions in relation to the water fittings regulations may lead to reduced use of metered water.</p>
<b>Property/Asset Implications</b>	<p>The unknown element is the likely demand for allotments as new developments are built and delivered and whether existing allotment sites could meet that demand.</p> <p>The ability of CBC to make land available for allotments is effectively limited to Priors Farm, which would require significant investment.</p> <p><b>Contact officer: David Roberts david.roberts@cheltenham.gov.uk</b></p>

## **1. Background**

- 1.1** The allotment strategy 2015 follows on from the comprehensive allotment strategy of 2005 and addresses the same key themes and areas in relation to the provision and management of allotments in Cheltenham.
- 1.2** A dramatic increase in demand for allotments from 2007 to 2011 led to an action plan being drawn up to increase the number of allotments. Funds from the sale of former allotment land at Midwinter were set aside for new allotment provision.

## **2. Reasons for recommendations**

- 2.1** With the supply and demand situation having stabilised, there is no longer an urgent requirement for additional allotment provision. However, there are new and emerging infrastructure issues relating to health and safety such as uneven paths, theft and vandalism at two sites, new requirements relating to water fittings regulations, new demand for provision for disabled gardeners, lack of toilet provision at one site.
- 2.2** The action plan recommends that the Council explore the options to use some of the funds previously set aside for new allotment provision to support some of the infrastructure requirements identified.
- 2.3** Other actions are designed to ensure the continued good management of the Council's allotments and to secure future additional provision in relation to future population growth using the planning process.

## **3. Alternative options considered**

- 3.1** Various options were considered in terms of additional provision, alternative management arrangements for allotments, options for rental charges. The survey undertaken in 2015 to consult allotment holders gave some good information about plot-holder priority and areas where the Council could be focusing resources.

## **4. Consultation and feedback**

- 4.1** The draft strategy was discussed at the Overview and Scrutiny committee meeting of 26th October 2015. Members made a few additional suggestions which have been incorporated into the document (relating to promotion of allotments for community groups, Open Days to attract new allotment holders, adapted tools for disabled gardeners and exploring the option to have provision for disabled gardeners on all sites). Endorsement of the strategy was indicated.
- 4.2** The draft strategy has been made available to allotment holders and a few have commented.
- 4.3** One raised the issue of how volunteer site wardens were recruited (this was felt to be an operational issue, rather than a strategic one) and another had a query about lone plot-holders and whether the risks associated with working alone on an allotment would be addressed (yes, in the health and safety review).
- 4.4** One site warden encouraged his plot-holders to comment but he responded that he had not received any feedback and he personally had no issues with the strategy.
- 4.5** The draft strategy was sent to the C5 Parish Councils. There was no feedback.
- 4.6** A meeting was held on 22nd October to ascertain feedback on the strategy from the C&DAHA.

"The document was thought to be a reasoned and appropriate set of proposals which took

account of a number of possible scenarios in the borough over the next ten years. The main area of concern of the C&DAHA is to ensure that sufficient funds are retained to be able to satisfy any future additional allotment demand through the provision of new allotment sites and plots. Therefore we would want to see the majority of the funds currently set aside to be reserved for this use." *Dennis Sutton on behalf of C&DAHA*

## 5. Performance management – monitoring and review

- 5.1** Once costings for the infrastructure investments have been obtained, the Cabinet Member and officers will engage in a process to decide priorities and extent of funds set aside that will be used for infrastructure projects.
- 5.2** The strategy will be reviewed after 5 years and a revised Action Plan drawn up to address any new or emerging issues or in response to any significant change impacting on the service.

<b>Report author</b>	<b>Contact officer: Fiona Warin, <a href="mailto:Fiona.warin@cheltenham.gov.uk">Fiona.warin@cheltenham.gov.uk</a>, 01242 774672</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Growing Places: Allotment Strategy 2015</li> <li>3. Allotment Survey 2015 - Summary of Feedback</li> </ol>
<b>Background information</b>	



The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likeli-hood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Lack of toilet provision and raised bed plots for disabled gardeners may affect the range of people that can have access to an allotment	Allotment Officer	27.10.15	2	3	6	Reduce	2 people on waiting lists unable to garden as they have need of an adapted plot. Constructing these plots would allow them to access the service	End 2016	Allotment Officer	
	Failure to provide additional security at sites prone to theft and vandalism may impact on allotment take-up	Allotment Officer	27.10.15	2	3	6	Reduce	Install gate extensions, lighting and explore use of remote camera	End 2016	Allotment Officer	
	Using money set aside for additional allotment provision on infrastructure improvements could be a risk if there was a very dramatic increase in demand for allotments that resulted in the Council requiring significant funds to develop new allotments	Allotment Officer	27.10.15	3	2	6	Accept	Continue to use the planning process to acquire additional allotment provision for new populations / housing and continue to divide plots in line with demand for smaller allotments	On-going	Allotment Officer	
	There is a statutory allotment designation on Elmfield Playing Field and a significant increase in demand for allotments could trigger a planning condition requiring the development of allotments on this land	Allotment Officer	27.10.15	4	2	8	Reduce	Transfer designation to alternative council owned land	On-going	Green Space Development Manager	

**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

# Growing Places



Cheltenham Borough Council  
Allotments Strategy 2015

## **SECTION 1. INTRODUCTION TO THE ALLOTMENT STRATEGY 2015**

### **1.1 Introduction**

- 1.1.1 In 2005, Cheltenham Borough Council wrote a detailed allotment strategy.
- 1.1.2 It addressed geographical demand and provision and 5 key areas: effective management, infrastructure, promoting allotment and community gardening, provision and protection of allotments, health, safety and environment.
- 1.1.3 It incorporated an investment programme to install toilets on most sites, improve paths and haulingways, fences, gates, water supplies and car parking areas. It included provision for community areas, signage, renovation of derelict allotment land, provision of raised beds for wheelchair gardeners, planting of a community orchard, provision of new sheds and more.
- 1.1.4 The strategy was reviewed in 2010, with a revised action plan drawn up to address remaining and emerging items.
- 1.1.5 This 2015 strategy builds on the previous one, addressing the same key areas, noting the current situation and anticipated future developments and highlighting the key themes and action points to be addressed.
- 1.1.6 This ten-year strategy will likewise be reviewed after 5 years.

### **1.2 Aims of the strategy**

- 1.2.1 The Council looks to recognise the broad appeal of allotment gardening and the contribution it makes to the town and to the quality of life of many who live here. These days, it is more likely to be viewed as a leisure activity than the economic necessity of former times, but the benefits are still considerable:

- Home-grown fruit and vegetables, herbs and flowers
- Exercise and fresh air, offering physical and mental health benefits
- Opportunity for social interaction, friendship, sense of community
- Bio-diversity of both flora and fauna in the urban environment
- Sustainability associated with local food production, composting, recycling

- 1.2.2 The strategy seeks to ensure the effective management and funding of allotments to provide a thriving network of growing spaces that allows for the widest possible participation in allotments, both by groups and individuals, and also to address key areas identified in consultation with plot-holders.

### **1.3 Stakeholders**

- 1.3.1 There are various groups and individuals who have a stake in the provision and management of allotments in Cheltenham and these include:

- Cheltenham Borough Council allotment holders
- Applicants and other potential plot-holders (from all sectors of the community)
- Non-CBC allotment holders and providers (Parish Councils and others)
- Cheltenham & District Allotment Holders' Association (C&DAHA) / groups
- Residents living near to allotment sites
- Local environmental groups and those promoting local food production
- Community, health-care and educational organisations involved in allotments
- The wider community of Cheltenham (environmental and social benefits)

### **1.4 Structure of the document**

- 1.4.1 This strategy is in 5 sections: The introduction is followed by a section on the supply and demand situation and how this has changed over time. It also highlights areas that plot-holders have identified in a recent customer survey.
- 1.4.2 The third section addresses the 5 key areas: effective management, infrastructure, promoting allotment and community gardening, provision and protection of allotments and health, safety and environment.
- 1.4.3 The fourth section details the policy and service standards which can be expected in relation to allotment provision and administration.
- 1.4.4 The fifth section is the Action Plan detailing the activities to be undertaken within the 5 key areas identified.

## **SECTION 2. THE CURRENT SITUATION**

### **2.1 Provision of Plots**

- 2.1.1 There are 9 allotment sites in Cheltenham managed by the Borough Council, covering an area of 16.03 hectares. In recent years, there has been increasing demand for smaller allotments and so larger plots have been divided. As a result, there are 811 individual allotments available to let (equivalent to 507 standard full-sized plots of 250 square metres).
- 2.1.2 A further 423 standard plots (approximately) are provided by Parish Councils and others and this gives a total number of standard plots in Cheltenham of 930. This equates to approximately 8.5 full-sized plots per thousand people.
- 2.1.3 There is currently a statutory allotment designation on Elmfield Playing Field, equivalent to a further 62 full-sized plots. Since the last strategy was written in 2005, a small area of allotment land was lost at the Holy Apostles Church in Charlton Kings and a small area gained in Windsor Street, with small plots constructed as part of the development of a new care home. This means a small net loss over the 10 year period of approximately 4 plots in Cheltenham.

### **2.2 Uptake of Plots**

- 2.2.1 The Allotment Strategy of 2005 made reference to a slight increase in interest in allotments and raised the question as to whether a renaissance in allotment and community gardening might be around the corner.
- 2.2.2 In fact, interest in allotments snowballed across the country. Food scares relating to pesticide and chemical use, environmental concerns (e.g. food miles) and continual promotion of allotment gardening on television helped to fuel a nationwide allotment 'frenzy' that saw demand peak from 2007 to 2010, with over 300 applicants in 2008 alone for Borough Council sites.
- 2.2.3 With annual plot turnover at around half this rate, for a number of years, waiting lists got longer and longer. The Council identified a need for a large number of additional plots, particularly in the South of the Borough where

turnover was low. At one point, it was estimated that applicants might have to wait up to 7 years for a plot at the popular Asquith Road site or the well-established Hatherley Road site.

2.2.4 A strategy was drawn up for the identification of potential new allotment sites and money was set aside for additional provision. Green and open spaces were examined for their potential for use as allotments. Consultation was undertaken in two areas to gauge local views and levels of interest.

2.2.5 Then rates of application began to fall, as did the rate of take-up of allotments from the waiting list as applicants became more cautious about diving in to what can be quite a time-consuming occupation. At some sites, take-up fell from 90% to less than 50%. Demand for small plots continued to rise and larger plots were divided, meaning an increase in the number of plots overall.

2.2.6 With more plots, lower rates of application and lower take-up of plots, the waiting lists started to fall in 2012 and are back at pre-2005 levels for many sites. By the end of 2014, some sites had just a handful of applicants and a wait for a plot of three or four months.

2.2.7 With an understanding of how quickly the supply / demand picture can change, the Council will look to act prudently in terms of additional provision and will also look to work with the Parish Councils and other providers to consider demand for the Borough overall and to develop a strategy to try to address year on year fluctuations in demand for and take-up of plots.

## **2.3 Geographical distribution of allotments, including parish areas**

2.3.1 There are allotment sites reasonably well distributed across the Borough, albeit with little provision in the centre and to the east.

2.3.2 There are three parishes within the Borough that own and manage allotment sites and two that do not. Parishes are responsible for allotment provision for their populations. The Borough is responsible for non-parish area provision.

2.3.3 With Parish residents sometimes living nearer to a Borough site or vice versa, and with two parishes not having allotments, an approach had developed over

time by which most parishes with allotments and the Borough Council accepted other applicants where vacancies permitted.

- 2.3.4 This became problematic during the period of very high demand when the Borough was looking to develop new allotments but was unable, for legal reasons, to do so in a parish area or to satisfy demand from parish residents. Parishes and Borough alike looked to their statutory responsibilities in terms of allotment provision but this meant, potentially, less choice for the resident.
- 2.3.5 The Council will seek to work with Parish Councils to clarify procedures for out of area applicants, particularly during periods of low or very high demand.

## **2.4 Disposal of former allotment land and proceeds of sale**

- 2.4.1 A large area of disused allotment land adjacent to the Midwinter allotment site was put up for sale by the Council for residential development. The scheme selected incorporated the relocation of an area of (then existing but unused) allotments to Elmfield Playing Field (it's relocation also envisaged at the time).
- 2.4.2 Funds were set aside, from the proceeds of the land sale, for the development of new allotments amounting to £600,000 which included £50,000 to fund infrastructure and site improvements at the adjacent Midwinter allotment site.
- 2.4.3 There is currently a statutory allotment designation on the Elmfield Playing Field and a planning condition that could trigger development of allotments in the event that allotment demand was to significantly increase.
- 2.4.4 With significant provision in the area already (the adjacent Midwinter allotment site has 200 plots and a short waiting list) the preference is to move the statutory designation from Elmfield so that any future development of plots would be in an area of lower provision and proven demand.
- 2.4.5 Consultation in the Priors area of Cheltenham in summer 2013 revealed a latent demand for allotments, i.e. a number of people who were not on a waiting list elsewhere because they would not travel to a plot but who would be interested in a locally available plot). Priors / Oakley is an area of low allotment provision in Cheltenham.



- 2.4.6 With the Council owning land in the area, there is the option to explore the possibility of moving the statutory allotment designation and possibly to go on to develop a small allotment site in the Priors area, if overall demand / supply in the Borough warranted it or as part of any wider-scale development of the area. There has been a significant increase in housing in recent years.
- 2.4.7 In addition, past proceeds of sale of allotment land have been used to upgrade and develop allotment sites to make them accessible for families and disabled gardeners (upgraded, accessible pathways, fully accessible composting toilets on most sites, community areas, raised beds for wheelchair users).
- 2.4.8 The feedback from the allotment surveys and the allotment site wardens has identified site improvements that could be funded out of sale proceeds, given that the entire sum may not be needed for additional provision.
- 2.4.9 These include additional security for Hayden Road and Midwinter sites, where 60% of plot-holders have experienced theft or vandalism in the last 5 years, reinstating grass paths at Alma Road site, where narrow and uneven paths are an access challenge for some, additional raised bed plots designed for wheelchair use at two sites where there are suitable applicants and possibly a toilet at Severn Road site and new gate and toilet entry systems.

## **2.5 Link to Council Business Priorities**

- 2.5.1 Allotments contribute to two of the three over-arching aims that the Council has for the Borough.
- 2.5.2 The first is that *Cheltenham's environmental quality and heritage are protected, maintained and enhanced* and the second is that *People live in strong, safe and healthy communities*.
- 2.5.3 The feedback from a survey of allotment holders undertaken in the first half of 2015 indicates that the number of people benefitting from each allotment plot is 8, on average, and that the health and well-being benefits to plot-holders and the families and friends who receive produce can be considerable.
- 2.5.4 Moreover, allotments score more highly for bio-diversity than any other

publicly owned green space in the Borough.

## **2.6 Consultation**

- 2.6.1 In early 2015, the Council undertook a survey of allotment holders to gain feedback on the allotment service and to gather information that would inform this allotment strategy. There were 247 responses, representing one third of allotment holders.
- 2.6.2 Overall, most allotment holders were satisfied with the service provision, with 83% of survey responders indicating that they held the Council's allotment service to be good or very good.
- 2.6.3 The main issues that stood out were the need for additional security measures at the Midwinter and Hayden sites and that the level of allotment rent is now at the upper limit of what some people would be prepared to pay.
- 2.6.4 It was useful to note that 70% of plot-holders spent over 5 hours each week on their allotment and that 8 people, on average, benefitted from each plot (which means a significant number of people across Cheltenham, if all Borough and non-Borough plots are included.)
- 2.6.5 There was little interest in self-management of sites, with 29 people expressing some level of interest versus 204 who said they were not interested in self-management.
- 2.6.6 In terms of the service 'extras', assistance with rubbish removal (skips) was firmly supported by many plot-holders, as was the communication with plot-holders via the annual newsletter. There was slightly less support for the annual plot competition. Some felt it helped to raise standards and enjoyed taking part. A slightly higher number were not interested themselves (albeit many of those recognised the importance for others).

### **3. SECTION 3: KEY AREAS IN ALLOTMENTS MANAGEMENT**

#### **3.1 Section Overview**

3.1.1 The following 5 key areas are explored in this section:

1. Effective management
2. Infrastructure
3. Promoting allotments and community gardening
4. Provision and protection of allotments
5. Health, safety and environment

#### **3.2 Key Area 1: Effective management and administration**

3.2.1 The allotment strategy of 2005 highlighted key areas in the administration of allotment sites:

- To ensure the effective day to day maintenance and operation of allotment sites
- to provide an effective and efficient administration system
- to charge fair and affordable rents with an appropriate range of discounts and payment systems
- to offer a range of plot sizes and shared plots
- to provide the staff and financial resources necessary for effective management
- to seek other sources of income to support allotments, e.g. grants
- to provide help and support to new tenants
- to consult plot holders and their representatives on the day-to-day management and strategic direction of allotments

3.2.2 A number of measures were implemented over the course of the 2005-2015 allotment strategy, including computerised administration software, widening of the volunteer warden role, re-writing the tenancy agreement, review of, and increase in, allotment rents, review of office procedures (with an increase in use of electronic communications), allotment information and application pages on the Council's website re-written, allotments administration becoming a full-time post.

- 3.2.3 The number of small and half-sized allotments increased significantly, to respond to the demand for smaller allotments as more families and working people took up plots and the number of community allotments also increased.
- 3.2.4 Moving forwards, developments in technology should enable further efficiencies in the delivery of allotment administration and the service will continue to liaise with other authorities and technology providers to keep up to date with the options.
- 3.2.5 Sponsorship and / or grants could be sought to fund further improvements (additional raised bed plots) or existing items (e.g. gaining commercial sponsorship of the newsletter(s) or the allotment competition), to help fund the service 'extras' which are of value to many allotment holders.
- 3.2.6 In terms of support for new tenants, the service offers some advice, via a leaflet, on clearing a plot and liaises for skip provision if rubbish has been left by a previous tenant. There is a lot of information available on the internet and the volunteer site wardens often give advice and assistance. Additional support can be considered.
- 3.2.7 Consultation continues, via the volunteer site wardens and the C&DAHA and directly with allotment holders through surveys and feedback requests.

**3.2.8 Objective: To continue to develop the allotment service to ensure efficient and effective management and administration**

**3.3 Key Area 2: Infrastructure**

- 3.3.1 The Council is responsible for allotment site infrastructure and it is included in the inspection regimes for parks and green spaces. There is a small budget at the disposal of the allotment officer for maintenance of existing site infrastructure. The strategy of 2005 identified 3 key areas for improvement:

- Site security
- vehicle and foot access
- toilet facilities

- 3.3.2 Funds for the delivery of improvements to site infrastructure were secured

through the 2005 allotment strategy from proceeds of sale of former allotment land off Howell Road. Toilets were installed on all sites, except for the Severn Road site where there were only 7 allotment holders and no requirement for a toilet. Security and access were addressed with paths and roadways upgraded at several sites and new fencing and gates installed where required.

- 3.3.3 Emerging issues include degraded grass pathways at Alma Road site and tarmac roadways at Midwinter site and the need for improved security measures at Hayden Road and Midwinter sites (where 60% of tenants have experienced theft or damage).
- 3.3.4 In addition, there are emerging requirements to upgrade water supplies on allotment sites to reduce the risk of contamination of the general water supply. Some water authorities are now requiring use of a specific type of dip tank or an expensive air gap device for allotment site water supplies or sites face their supplies being cut off. This could require significant resources.
- 3.3.5 In terms of catering for disabled gardeners, there are two sites with people waiting for an adapted plot (Asquith and Midwinter sites) similar to the raised bed plots installed at Terry Ashdown and Hayden Road sites in 2007.
- 3.3.6 There is also a small group of allotment holders at Severn Road who have expressed the desire to have a toilet on site.
- 3.3.7 Once costed, the Council will be in a better position to prioritise these proposed investments. Funds for the delivery of these additional infrastructure improvements could be secured using some of the funds set aside for new allotment provision, given that the supply and demand situation has stabilised.
- 3.3.8 **Objective: To continue to maintain the infrastructure of allotments and deliver the improvements identified, dependant on priorities and funding**

#### **3.4 Key Area 4: Promoting allotment and community gardening**

- 3.4.1 When the 2005 allotment strategy was written, it was felt that many groups were under-represented on allotment sites. It was hoped that with additional support and information, as well as the provision of toilets, improved signage and community areas, women, families, people with special needs and people

on low incomes would be encouraged to take up the opportunity to work an allotment.

3.4.2 In fact, with the extensive presence of allotment gardening in the media, the promotion of allotments was largely accomplished. Many women, families, younger people, working people, people on lower incomes, community groups, education providers, mobility scooter users, ethnic minority groups and more took up allotments.

3.4.3 With the recent fall in applications and the prospect of vacant plots on two sites, the Council has once again started to advertise / market the allotments, issuing a press release in early 2015 that waiting lists were very short for the Midwinter and Hayden Road sites. A number of applications resulted.

3.4.4 The allotment service will draw up a marketing plan to be put into action if waiting lists drop below a 3 month wait for a plot. It is preferable to have a short waiting list, rather than vacant plots deteriorating while waiting to be let.

**3.4.5 Objective: To develop a simple marketing and media plan to promote allotment gardening to ensure the continued uptake of plots and increase the value placed on allotments by the community as a whole**

### **3.5 Key area 4: Provision and protection of allotments**

3.5.1 Cheltenham Borough Council has demonstrated a strong commitment to the provision and protection of allotments in terms of the resources allocated to the development and management of allotments and the increase in the number of allotments through the renovation of derelict allotment land.

3.5.2 Future measures for the provision and protection of allotments include:

- Use planning process to ensure provision in large-scale residential developments
- Explore option to relocate Elmfield playing field allotment designation to a location in the east of the borough where supply is lower and there is latent demand
- Continue to support the allotment service with the resources required to deliver the infrastructure improvements identified and to ensure efficient administration

- Work with the parish councils to look at the overall picture of supply and demand across the borough and seek to work cooperatively with the parish councils to manage over/under supply and waiting lists
- Continue to consult with allotment holders on changes in allotment provision

**Objective:** To ensure that there are enough allotments in the right locations, using the guidelines above

### **3.6 Key Area 5: Health, Safety and Environment**

- 3.6.1 While many allotment holders and organisations recognise the health and environmental benefits of allotment gardening, there are also some risks associated with horticultural activities that need to be identified and managed.
- 3.6.2 Some potential risks arise from infrastructure issues e.g. quality of roadways, whilst others arise from activities of plot holders e.g. use of garden machinery and tools. Some arise from changes in legislation, e.g. Food & Environment Protection Act 1985 or Water Supply (Water Fittings) Regulations 1999.
- 3.6.3 Over the course of the previous strategy, measures were introduced to identify and manage health and safety risks, including regular infrastructure inspections and a health and safety leaflet for allotment holders.
- 3.6.4 In addition, a leaflet was given to allotment holders explaining how they could manage their plot to support wildlife and wildlife habitats. This coincided with a general desire among plot-holders to decrease the amount of chemicals used in food production and it is likely that there have been environmental benefits, although not quantified through any empirical research at a local level.
- 3.6.5 With wardens meetings taking place less frequently and changes in advice at a national level, the health and safety and environment policy in relation to allotments will be reviewed to ensure that the Council's approach is current.

**Objective:** To continue to improve the risk management of allotments and promote the health and environmental benefits

#### **4. SECTION 4: POLICY AND STANDARDS OF SERVICE**

As stated in the 2005-2015 allotment strategy, the Council will look to:

- 4.1 Provide sufficient high quality allotments, in the right places, to meet the needs of the people of Cheltenham. This will involve:
  - Protecting allotment land from the pressures of development, neglect and vandalism
  - Securing the provision of new allotments in areas of need
- 4.2 Provide an excellent service to plot holders from which they can expect:
  - High quality, safe sites, accessible to all parts of the community and supported by appropriate infrastructure
  - Efficient and effective administration
  - Fair rents and charges
  - Advice, information and assistance
- 4.3 Promote allotments:
  - To potential tenants, especially those groups under-represented in the allotment community
  - To the wider community so that they become aware of the value of allotments and their contribution to a sustainable town
- 4.4 Consult with and involve allotment holders in the management of allotments, from both operational and strategic perspectives
- 4.5 Provide adequate resources to achieve the above and to invest in the allotment service and infrastructure using monies received from the sale of former allotment land or other sources.

#### **5. SECTION 5: ACTION PLAN**

This section proposes actions over the next 10 years by the Borough Council and others to help achieve the aims of the strategy. The actions are grouped according to the five key areas previously identified.



## 5.1 Key Action 1: Effective Management

**Objective:** To continue to develop the allotment service to ensure efficient and effective management and administration

ACTION	WHO	TIMESCALE	RESOURCES
Continue to work with and support on-site wardens and volunteers who assist with plot-lettings and day to day liaison about site issues and unworked plots. Undertake a survey of volunteers and wardens to facilitate this process.	Allotment Officer Wardens	On-going  August 2016	Current internal resources
Attend regional allotment officer forums / GATPC meetings as and when organised to keep current with best practice and national advice.	Allotment Officer	Annual / as and when organised	Current internal resources
Restrict allotment rent increases to inflationary amounts in light of survey feedback and legal requirements in relation to allotment rents. Review in 5 years.	Allotment Officer	2015-2019 End 2020	Current internal resources
Monitor and continue to divide plots if the demand for smaller allotments continues. Continue with policy of allotment holders taking medium or half plot (or smaller) in the first instance, but with the possibility to have a full-sized or large plot when available, once initial area deemed by officers to be fully cultivated.	Allotment Officer	On-going	Current internal resources
Seek additional funding e.g. sponsorship of newsletters / competitions as and when internal resources may become available to undertake. Seek additional funding through grants for additional disabled access plots, working in partnership with another organisation that would have access to external grants and funding.	Unidentified  Parks Development Team	On-going	Could require additional skills / resources
Review support for new allotment holders with site representatives and implement changes identified that can be undertaken within current resources (e.g. changes to literature, use of on-line links, volunteer mentors on site).	Allotments Officer and Wardens	December 2016	Current internal resources

## 5.2 Key Action 2: Infrastructure

**Objective:** To continue to maintain the infrastructure of allotments and deliver the improvements identified, dependant on priorities and funding

ACTION	LED BY	TIMESCALE	RESOURCES
Obtain costings for identified site infrastructure improvements and consult with site representatives and Cabinet Member to prioritise. Approve virement of funds (proceeds of sale) set aside for allotment provision to fund prioritised improvements.	Parks Development Manager and Allotments Officer	Initial costings, prioritising and allocation of funds by end 2016	Capital funding (proceeds of sale of former allotment land)
<b>All sites</b> All water supply equipment (in light of current regulations) Site entrance locks / system for ease of entry and security and to reduce cost and administration to Council of issuing individual keys Key box for toilets to negate requirement for individual toilet keys (Council) shed repair fund (materials only) Explore additional options for raised bed / disabled use plots			
<b>Alma Road</b> Reinstatement of narrow and uneven grass pathways			

<b>Asquith Road</b> Development of disabled raised bed plot			
<b>Hayden Road</b> Security measures (increased gate height, anti-vandal paint, lighting at entrance, use of security cameras) Reparations to disabled raised beds			
<b>Midwinter</b> Security measures (increased gate height, anti-vandal paint, lighting at entrance, use of security cameras) Improvements to tarmac roadway Development of disabled raised bed plot			
<b>Severn Road</b> Allotment toilet			

### 5.3 Key Action 3: Promoting allotment gardening

**Objective:** To develop a simple marketing and media plan to promote allotment gardening to ensure the continued uptake of plots and increase the value placed on allotments by the community as a whole

ACTION	LED BY	TIMESCALE	RESOURCES
Prepare press release and other materials (leaflet, tweet, Facebook update) to be used if/when plot waiting lists drop below 3 months.	Allotments Officer	April 2016 On-going	Current internal resources
Continue to look for opportunities to promote allotment gardening in the local media and organise site Open Days for sites with no waiting list.	Allotments Officer	Minimum of 2 media releases per annum	Current internal resources
Continue to promote the use of Hayden Two for community gardening groups and for group allotments, giving priority to groups and offering advice and assistance in setting up the group structure.	Allotments Officer	Press release per annum	Current internal resources
Draw up a list of organisations that could be approached for marketing campaign in the event that allotment waiting lists evaporate e.g. CBH, large local employers, local publications reaching various groups, local radio etc.	Allotments Officer Communica- tions Team	April 2016 On-going	Current internal resources

#### 5.4 Key Action 4: Provision and protection of allotments

**Objective:** To ensure that there are enough allotments in the right locations

ACTION	LED BY	TIMESCALE	RESOURCES
Explore the option to relocate the allotment designation from Elmfield Playing Field to council owned land in Priors area of Cheltenham and subsequently explore options to develop new site as stand-alone or as wider development of the area.	Green Space Development Manager	On-going	Current internal resources
Continue to secure provision of additional allotments in large-scale residential developments through the planning process.	Green Space Development Manager Planning Officers	On-going	Current internal resources
Liaise with the parish councils to consider supply and demand across the borough and develop joint / shared policies with regard to surplus allotments and waiting lists in other areas.	Allotment Officer	Meeting every two years as a minimum	Current internal resources
Develop a policy to address changing allotment demand and consult on possible measures such as offering additional plots to existing plot-holders at reduced rent as 'potato grounds' or allowing plot-holders to have multiple plots in the event that demand drops to the extent that there are vacant / unwanted plots.	Allotment Officer Site Wardens Consultation with allotment holders	End 2016	Current internal resources

## 5.5 Key Action 5: Health, Safety and Environment

**Objective:** To continue to improve the risk management of allotments and promote the health and environmental benefits

ACTIONS	WHO	TIMESCALE	RESOURCES
Review the health and safety policy for allotments, including frequency of inspections, permissible items (e.g. ponds, glass greenhouses) and information given to allotment holders.	Parks Development Manager Allotments Officer Corporate Health and Safety Advisor	June 2016	Current internal resources
Review water supply equipment at all allotment sites and make recommendations based on current regulations.	Properties Dept. Allotments Officer	December 2016	Current internal resources
Review and amend advice given to allotment holders on legal, safe and environmentally friendly allotment gardening techniques.	Ecology Ranger Allotments Officer	December 2016	Current internal resources
Explore option to be able to supply or recommend a supply of adapted tools to ensure safe and effective tools for disabled gardeners.	Allotment Officer	December 2016	Current internal resources
Explore options to undertake a survey of the wildlife and bio-diversity of allotments. Identify areas/features for protection and enhancement.	Ecology Ranger Allotments Officer Local nature organisations	December 2017	Current internal and external resources

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# Allotment Survey 2015



## Summary of Feedback

**Fiona Warin, Allotment Officer**

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## 1.0 Introduction

### 1.1 Aims of the survey

There were several aims in undertaking this survey of allotment holders:

- To gain feedback from plot-holders about the Council's allotment service
- To gain feedback on specific topics such as self-management of sites
- To inform the revision of the allotment strategy which is being written in 2015, in terms of identifying key focus areas and investment priorities
- To understand plot-holder priorities and requirements
- To identify any site specific issues / problems
- To ascertain additional useful information, such as how long people spend on their plot and how many people benefit from the allotment

### 1.2 Methodology

An online survey was drawn up by the allotment officer, with input from site wardens and the Cabinet Member. In February 2015, a link to the online survey was sent to all allotment holders for whom the allotment administration held an e-mail address.

In the case that the e-mail 'bounced' back or the Council did not hold an e-mail address, paper copies of the survey were delivered to the allotment plot or hand-delivered by the warden or posted by the allotment officer (if there was no shed or greenhouse in which to leave the paper copy).

In addition, notices were put up informing plot-holders of the survey and giving the online address and also asking people to contact the office for either a paper copy or on-line link, according to their preference.

The online survey was available until the end of June and was taken off-line on 1<sup>st</sup> July. One paper copy survey was received after 1st July and was included.

### 1.3 Responses

There were 247 responses, of which 210 were online and 37 were hand-written. This represents one third of allotment holders (741 people holding 800 plots).<sup>1</sup>

All sites were represented with the breakdown as follows (number of plot-holders at the site in brackets).

Alma Road (77)	16	Midwinter (178)	40
Asquith Road (185)	70	Reddings Road (40)	24
Hatherley Road (31)	13	Severn Road (9)	4
Hayden Road (75)	37	Terry Ashdown (35)	9
Hayden Two (76)	20	Warden Hill (35)	14

<sup>1</sup> Tenants may take on an additional half plot once first half plot is fully cultivated and historically some tenants and community groups were able to have more than one allotment when demand was very low.

## 2.0 Feedback - General Questions

### 2.1 The size of my allotment is: small medium large extra-large not sure

Small	39	Extra large	5
Medium	119	I'm not sure	14
Large	64	Left blank	7

This means that all plot sizes are represented (broadly in proportion to the number of plots in the range of sizes that the Council offers). Most allotment tenants have a medium (or half-sized) allotment, being between 100 and 199 square metres in size.

### 2.2 During the main growing season I spend the following time each week on my plot: Under 2 hrs 2-5 hrs 5-10 hrs 10-20 hrs over 20 hrs

Under 2 hrs	4	10-20 hrs	68
2-5 hrs	60	Over 20 hrs	19
5-10 hrs	86	Left blank	10

This provides some very useful information for new and potential plot-holders.

One of the problems of the last several years has been people taking on allotments with unrealistic expectations, usually gained from television programmes. The time commitment is often much greater than anticipated and people quickly fall behind, to the detriment of both the plot and plot-holder morale.

To counter this, a leaflet was prepared giving more detail on the time commitment and requirements of allotment gardening. A list of questions was prepared that site wardens and representatives could use when showing people the vacant allotments to help them decide if they had the available time to manage a plot.

This feedback will enhance the available information for potential plot-holders.

Not surprisingly, there is a correlation between size of plot and the time spent on it.

Whereas 38% of plot-holders with a small plot said that they spent under 5 hours on the plot, only 8% of large plot-holders said the same. Only 18% of plot-holders with a small plot spent over 10 hours per week on the plot, whereas for large plot-holders, it was 63%.

For medium-sized plot-holders, there is quite an even spread. 29% are managing their allotment with 2-5 hours spent on the plot per week, 36% spent 5-10 hours and 29% spent 10-20 hours.

The time commitment required is evident. Overall, 70% of those who responded said that they spent over 5 hours a week on their plot in the main growing season.

Finding a minimum of 5 free hours when the weather is conducive, consistently throughout the growing season, could be quite a challenge and it is helpful to have this information to share with potential plot-holders so they can make informed decisions about plot tenancy.

### 2.3 The things I enjoy most about having an allotment are:

*'Able to grow organic crops for the family. Company of like-minded people - it is quite a community at the allotment, sharing cultivation tips, swapping a glut of one crop for something else. Enjoying the fresh air and exercise. Escaping to a different world of peace and calm.'*

Most people listed several aspects of allotment gardening in response to this question. We analysed the first 100 responses to get a better picture of why people have allotments and in what way it contributes to their sense of well-being. We allocated each separate comment to one of the following categories.

Analysis of first 100 responses:

Category of Comment	Number of Comments
Sense of achievement / enjoyment in the process of growing own food	51
Taste / freshness / enjoyment of the produce itself	31
Growing organic / knowing what has gone into my food	12
Having an outside space (e.g. live in a flat)	4
Friendship / sense of community / social aspects of allotment site	45
Relaxation / sense of peace and tranquillity	18
Getting exercise	27
Being outdoors / being out in the fresh air	45
Benefits to the children / family life / children learning about growing	11
Therapeutic aspects / having a healthy hobby	7
Access to nature / watching the wildlife	4

There seems to be as much, if not more, enjoyment in the *process* of growing the vegetables as in the enjoyment of the end product. And the social and community side of allotment gardening is one of the most enjoyable aspects for many people.

There are many references to physical and mental health, with many plot-holders appreciating the sense of peace and tranquillity that can be found in the urban environment whilst out on an allotment plot. A couple of people were very clear that their allotment made a significant contribution to their mental health.

### 2.4 The things I find challenging about having an allotment are:

*'Finding enough time to do all I would like on the allotment and finding my fruit and vegetables have been eaten by insects etc. The tomato blight last year was a bit of a shock too but something else to learn.'*

Once again, the first 100 responses were analysed.

The most challenging aspect of allotment gardening, as reported by the allotment holders, is keeping on top of the weeds. 28 of the first 100 responses listed this among the challenges of having an allotment.

There were some shared frustrations, such as finding sufficient time for the plot (15 comments), heavy clay soil (12), dealing with the pests (10) and the vagaries of the British weather (7). 6 people listed theft or vandalism as a challenging aspect.

However, after that, there were 25 categories of comment with under 5 comments allocated to them. It seems that many of the challenges to allotment gardening are personal or particular to the plot-holder and are not necessarily shared by others.

Analysis of first 100 responses:

Category of Comment	Number of Comments
Keeping on top of the weeds	28
Finding time / not enough hours in the day	15
Heavy digging / heavy clay soil	12
Dealing with the pests (slugs, snails, bugs and birds)	10
The British weather	7
Theft from plot / damage or vandalism	6
Getting rid of rubbish or large amounts of organic waste	4
The amount of work involved in having an allotment	4
Getting manure / compost to the plot	4
The challenge of taking on a neglected / overgrown plot	4
Allotment site politics	4
The time it takes to water the plot	3
Bad behaviour of other allotment holders	3
Overgrowing vegetation on neighbouring allotments	3
Outside factors e.g. family member becoming unwell	2
Access to skips	2
Maintenance of allotment paths	2
Tap quite a long way from plot	2
Plot a long way from the car park	1
No access to water in the winter to clean boots off	1
Difficulty in getting shed erected	1
Personal physical constraints (injury)	1
Can't have a bonfire in the growing season to get rid of allotment waste	1
Having to unlock the gate every time the plot is visited	1
Overhanging trees	1
Smelly chickens	1
Bonfires being held in the summer	1
Keeping small children occupied while working the allotment	1
No electricity on site for electric tools	1
Territory problems	1
Eating all the produce! (too much produce)	1

Out of the first 100 responses, 8 did not list any challenges at all and a further 7 said that they enjoyed the challenges and felt that they were a positive part of having an allotment. One person wrote,

*'I do not find my allotment challenging in any way, I just enjoy being there every day.'*

**2.5 How many people benefit overall from the allotment** *(Through direct involvement on the plot or being in receipt of allotment produce, or for another reason – please feel free to give details)*

Many responses were specific and detailed e.g.

*'2 (wife & myself) for involvement  
5 family members receiving produce  
4 neighbours receiving produce  
Total on a regular basis – 11'*

*'I feed my family and I give extra veg to my friends, neighbours and sometimes work colleagues.  
  
Probably 20 plus but it's hard to put a figure on it.'*

Others were less specific about numbers, simply stating, for example, *'family, friends and neighbours'*.

Immediate family, friends and neighbours seem to benefit the most, with extended family and friends and work colleagues benefitting from surplus produce at certain times of the year.

Other beneficiaries include a local food bank, homeless kitchen and residents association. Two people said that jams / surplus produce were used to raise funds for charity. One said that they gave produce to acupuncture clients and apparently even some local monks are in receipt of allotment vegetables.

The benefits are not restricted to produce: Sense of well-being is also addressed.

*'Everyone who knows me has benefited as I am much happier in general with the ability to grub in the mud regularly :)'*

It seems that the benefits of allotment gardening are felt further and wider than simply looking at the number of allotment plots might suggest.

Using the responses which give specific numbers to approximate those that do not, we were able to estimate the following:

Number who benefit from the plot	Number of survey responses
1 - 4	61
5 - 9	95
10 - 19	62
20 - 35	15

One plot holder estimated that 50 people received produce from their allotment.

Overall, an average of about 8 people benefit from each tenanted allotment and given that there are in the region of 800 Cheltenham Borough Council plots, this signifies a large number of people in the borough who benefit in some way from the allotments. The number is far greater if the privately managed and parish council allotment sites are also taken into account.



**2.6 I think my allotment is:**

very good value      good value      fair value      poor value      very poor value

Very good value	70
Good value	77
Fair value	84
Poor value	10
Very poor value	2
No answer / other	4

**2.7 Do you have any comments on allotment rent?**

Just under half (119 out of 247) of those who responded made a comment about plot rent. The responses were analysed for the type of comments made as follows:

Category of Comment	Number of Comments
Rent is reasonable / fair / about right	23
Rent is good value / very good value / well worth it	19
Rent should be less / cheaper / free	10
Cheltenham rents are high / expensive compared with other authorities	15
Rents have gone up a lot in recent years	21
Further increase in rent could impact on decision to have an allotment	23
There should be more concessions available	4
Rents should be higher (deter unworked plots / fund more skips)	2
Comments relating to payment type and timing	4
Comments (other)	3

Although there seems to be a general sense that an allotment in Cheltenham represents fair or good value at the moment, the comments also reveal that some allotment holders are aware that their rents are high in comparison to other authorities and a number of plot-holders have indicated that the rent level is at the upper limit of what they would be willing to pay for the allotment.

**2.8 The condition / facilities overall of my allotment site are:**

Very good      good      satisfactory      poor      very poor

Very good	52
Good	122
Satisfactory	62
Poor	8
Very poor	0
No answer	4

In terms of those who answered 'poor', 5 responses relate to Midwinter site and the other 3 relate (one each) to Hatherley Road, Asquith Road and Severn Road. 'Satisfactory' responses related to all sites – none stood out. Overall, 70% of plot-holders indicated that the condition of their site / the facilities were good or very good.



## 2.9 The main issue at my site at the moment is:

The responses were analysed and grouped as follows:

Security / theft	36
Poor maintenance of neighbouring allotment (seeding / spreading weeds)	17
Neglected / abandoned plots need dealing with / moving on quicker	12
Site maintenance (hedges, pathways, toilets)	10
Plot-holders fly-tipping in communal areas	10
Inconsiderate plot-holders (block paths, hog the tap, bad language)	8
Access to skip to dispose of rubbish (placement of skip, timing, frequency)	8
Weeds	7
Rodents (rats, mice)	6
No permanent rubbish disposal arrangements on site (e.g. bins)	6
Waterlogging of area of the site (Midwinter)	6
Access to toilet	6
Difficulty accessing the site, in terms of heavy gate or awkward padlock	5
Shade from over-hanging trees	5
Shed in poor repair	4
Distance to water supply	4
Soil quality, heavy, clay soil	3
Other plot-holders not locking the gate on leaving the site	3
Lack of community spirit	3
No toilet on our site (Severn Road)	2
Inadequate parking at the site	2
Problems in getting manure	2
Too many permanent structures on site	2

47 people left this question blank and a further 38 indicated no major problems at their site (a total of 34% of survey responders).

Security and theft are the stand-out issues at the moment with 15% highlighting them.

17 people raised the issue of untidy or under-worked allotments (spreading weeds) and 12 questioned whether abandoned plots were being dealt with / handed on to new tenants in a timely manner. In a survey in 2007, the majority of tenants identified unworked / abandoned allotments as the major issue so this figure now being under 5% would appear to suggest that there have been improvements in this area of allotments management.

In addition, there were 12 issues raised singularly by individual plot-holders (e.g. no access to mains water in the winter, can't keep cockerels, can't have a bonfire in the summer, no notices in the noticeboard, poorly maintained plot path, no shed...).

One or two of these were very much outside of the Council's control (e.g. it gets dark too early, it's cold). Albeit these are certainly impediments to allotment gardening!

Many of the issues were raised by just one or two plot-holders, providing some good information about the range of difficulties / challenges that people see as the main issue at their allotment site at the current time.

## 2.10 Please give details of any theft or vandalism you have suffered at the allotments in the last 5 years (approximate dates and details please)

Number reporting theft and/or vandalism in last 5 years	85
Number reporting shed break-in	49
Number reporting nothing taken from shed when broken into	39
Number reporting theft of crops from plot	23
Number reporting theft of tools	18
Number reporting theft of other (wood, water butts, chairs, petrol cans)	8
Number reporting theft of personal items (food, drink, torch, stove)	5
Number reporting theft of animals (rabbit, hen)	2
Number reporting needles / drug paraphernalia found on plot	2
Number reporting vandalism (shed fire, poly-tunnel slashed, crop damage)	13

Of the 247 respondents, 85 reported theft or vandalism in the last 5 years.

Many reported a shed break-in that did not result in any theft. Several commented that they do not keep anything of value in their shed nor lock their sheds, to avoid repair bills resulting from speculative shed break-ins.

Three sites accounted for the majority of the reports. While the rest of the sites each accounted for 5 or fewer of the reported incidents, Asquith Road had 11 (out of 70 responses) and Midwinter and Hayden Road had 58 between them. 60% of the tenants at Midwinter and Hayden Road have experienced theft and/or vandalism in recent years (compared with, for example, 8% at Hatherley Rd and 16% at Asquith).

## 3.0 Feedback - Allotments Administration

### 3.1 Are there any areas of allotment administration / management you would want improved?

None / all fine / it works / happy with current management / no suggestions	162
Faster turnover of plots that are unworked / abandoned	17
More communication about e.g. skips, competition. More newsletters	14
More skips / skips on demand / council to aid in removal of rubbish	9
Be more on top of people who don't work their plots properly	7
More interesting information in site noticeboards	6
More enforcement of site rules especially about plot path maintenance	4
Better security / lighting at the allotment site	4
No wardens at Midwinter following arson attack last year	4
Problems with warden / site representative	4
Allotment officer on site more often	3
Site maintenance e.g. footpaths, hedges	3
More community events on site	2
Council to clear plots before new tenants start	2
Rent year to start in September / October rather than January	2
I need a key for the loo	2
Faster delivery of tenancy agreements	2

In addition, there were 28 improvements suggested individually by plot-holders, some of which indicated that the plot-holder required some additional information (lift the bonfire ban in winter, allow online rent payments, specify number of chickens permitted, welcome pack for new tenants – all already in place).

Overall, no one issue really stood out. 7% felt that the rate of turnover of unworked plots could be improved, 6% wanted better communication and 4% wanted more skips or better facilities for waste removal.

66% either indicated that they had no suggestions or were happy with current administration / management of allotments, with 70 people leaving the section blank and 92 putting in words that they had no improvements to suggest or were happy with things as they were.

### 3.2 How important are the service extras? (plot competition, skips, newsletters)

Newsletters nice to have / keeping in touch / information / instil team spirit	84
Skips essential / very important / more skips please	60
Service extras important / all good to have / help raise community spirit	44
Skips useful and nice to have but not necessarily essential	36
Some people value the competition but I'm not bothered personally	31
Not really bothered about the service extras	29
Competition good to have / helps raise standards	23
Really appreciate the delivery of woodchip / leaf litter to site	23
Wasn't really aware of the service extras / what skip?	17
Good if the council could organise large-scale manure or compost deliveries	6
Great to have the noticeboard / good use made of noticeboard	2
Great to have main grass paths at the site mown on regular basis	2

Overall, the extras are well-received, particularly the skips for waste removal. Many people felt that the newsletter helped to keep them informed and to instil a sense of an allotment community (not necessarily a 'must have' but a 'nice to have').

Some people felt that the competition helped to increase standards and plot / site maintenance. Others did not place any value on it, albeit some of those recognised that it was important to others, even if they were not interested themselves.

### 3.3 Would you have any interest in self-management of your allotment site?

Yes	27
No	204
Maybe	2
No answer / left blank	14

12% said that they might or would be interested in self-management of their site. 83% said that they would not have any interest in self-management.

### **3.4 Do you have any comments about your interest (if any) in self-management of your allotment site?**

Some people felt very strongly that responsibility for the management of allotments should remain with the Council:

*'I am NOT interested in this at all! This would just lead to chaos and conflict.'*

*'I think there would be problems and it is better if rules are set and finances collected separately. Otherwise it could be open to corruption and committees can let power go to their heads making it difficult for people who think differently.'*

A few people said that they thought it was an interesting proposition but they lacked the time to be able to get involved in self-management of their site. They did not seem to feel too strongly either way.

*'Limited time available but happy to help.'*

A small number did express a willingness to get involved in site management, although there was a lack of enthusiasm for the collection of rents and some felt that they would want continued Council involvement, even with self-management.

*'I would be happy to contribute to site management particularly if this makes savings or prevents big cost increases.'*

Overall, there was little appetite for self-management, with 83% of those who responded to this question stating that they would not be interested in self-management of their site.

### **3.5 How do you think the current warden system works?**

For the most part, the feedback on the volunteer site wardens was very positive with many people recognising the significant contribution that they make.

There were many positive comments about current wardens and those who have recently left (at Asquith Road, Warden Hill and Midwinter sites). It was also clear that the wardens themselves adopt slightly different roles, with some being slightly more 'low key' and in the background, available if advice was sought, and others taking a pro-active and visible role in organising site maintenance, social events and more.

At the time of writing, the three sites named above have volunteers assisting with plot letting and informing of any issues (rather than 'official' wardens) and the survey revealed that some plot-holders were not fully aware of arrangements. There is also some indication from the survey that, in a few cases, the wardens are being held more responsible for site enforcement than is appropriate and communication with plot-holders about the warden role should ameliorate this.

*'It seems to work well, but is probably a large responsibility for the individuals concerned, and it is probably difficult to find volunteers.'*

At one site, there were a handful of negative comments about a site volunteer, but there were a far greater number of positive comments. One to look into further... Overall, the feedback indicates the system works well, where it is in place, and that communication is required to inform plot-holders of alternative arrangements that are currently in place at some sites.

### 3.6 Overall the allotment service is: Very good good satisfactory poor very poor

This drop-down menu option question in the electronic survey was not included in the paper version, meaning that 37 of the 247 surveys did not have a response to this question.

However, of the remaining 210 surveys, the responses were as follows:

Very good	72
Good	102
Satisfactory	28
Poor	2
Very poor	0
Left blank	6

Overall there seems to be a general level of satisfaction with the performance of the Council's allotment service.

### 3.7 I think the allotment service is good at:

Providing allotments (including range of sites and plot sizes)	35
Maintenance, facilities, provision (water, roads, loos, chippings, car park etc)	30
Communication (newsletters, notices, consulting with plot-holders)	28
Good response to problems & enquiries, friendly staff, ease of contact	26
Efficient administration (tenancy paperwork, rent collection)	20
Good at everything / generally all good	12
Enforcement / turnover of unused plots	9
Providing a value for money service	7
Providing secure site	6
Negative / sarcastic comment	2

147 people made a comment and 100 left this question blank.

*'My experience of the service has been very good, it is never a problem to chat to either the wardens or officers, all whom are approachable and concerned. The allotment rules and services work well.'*

*'Providing space for allotments! I know people in other areas of the country who cannot even get on a waiting list.'*

*'Providing a variety of plot sizes to suit all levels of allotmenters, and maintaining the overall condition of the sites.'*

A few people made comments about the Council not being too heavy-handed or prescriptive in how people cultivated their allotments: 'light management touch', 'unobtrusive', and 'allowing us freedom'.

The allotment of 20 years ago would (for the most part) have been neat straight lines of vegetables and little else. However at some sites, this sort of plot is now a rarity. For people living in a flat or with little outside space, a little bit of flexibility and freedom in how they use their allotment space is appreciated. (The Council requires 75% of the plot to be vegetables and fruit growing in the open, giving scope for flowers, sitting / eating areas, chicken runs etc).

### 3.8 I think the allotment service could improve:

All OK, nothing needed, happy with things as they are	23
More skips / bins / additional assistance with rubbish and recycling	12
Enforcement – moving people on when plot not worked	12
Improve site security (including enforcing gate locking by tenants)	11
Better site maintenance (road, sheds, fences, locks...)	10
Better communications (more newsletters, notices, use of internet)	10
Better enforcement (weed control, path maintenance, bad behaviour)	9
Arrange bulk deliveries of manure / compost to site	4
Faster processing of tenancy agreements	4
Lower price of allotment	3
More support for new allotment holders	3
Council to prepare plots before letting	3
More visibility of allotment officer on site	3
Provision of communal equipment	2
Increase the number of plots available to rent in Cheltenham	2
More pest control on allotment sites	2
Council to organise sale of e.g. compost bins, raised beds, water butts	2

123 people left this blank or indicated that they did not have a comment to make.

In addition, there were 15 individual suggestions (e.g. café area on site, more social events, better concession for senior citizen, wardens to undertake weed-spraying, easier access gates, more council sheds, annual voting for wardens, ban on using weed-killing chemicals, seed swap / plant swap club at each site...).

Some of these are nice ideas that could be taken up by individuals or groups on site but perhaps do not fall within the local authority remit (seed swaps, café areas, social events would require additional resources and are not part of the core service).

## 4.0 Final Comments

We love our allotment / thank you for providing allotments	18
Service is good / keep up the good work	17
Please protect allotments / continue to support provision of allotments	5
Please don't let the rents go up any more / reduce the rent	4
Unable to answer some questions as very new to allotment site	4
Thank you for the opportunity to feedback via this survey	3

In addition, there were 28 areas raised by one (or in a few cases two) people.

A few people (approximately 12) re-iterated something raised previously (no to self-management, need access to the loo, would like bulk compost delivery, site security, wardens should be voted in annually, sorry to see Midwinter wardens go...).

A few more (approximately 14) raised something not previously mentioned (Hayden Rd night lock, annual seed / plant swap, Nursery compost bay at Hayden Two needs turning, extra entrance at far end of site, want more land, reminder needed about dog control, could hosepipe ban be re-introduced, the allotment loo was a waste of money, could we re-introduce site open days to bring in more people, concerned about quality of new roadway at Midwinter, could there be an internet forum for plot-holders, great to have cats on the site to keep the mice down, council should do more to promote organic growing/reduce use of chemicals).

There were a few general comments (a mixture of positive and negative) but the overall impression gained was that plot-holders are, on the whole, satisfied with the allotment service provided by the Council, albeit with a few areas of concern (particularly security at Midwinter and Hayden Road sites) and plenty of suggestions that the service can consider and take forward in putting together the allotment strategy for the next 10 years.

*'I love my allotment, and am very grateful that such a facility is made available by CBC. I think they are a vitally important resource and should be protected.'*

*'As a generality I urge CBC to continue to support the provision of allotments in the town as I think it is a great asset of benefit to families and individuals.'*

*'I love my allotment. I think allotments are a very important part of our local culture and help us keep in touch with very basic human concerns such as sustainability, care for the environment and community life.'*

*'Going to my allotment is the highlight of my hectic week!'*

*'I was so pleased to be able to take on my allotment , in my 4th year now, can't imagine ever giving it up so huge thank you for the facility and service.'*

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## Cheltenham Borough Council

### Cabinet – 10 November 2015

#### Budget Monitoring Report 2015/16 – position as at September 2015

<b>Accountable member</b>	Councillor John Rawson, Cabinet Member for Finance
<b>Accountable officer</b>	Paul Jones, GOSS Head of Finance (S151 Officer)
<b>Accountable scrutiny committee</b>	All
<b>Ward(s) affected</b>	All
<b>Key Decision</b>	Yes
<b>Executive summary</b>	To update Members on the Council's current financial position for 2015/16 based on the monitoring exercise at the end of September 2015. The report covers the Council's revenue, capital and treasury management position. The report identifies any known significant variations (minimum £50,000) to the 2015/16 original budget and areas with volatile income trends.
<b>Recommendations</b>	1. Cabinet note the contents of this report including the key projected variances to the 2015/16 budget and the expected delivery of services within budget.

<b>Financial implications</b>	As detailed throughout this report.  <b>Contact officer: Nina Philippidis <a href="mailto:nina.philippidis@cheltenham.gov.uk">nina.philippidis@cheltenham.gov.uk</a>, Business Partner Accountant 01242 264121</b>
<b>Legal implications</b>	None specific directly arising from the recommendations.  <b>Contact officer: Peter Lewis, <a href="mailto:Peter.Lewis@teWKesbury.gov.uk">Peter.Lewis@teWKesbury.gov.uk</a>, 01684 272695</b>
<b>HR implications (including learning and organisational development)</b>	The Council continues to monitor vacancies and recruitment. All recruitment activity decisions are based on a business case outlining the impact on the service delivery and/or loss of income generation if the post were to remain unoccupied. In addition, the Council also continues to monitor its capacity to deliver on key projects with regular updates being provided to the Operational Programme Board on a quarterly basis.  <b>Contact officer: Julie McCarthy , <a href="mailto:julie.mccarthy@cheltenham.gov.uk">julie.mccarthy@cheltenham.gov.uk</a>, 01242 264355</b>
<b>Key risks</b>	As outlined in Appendix 1.

<b>Corporate and community plan Implications</b>	Key elements of the budget are aimed at delivering the corporate objectives within the Corporate Business Plan.
<b>Environmental and climate change implications</b>	None.

## 1. Background

- 1.1** This report provides the second monitoring position statement for the financial year 2015/16. The purpose of this report is to notify members of any known significant variations to budgets for 2015/16 and highlight any key issues, allowing Members to take action if required.
- 1.2** GO Shared Services carry out a regular budget monitoring exercise for services in liaison with Directors and cost centre managers. This identifies any major variations from the current approved budget that are anticipated to occur in the financial year. The current approved budget is the original budget for 2015/16 agreed by Council on 13<sup>th</sup> February 2015, subject to any amendments made under delegated powers (for example supplementary estimates, virement, etc). Possible significant variations to revenue budgets are outlined in this report.

## 2. Net revenue position

- 2.1** The table below summarises the net impact of the variances identified at this stage in the financial year, projecting the position to the end of the financial year for all budget variances in excess of £50,000 and areas with volatile income trends, details of which are provided in paragraphs 2.2 to 3.1.

<b>Significant budget variances</b>	<b>Overspend / (Underspend)£</b>	<b>para. ref:</b>
<b>Deputy Chief Executives Directorate</b>		
Recycling – shortfall in income	330,000	2.11
Trade refuse – shortfall in income	62,000	2.12
Ubico – cost savings & efficiencies	(117,000)	2.13
Ubico – 2014/15 underspend	(163,600)	2.14
<b>Total Deputy Chief Executives Directorate</b>	<b>111,400</b>	
<b>Environment &amp; Regulatory Services</b>		
Joint Core Strategy	40,000	2.8 – 2.10
Off Street Car Parking – surplus on income	(128,000)	2.3 – 2.6
Off Street Car Parking – Business Rates	(64,800)	2.7
<b>Total Environment &amp; Regulatory Services</b>	<b>(152,800)</b>	
<b>Treasury</b>		
Interest – net surplus General Fund	(25,200)	3.1
<b>Total projected under spend for year</b>	<b>(66,600)</b>	

### Savings from employee costs

- 2.2** The 2014/15 base budget included a target of £350,000 from employee related savings to be made throughout the Council during the year. This target has been embedded within individual service budgets, as part of the 2015/16 original budgets, allocated in proportion to existing service salary budgets. This improves accountability and budget monitoring within council services. An assessment of vacant posts (i.e. staff turnover) and restructures in the first six months of the year indicate that this target is likely to be achieved for the financial year. The detail of any significant employee variances is reported at a service level throughout this report, if required.

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

- 2.3** The income position for off-street car parking to the end of September is overachieving by around £86k, which equates to around 6% of target. This relates to off-street car parking income only; fine income is on target and anticipated to achieve its annual budget.
- 2.4** A target of £200k per annum for displaced car parking income following the sale of North Place and Portland Street Car Parks was included in 2015/16 base budgets. At this time it was not possible to make any more scientific estimation as to how parking trends may be affected but it was anticipated this would be monitored and amended accordingly as more data became available. Forecasting current trends at each car park using the last six months performance, it is estimated that overall car parking income should over achieve by £128k (net of the £200k displacement target).
- 2.5** This will continue to be monitored across the financial year and consideration given as to whether or not base budgets in future financial years can be realigned on the basis this reflects a sustainable ongoing trend in car park usage across the town.
- 2.6** The Council is funding £337,800 of car parking income in 2015/16 from its Car Parking Equalisation Reserve which was set up to cover the shortfall in car parking income arising from the delay between North Place Car Park closing for redevelopment and the developers, Augur Buchler, returning a 300 space public car park to the Council. As members are already aware, the site development has been delayed and the outcome is pending following the outcome of Augur Buchler's legal dispute with Morrisons.

### **Off Street Car Parking – Business Rates**

- 2.7** A historical Rateable Value (RV) review of North Place Car Park has been undertaken resulting in a reduction in the RV and a backdated one-off refund of £64,800 (net of agents' fees) following the Valuations Office Agency assessment.

### **Joint Core Strategy**

- 2.8** Continuing into 2015/16 there is increasing pressure on the Joint Core Strategy Programme costs. The ongoing need to further support the process with consultancy advice, legal support as well as the extension of the examination has resulted in a further request for funding of £40,000 per Council being made.
- 2.9** The original budget was based upon a 2 stage examination process which has now become 4 stages and the Inspector has asked for further work, including an updated retail study, further OAN analysis, an economic strategy and needs analysis, and Strategic Housing Market Assessment. This has the impact of all costs increasing – consultancy support, legal support and Inspector's costs.
- 2.10** Also it is to be noted that the examination process will continue into the 2016/17 financial year. With delays to transport modelling evidence, the latter stage of the examination and the subsequent consultation will now continue into 2016/17. Further details of this schedule and

costs are to be finalised and presented to the JCS Programme Board for consideration. However, the requests for additional funding will be subject to a separate report.

### **Commissioning**

#### **2.11 Recycling Collection Schemes**

Income levels are lower than anticipated due to significant fluctuations in the prices received for recyclates due to global events such as the drop in the price of crude oil and the slowdown in the Chinese economy, and the withdrawal of the County Council contribution to the food waste transfer as this now goes to Bishops Cleeve instead of Dymock – however, the costs of transfer have conversely been reduced as a result of this change and this is referenced in 2.14 below. Total income shortfall for recycling is estimated at £330k for the year.

#### **2.12 Trade Refuse**

Income levels are lower than estimated as volumes have continued to decline due to fewer businesses taking up the service. This has resulted in a potential income shortfall of £62k for 2015/16.

#### **2.13 Ubico Limited - efficiencies**

There is a forecast reduction in costs for Ubico on fuel and food waste disposal, together with other cost efficiencies and likely surplus redistribution to the commissioning partner authorities. Total savings are estimated at £117k.

#### **2.14 Ubico Limited – 2014/15 under spend**

A late adjustment to the 2014/15 audited account for Ubico Limited has resulted in one-off income of £163.6k being due to Cheltenham Borough Council in 2015/16, in respect of its remaining share of the Ubico surplus for 2014/15. This has arisen from the treatment of pensions over the last two financial years.

#### **2.15** The budgetary pressures on waste and recycling services have been captured in the Council's revised Medium Term Financial Strategy 2015/16 to 2019/20 as this reflects a permanent downturn in achievable income levels and must be addressed as such.

### **3. Treasury Management**

**3.1** Delta Place was purchased in June 2015 for £13.75m, financed by capital receipts of £2.5m, internal borrowing (using current investments and temporary borrowing) of £6.5m and the taking out of three new Public Works Loans Board (PWLB) loans of £4.75m at an average rate of 2.7% for between 10 and 20 years. The lost investment income from using internal borrowing and the additional borrowing costs arising from the PWLB loans were identified as part of the financial modelling presented to Council for approval in April 2015.

**3.2** Outside of the Delta Place arrangement, investment income has improved and is likely to show a surplus of £25,200 against the 2015/16 budget.

### **4. Capital**

**4.1** A detailed exercise has been carried out to ensure that capital schemes, approved by Council on 13th February 2015, are being delivered as planned within allocated capital budgets. The monitoring position at 30th September is included as Appendix 2 to this report.

### **5. Programme maintenance expenditure**

**5.1** A detailed exercise has been carried out to ensure that programme maintenance work, approved by Council on 13<sup>th</sup> February 2015, is being delivered as planned within the allocated

budgets. The monitoring position at 30<sup>th</sup> September is included as Appendix 3 to this report. Any slippages in schemes or underspend against budget will be transferred to the Programme Maintenance reserve at the year end, to fund future programme maintenance expenditure.

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

- 6.1** The HRA budget for 2015/16, approved in February 2015, showed a surplus of £1,176,300 for the year which would result in a balance of £3,535,100 to be carried forward in revenue reserves at 31<sup>st</sup> March 2016.
- 6.2** Variations to the budget for the current year following completion of the final accounts for 2014/15 were reported to Cabinet in July:
- The outturn position for 2014/15 showed an increased level of reserve at 31<sup>st</sup> March 2015 of £3,656,100 (previously estimated at £2,358,000).
  - Capital expenditure totalling £304,000, originally programmed for 2014/15, was delayed into 2015/16 increasing the budget for current year to £6,992,000 (excluding new build). Funding for that expenditure was carried forward in the revenue reserve.

Further significant variations to revenue and capital budgets identified to date are detailed below:

### **Housing Revenue Account (HRA) - Revenue**

- 6.3** Expenditure on repairs and maintenance for the year is currently forecast at £4,000,000 a reduction of £150,000 in comparison to budget. There has been relatively mild weather in the year to date with a consequential reduction in demand. This revised estimate could be impacted by severe winter weather later this year.

### **Housing Revenue Account (HRA) – Capital**

- 6.4** As detailed above the revised budget for capital expenditure for the year is £6,992,000. The current forecast for expenditure is £5,442,000, a potential reduction of £1,550,000 against that budget. This is primarily due to the revision of three projects, namely:

Windows & Doors Replacement (£1,000,000)

- 6.4.1** This contract was originally anticipated to start in the second half of the financial year for a period of four years. Following the summer budget proposals announced by the Chancellor of the Exchequer a substantive review of the capital programme has been undertaken and it is now proposed to reschedule this major contract to six years. This has required a re-advertisement for expressions of interest to conform to European legislation. Although significant preparatory work has been completed, start on site will be delayed until the first quarter of 2016/17.

Energy Saving Measures (£300,000)

- 6.4.2** Work is ongoing to identify a cost effective solution for external wall insulation to Australia House and Canberra House. This also requires negotiations with leaseholders in the blocks. These works will not be started within this financial year.

Replacement Fire Alarms – Sheltered Schemes (£200,000)

- 6.4.3** Research is ongoing to identify the most appropriate technology to replace the existing systems.

- 6.5** Resources committed to finance the above projects will be carried forward in reserves to 2016/17.

## 7. Council tax and Business rates collection

- 7.1 The monitoring report for the collection of council tax and business rates (NNDR) income is shown in Appendix 4. This shows the position at the end of September 2015 and the projected outturn for 2015/16.

## 8. Sundry debt collection

- 8.1 The monitoring of the aged sundry debts and recovery is shown at Appendix 5.

## 9. Conclusion

- 9.1 This report summarises the results of a broad monitoring exercise at an early stage in the year which reports a position which may result in the identification of further projected net variances identified during the more detailed budget monitoring exercise referred to above.
- 9.2 The next detailed budget monitoring report in January 2016 may result in the identification of further projected net variances. It will be for Cabinet and Council to decide in July 2016, when outturn is finalised, how to apply any potential savings. However it is recommended that any such underspend is transferred firstly to the Budget Deficit (Support) Reserve and secondly to support general balances, bearing in mind the need to keep the level of reserves robust and the uncertainty surrounding possible future budget funding gaps as outlined in the Council's Medium Term Financial Strategy.
- 9.3 The continued impact of the changes in government funding arrangements and the economic climate present particular concerns for the Council's budgets. It is clearly important to ensure that budgets continue to be closely monitored over the coming months with a view to taking action at a future date, if necessary, in order to ensure that the Council delivers services within budget.

## 10. Consultation

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

<b>Report author</b>	<b>Contact officer: Nina Philippidis</b> <b>nina.philippidis@cheltenham.gov.uk, 01242 264121</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Capital Budget Monitoring to 30th September 2015</li> <li>3. Programme Maintenance Budget Monitoring to 30th September 2015</li> <li>4. Council Tax and NNDR collection to 30<sup>th</sup> September 2015</li> <li>5. Aged Debt Report as at 30<sup>th</sup> September 2015</li> </ol>

<b>Background information</b>	<ol style="list-style-type: none"><li>1. Section 25 Report – Council 13<sup>th</sup> February 2015</li><li>2. Final Budget Proposals for 2015/16 – Council 13th February 2015</li></ol>
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The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1.	If we are unable to take corrective action in respect of reduced income streams then there is a risk that Council will not be able to deliver its budget	Cabinet	June 2010	3	3	9	Reduce	In preparing the budget for 2016/17, SLT to consider the options for offsetting reduced income streams by analysing and reducing the level of expenditure across the Council.	December 2015	SLT	Corporate Risk Register
2.	If the Budget Deficit (Support) Reserve is not suitably resourced insufficient reserves will be available to cover anticipated future deficits resulting in the use of General Balances which will consequently fall below the minimum required level as recommended by the Chief Finance Officer in the Council's Medium Term Financial Strategy.	Cabinet	October 2015	3	3	9	Reduce	In preparing the budget for 2016/17 and in ongoing budget monitoring, consideration will be given to the use of fortuitous windfalls and potential future under spends with a view of strengthening reserves whenever possible.	June 2016	Chief Finance Officer	Corporate Risk Register

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Code	Fund	Scheme	Scheme Description	Budget 2015/16	Revised Budget 2015/16	Expenditure to 30/09/15	Variance	Budget 2016/17	Budget 2017/18	Narrative
				£	£	£	£	£	£	
		<b>RESOURCES</b>								
		<b>Property Services</b>								
CAP001	PPMR	Cremators	New cremators		59,700	57,216	2,484			2015-16 relates to feasibility study fees and ongoing cremator related equipment replacement costs.
CAP401	PB/GCR	Town Centre acquisitions	Acquisition of Delta Place		13,750,000	13,750,000	0			
CAP401	PB/GCR	Town Centre acquisitions	Acquisition of Shopfitters		432,300	13,701	418,599			Works to progress at the beginning of 2016.
		<b>Financial Services</b>								
CAP010	C	GO ERP ICT	Development of ERP system within the GO Partnership		14,700	0	14,700			Upgrade works still pending
CAP026	C	IT Infrastructure	5 year ICT infrastructure strategy	275,600	746,400	387,134	359,266			Includes additional £276,000 approved July 2015 and likely to be fully expended by the end of the financial year.
CAP026	C	IT Infrastructure	Capitalisation of UNIFORM	104,000	0					
		<b>WELLBEING &amp; CULTURE</b>								
		<b>Parks &amp; Gardens</b>								
CAP101	S106	S.106 Play area refurbishment	Developer Contributions	50,000	65,900	0	65,900	50,000	50,000	To be spent in 2015-16
CAP102	GCR	Play Area Enhancement	Ongoing programme of maintenance and refurbishment of play areas to ensure they improve and meet safety standards	80,000	95,100	17,552	77,548	80,000	80,000	£40k to be carried forward to 2016-17 to support Pittville Park scheme
CAP125	GCR	Pittville Park play area	Investment in the play area		300,000	0	300,000			£200k due to be spent in 2015-16 with completion due in 2016-17. £20k due to be spent 15-16, further expenditure pending outcome of Allotment Strategy and understanding of allotment provision requirements.
CAP501	GCR	Allotments	Allotment Enhancements - new toilets, path surfacing, fencing, signage, and other improvements to infra-structure.		591,400	4,693	586,707			Final payment, to be funded by external contributions
CAP106	P	Pittville Gates	Restoration of Pittville Gates - Partnership Funding			5,225				
		<b>Cultural Services</b>								
CAP126	GCR	Town Hall redevelopment scheme	Preliminary work, subject to Council approving a detailed scheme and a business case		400,000	0	400,000			CBC contribution to a larger scheme, preliminary work on scoping out the development brief for consultancy support has been made.
CAP124	GCR	Town Hall Chairs	Replacement of Town Hall chairs on a like for like basis		80,000	0	80,000			Purchase due in final quarter of 2015-16, order has been placed.
		<b>Recreation</b>								
CAP112	C	Carbon reduction scheme	Replacement of Pool Hall lighting to LEDs at Leisure@		30,000	0	30,000			
		<b>BUILT ENVIRONMENT</b>								
		<b>Integrated Transport</b>								
CAP152	CPR	Civic Pride	Upgrade of Promenade pedestrianised area including remodelling of tree pits, providing seating, re-pointing existing Yorkstone.		65,800	314	65,486			Order for works has been placed
CAP152	S106	Civic Pride	Public Art - Promenade		22,000	0	22,000			
CAP153	CPR	Civic Pride	Remodelling of Sherborne Place Car Park into a Green car park for short stay bus use.		100,000	0	100,000			
CAP154	CPR	Civic Pride	Scheme for St.Mary's churchyard		45,300	232	45,068			
CAP154	S106	Civic Pride	Public Art - St Mary's churchyard		20,000	0	20,000			
CAP155	S106	Pedestrian Wayfinding	GCC Pedestrian Wayfinding		27,500	2,575	24,925			
CAP156	S106	Hatherley Art Project	Public Art - Hatherley		7,800	1,970	5,830			
CAP204	CPR	Civic Pride	Improvements to Grosvenor Terrace Car Park (Town Centre East), improving linkages to the High Street, signage and decoration.		134,200	18,740	115,460			Expenditure is to be linked with forthcoming Car Parking Strategy.
CAP201	GCR	CCTV in Car Parks	Additional CCTV in order to improve shopping areas and reduce fear of crime	50,000	265,000	0	265,000	50,000	50,000	Covers upgrade from digital to fibre optic. Scheme on hold but being surveyed to assess cost of upgrade.
CAP202	GCR	Car park management technology	The upgrade of the car park management technology at selected sites such as Regent Arcade is essential as the existing management systems and hardware have now reached the end of their life cycle.		37,100	0	37,100			Upgrade of the machines in Regent Arcade, out to tender and due for implementation quarter 4 2015-16. See also CAP206
CAP205	GCR	Public Realm Improvements	High Street & Town Centre public realm improvement including repaving work in the High Street and town centre	317,300	561,700	509	561,191			A range of schemes is being planned but phasing yet to be determined.
CAP206	GCR	Car Park Investment	New car park machines to allow additional functionality to be introduced for the benefit of customers		250,000	5,000	245,000			Linked to car park strategy, and reverting to 'pay on foot' system in Regent Arcade. See also CAP202
		<b>Housing</b>								

Code	Fund	Scheme	Scheme Description	Budget 2015/16	Revised Budget 2015/16	Expenditure to 30/09/15	Variance	Budget 2016/17	Budget 2017/18	Narrative
CAP221	SCG/GC R	Disabled Facilities Grants	Mandatory Grant for the provision of building work, equipment or modifying a dwelling to restore or enable independent living, privacy, confidence and dignity for individuals and their families.	600,000	600,000	220,046	379,954	600,000	600,000	Likely spend c. £475k on current referral rates.
CAP222	GCR	Adaptation Support Grant	Used mostly where essential repairs (health and safety) are identified to enable the DFG work to proceed (e.g. electrical works). A new form of assistance available under the council's Housing Renewal Policy 2003-06	26,000	26,000	0	26,000	26,000	26,000	Likely spend c. £10k on current referral rates.
CAP223	PSDH	Health & Safety Grant / Loans	A new form of assistance available under the council's Housing Renewal Policy 2003-06		275,200	0	275,200			Likely to be an element of carry forward to 2016-17.
	PSDH	Vacant Property Grant	Grants provided under the Housing Grants, Construction and Regeneration Act 1996							
	PSDH	Renovation Grants								
CAP224	LAA / C	Warm & Well	A Gloucestershire-wide project to promote home energy efficiency, particularly targeted at those with health problems		78,400	10,000	68,400			Likely to be an element of carry forward to 2016-17.
CAP225	PB/HCR	Housing Enabling - St Paul's Phase 2	Expenditure in support of enabling the provision of new affordable housing in partnership with registered Social Landlords and the Housing Corporation		2,312,800	5,261	2,307,539			Folley Gardens/St Pauls' - timing to be confirmed
CAP228	S	Housing Enabling	Expenditure in support of enabling the provision of new affordable housing in partnership with registered Social Landlords and the Housing Corporation		500,000	0	500,000	500,000		YMCA development scheme - timing to be confirmed
CAP301	GCR	<u>OPERATIONS</u> Vehicles and recycling caddies	Replacement vehicles and recycling equipment		61,800	0	61,800			
CAP301	PB/GCR	10 Year vehicle Replacement	CBC & Ubico vehicle & plant replacement programme	806,000	1,434,000	52,056	1,381,944	905,000	143,000	Orders are pending for delivery in quarter 4
		<u>BUDGET PROPOSALS FUTURE CAPITAL PROGRAMME:</u>								
	C	Town Hall redevelopment (£2m)	Subject to Council approving a detailed scheme and a business case							
	C	Public Realm improvements (£2m)	Pending the completion of the Cheltenham Transport Plan process							
	C	Investment in the Crematorium (£1m)	Pending the Council approving a detailed proposal including a business case							
CAP302	GCR	Material Bulking Plant	Maximum Project Budget for acquisition cost of creating the materials' bulking plant at the central Depot, required to deliver annual revenue savings of £92k		390,000		390,000			Following the takeover of the Bulky Waste Facility by Ubico in October 2015, the spend is likely to be incurred during the first month of operation.
CAP503	GCR	Bus Station	Demolition of existing concrete bus shelter and waiting room and provision of services to supply new café facility		50,000	0	50,000			Due on site January 2016, completion March 2016.
CAP203	C	<u>CAPITAL SCHEMES - RECLASSIFIED AS REVENUE</u> Re-jointing High Street/Promenade pedestrianised area	Re-jointing works required to improve safety and appearance of the core commercial area		7,500	0	7,500			
<b>TOTAL CAPITAL PROGRAMME</b>				<b>2,308,900</b>	<b>23,837,600</b>	<b>14,552,224</b>	<b>9,290,601</b>	<b>2,211,000</b>	<b>949,000</b>	
<b>Funded by:</b>										
G Government Grants										
SCG Specified Capital Grant (DFG)				306,000	306,000			306,000	306,000	
LAA LAA Performance Reward Grant					78,400					
P Partnership Funding										
PSDH Private Sector Decent Homes Grant					275,200					
HLF Heritage Lottery Funding										
HRA Housing Revenue Account Contribution				50,000	50,000			50,000	50,000	
R Property Planned Maintenance Reserve					59,700					
R IT Repairs and Renewals Reserve										
S Developer Contributions S106				50,000	643,200			550,000	50,000	
C HRA Capital Receipts										
C GF Capital Receipts				447,300	6,962,400			130,000	130,000	
C HIP Capital Reserve										
C Civic Pride Reserve					345,300					
C Prudential Borrowing				806,000	14,368,800					
C GF Capital Reserve				649,600	748,600			1,175,000	413,000	
				<b>2,308,900</b>	<b>23,837,600</b>			<b>2,211,000</b>	<b>949,000</b>	

## PLANNED MAINTENANCE PROGRAMME 2015/16 - to 30th September 2015

Code	Scheme	Description	Agreed Budget 2015/16 £	C/fwd from 2014/15 £	Virement during 2015/16 £	Revised Budget 2015/16 £	Actual 6 months 2015/16 £	Committed to date 2015/16 £	Not required 2015/16 £	Under/(Over) spend on Projects £	Comments
<b>REVENUE</b>											
ADB101	Municipal Offices	Remedial repairs and replacement of AV equipment with IGEL compatible screens	14,500	0	0	14,500	0	0	0	14,500	Currently at tender/specification stage.
ADB103	Central Depot	Measured building survey & access road & kerb repairs	22,000	0	0	22,000	0	0	0	22,000	Currently at tender/specification stage.
ADB103	Central Depot	Replace central heating pumps & busbar	5,000	9,000	(14,000)	0	0	0	0	0	Work now assessed as not necessary - budget reallocated to remedial work following fire risk assessments.
CCM111	Cemetery & Crematorium	Measured building survey & replace ash processor equipment	29,000	0	50,000	79,000	12,488	0	0	66,512	Currently at tender/specification stage.
CCM111	Cemetery & Crematorium	Redecoration of public areas & widening of access road	0	65,000	0	65,000	0	0	65,000	0	Works now covered under redevelopment - budget will be returned to the Programme Maintenance Reserve to fund future schemes.
CPK101	Car Parks - Off Street	General maintenance	170,000	0	0	170,000	0	21,936	0	148,064	Majority of works in progress but not yet invoiced. New extension with consultant. Additional funding provided for remedial works following fire risk
CUL112	Town Hall	General repairs	38,500	0	0	38,500	0	2,449	0	36,051	Currently at tender/specification stage.
CUL113	Pittville Pump Room	Replace front entrance & general redecoration	15,000	0	0	15,000	0	0	0	15,000	Currently at tender/specification stage.
ECD101	Xmas in Cheltenham	Electrical replacements	5,000	0	0	5,000	0	0	0	5,000	Currently at tender/specification stage.
FIE040	Income & Expenditure on Investment Properties	General repairs, health & safety works & new extension to 12 St James Street	85,000	35,000	21,000	141,000	623	13,698	0	126,679	Majority of works in progress but not yet invoiced. New extension with consultant. Additional funding provided for remedial works following fire risk assessments
OPS111	Arle Nursery	General repairs and replacement of poly-tunnel sheeting	13,500	0	0	13,500	0	200	0	13,300	On-going general repairs. Waiting for quote for replacement of poly-tunnel sheeting.
OPS111	Arle Nursery	General repairs to glazing & seals	7,000	0	(7,000)	0	0	0	0	0	Service manager confirmed not required - budget reallocated to remedial works following fire risk assessments.
OPS121	Parks & Gardens	Timber frame redecoration & update to electrical supply for historical lighting	13,000	0	0	13,000	0	0	0	13,000	Currently at tender/specification stage.
OPS122	Sports & Open Spaces	General repairs & redecoration, replace front door at Tramway Cottage & refurbishment of sports changing-room facilities	91,500	0	0	91,500	1,255	826	0	89,419	Currently at tender/specification stage.
PUT101	Royal Well Bus Node	Removal & replacement of waiting room	50,000	0	0	50,000	2,188	0	0	47,813	Currently at tender/specification stage.
REC111	Recreation Centre	General repairs & remedial works	54,000	117,000	(6,000)	165,000	28,285	17,184	0	119,531	Currently at tender/specification stage.
REC112	Prince of Wales Stadium	Various upgrades & refurbishments	135,000	0	6,000	141,000	21,085	12,813	0	107,102	Replacement of defective car-park greasscrete panels is currently at tender/specification stage.
RYC004	Recycling Centres	Battery, recycling storage bins & compactor replacement	88,000	20,000	0	108,000	8,045	0	0	99,955	Awaiting equipment specification from Ubico Service Manager.
SUP025	Property Services	Wall repairs at St Mary's Churchyard	14,000	0	0	14,000	4,811	0	0	9,189	Currently at pre-contract stage.
	<b>TOTAL PROGRAMMED MAINTENANCE</b>		<b>850,000</b>	<b>246,000</b>	<b>50,000</b>	<b>1,146,000</b>	<b>78,779</b>	<b>69,106</b>	<b>65,000</b>	<b>933,115</b>	

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# Council Tax and Business Rates Collection Rates 2015-2016

APPENDIX 4

## Business Rates 2015/2016

Current Year Charges - 2015/2016				The collection rate for the end of September is slightly below the target. The target has been lowered compared to the previous year due to more businesses choosing to pay over 12 months which means a higher percentage is now being collected at the end of the financial year. We are monitoring the position closely and at this stage we are optimistic that we can achieve the year end target.
Monitoring Period	% Collected at 30.09.2015	Target 30.09.2015	2015/2016 Target	
	57.72%	58.10%	98.15%	
Comparison with 2014/2015	30.09.2015		% Collected 31.03.2015	
	60.08%		98.12%	

Previous Years Charges Outstanding in 2015/2016				The arrears are slightly above the target and also higher than at the same time last year. The arrears figure includes balances for some recent increases on previous year charges where payment is being made monthly. We are monitoring the position closely and working with any businesses having difficulty in paying.
Monitoring Period	Amount outstanding at 30.09.2015	Target 30.09.2015	2015/2016 Target	
	£1,461,930	£1,450,000	£690,000	
Comparison with 2014/2015	Amount outstanding at 30.09.2014		Amount outstanding at 31.03.2015	
	£1,130,693		£744,809	

## Council Tax 2015/2016

Current Year Charges - 2015/2016				The collection rate for the end of September is above the target. The target has been lowered compared to the previous year due to more council tax payers choosing to pay over 12 months which means a higher percentage is now being collected at the end of the financial year. At this stage we are optimistic that we can achieve the year end target.
Monitoring Period	% Collected at 30.09.2015	Target 30.09.2015	2015/2016 Target	
	57.62%	57.50%	98.12%	
Comparison with 2014/2015	As at 30.09.2014		% Collected 31.03.2015	
	57.93%		98.08%	

Previous Years Charges Outstanding in 2015/2016				The arrears outstanding are slightly higher than the target. We are monitoring the position closely and working with council tax payers having difficulty in paying.
Monitoring Period	Amount outstanding at 30.09.2015	Target 30.09.2015	2015/2016 Target	
	£1,548,541	£1,500,000	£1,095,000	
Comparison with 2014/2015	As at 30.09.2014		Amount o/s 31.03.15	
	£1,444,483		£1,123,252	

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## Cheltenham Borough Council: Aged Debt Report - as at 30th September 2015

CostC	CostC (T)	No. Outstanding Invoices	Value of Invoices in Payment Plans	Value of Invoices with Halted Recovery *	Value of Invoices with Legal	Value of Invoices awaiting Credit Notes **	Value of Invoices for Write Off ****	Customer Credits ***	Not Due	0-30	1-3 Mths	3-6 Mths	6 mth - 1 Yr	1 - 2 Yrs	2 Yrs+	Total
ADB103 Total	Cheltenham Depot	12	£9,539.31	£33,432.80	£0.00	£0.00	£0.00	£0.00	£0.00	£12.48	£0.00	£0.00	£0.00	£23.41	£0.00	£43,008.00
BAL100 Total	General Fund Balance Sheet	87	£3,413.54	£5,874.59	£0.00	£0.00	£0.00	-£6,266.32	£486.00	£0.00	£42.00	£25.11	£2,624.08	£0.00	£0.00	£6,199.00
BUC001 Total	Building Control - Fee Earning Work	7	£0.00	£810.00	£0.00	£0.00	£0.00	£0.00	£7,503.00	£960.00	£0.00	£0.00	£3,120.00	£0.00	£0.00	£12,393.00
CCM001 Total	Cemetery, Crematorium and Churchyards	298	£0.00	£30.00	£0.00	£0.00	£0.00	£0.00	£35,185.00	£58,084.00	£48,497.00	£9,132.00	£7,404.00	£6,594.00	£4,788.00	£169,714.00
Car Parks Total	Car Parks - Off Street Operations	4	£180.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£180.00
CUL102 Total	Town Hall Operations	2	£0.00	£984.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£984.00
CUL107 Total	Art Gallery & Museum Operations	15	£0.00	£962.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£220.00	£1,038.00	£0.00	£2,220.00
CUL110 Total	Entertainment Events - detail coded	11	£0.00	£0.00	£2,818.60	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£295.00	£510.00	£0.00	£3,623.60
CUL117 Total	Art Gallery & Museum Repairs & Maintenance	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£23,400.00	£0.00	£0.00	£0.00	£0.00	£23,400.00
DEV001 Total	Development Control - Applications	2	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£13,260.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£13,260.00
ESR001 Total	Highways Agency Verges & Trees	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£248,440.20	£0.00	£0.00	£0.00	£0.00	£248,440.20
FIE040 Total	Income and Expenditure on Investment Properties	79	£40,719.40	£938.69	£3,065.31	£10,839.72	£4,324.48	£0.00	£11,675.03	£568,627.51	£395.41	£20,377.08	£356.46	£50.00	£250.00	£661,619.09
HBP003 Total	Local Housing Allowance	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£4,612.32	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£4,612.32
HLD102 Total	Ubico Intercompany Account	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
HLD130 Total	Cheltenham Business Partnership	5	£1,000.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£5,500.00	£3,000.00	£3,000.00	£12,500.00
HOS004 Total	Housing Standards	1	£0.00	£0.00	£338.50	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£338.50
OPS001 Total	Parks & Gardens Operations	4	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,073.69	£0.00	£0.00	£0.00	£0.00	£0.00	£2,399.76	£3,473.45
OPS002 Total	Sports & Open Spaces Operations	14	£2,090.92	£550.00	£0.00	£0.00	£0.00	£0.00	£1,486.49	£2,125.00	£0.00	£1,875.00	£223.26	£174.19	£0.00	£8,524.86
OPS004 Total	Allotment s	12	£0.00	£34.06	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£297.92	£0.00	£0.00	£331.98
OPS101 Total	Arle Road Nursery Operations	8	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£34,106.90	£0.00	£0.00	£5,469.94	£0.00	£1,563.16	£41,140.00
PUB101 Total	Public Art	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£24,300.00	£0.00	£0.00	£0.00	£0.00	£24,300.00
PUT101 Total	Royal Well Bus Node	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£49.92	£0.00	£49.92
REC101 Total	Recreation Centre Operations	49	£1,230.00	£55,625.56	£3,004.45	£180.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,883.71	£2,069.50	£63,993.22
REC102 Total	Prince of Wales Stadium Operations	4	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£211.00	£215.00	£426.00
REC111 Total	Recreation Centre Repairs & Maintenance	1	£0.00	£1,916.78	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,916.78
REG001 Total	Environmental Health General	1	£4,195.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£4,195.00
REG002 Total	Licensing	43	£0.00	£1,515.00	£0.00	£140.00	£0.00	-£700.00	£905.00	£2,028.00	£180.00	£475.00	£2,936.09	£1,065.00	£0.00	£8,544.09
REG003 Total	Animal Control	6	£0.00	£44.00	£89.19	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£445.00	£341.00	£258.65	£0.00	£1,177.84
REG012 Total	Air Quality	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£6,000.00	£0.00	£0.00	£0.00	£6,000.00
REG013 Total	Pollution Control	4	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£260.00	£0.00	£76.00	£0.00	£336.00
REG018 Total	Pest Control	3	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£60.00	£95.00	£0.00	£0.00	£155.00
RYC004 Total	recycling centres	10	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£72,195.32	£423.84	£47,717.14	£0.00	£0.00	£0.00	£0.00	£120,336.30
RYC006 Total	Recycling Collection Schemes	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£25,000.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£25,000.00
SPP002 Total	Community Alarms	972	£67,042.07	£971.61	£0.00	£183.30	£0.00	-£291.59	£192.65	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£67,823.49
STC011 Total	Abandoned Vehicles	6	£0.00	£1,680.00	£0.00	£0.00	£0.00	£0.00	£0.00	£150.00	£2,660.00	£0.00	£0.00	£0.00	£0.00	£4,440.00
SUP005 Total	ICT	2	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£17,532.00	£13,912.14	£0.00	£0.00	£0.00	£0.00	£0.00	£31,444.14
TRW001 Total	Trade Waste	394	£37,335.67	£1,107.86	£200.27	£0.00	£0.00	-£704.11	£2,334.93	£49,997.42	£217.77	£1,764.12	£948.44	£435.41	£0.00	£52,881.27
URB101 Total	Urban Design	3	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£360.00	£4,980.00	£0.00	£0.00	£0.00	£0.00	£5,740.00
WST001 Total	Household Waste	1	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£163,656.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£163,656.00
<b>General Fund Total</b>		<b>2068</b>	<b>£166,745.91</b>	<b>£106,476.95</b>	<b>£9,516.32</b>	<b>£11,343.02</b>	<b>£4,324.48</b>	<b>-£7,962.02</b>	<b>£357,097.43</b>	<b>£730,427.29</b>	<b>£147,769.32</b>	<b>£293,833.51</b>	<b>£29,831.19</b>	<b>£16,347.19</b>	<b>£14,311.42</b>	
HRA100 Total	Repairs and Maintenance	1053	£53,421.92	£60,162.48	£17,717.45	£35.13	£2,260.29	-£1,628.99	£10,011.79	£1,925.05	£22,128.04	£15,431.48	£22,931.61	£39,017.98	£73,611.73	£317,025.96
HRA110 Total	Supervision and Management	2	£436.87	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£436.87
HRA210 Total	Non-dwelling Rents	210	£14,465.97	£80.00	£200.00	£640.00	£0.00	£0.00	£6,871.58	£9,637.85	£10.00	£432.51	£193.69	£80.00	£0.00	£32,611.60
HRA221 Total	Service Charges to Leaseholders	627	£63,104.04	£65,490.42	£8,932.41	£0.00	£0.00	-£189.30	£150,167.93	£0.00	£51.00	£7,942.64	£28,523.89	£12,358.78	£6,571.76	£342,953.57
HRA235 Total	HRA Other Income	11	£0.00	£0.00	£0.00	£0.00	£0.00	-£40.00	£0.00	£0.00	£0.00	£0.00	£20.00	£0.00	£0.00	£140.00
<b>HRA Total</b>		<b>1903</b>	<b>£131,428.80</b>	<b>£125,732.90</b>	<b>£26,849.86</b>	<b>£675.13</b>	<b>£2,260.29</b>	<b>-£1,858.29</b>	<b>£167,051.30</b>	<b>£11,562.90</b>	<b>£22,189.04</b>	<b>£23,806.63</b>	<b>£51,475.50</b>	<b>£51,730.45</b>	<b>£80,263.49</b>	<b>£693,168.00</b>
<b>Grand Total</b>		<b>3971</b>	<b>£298,174.71</b>	<b>£232,209.85</b>	<b>£36,366.18</b>	<b>£12,018.15</b>	<b>£6,584.77</b>	<b>-£9,820.31</b>	<b>£524,148.73</b>	<b>£741,990.19</b>	<b>£169,958.36</b>	<b>£317,640.14</b>	<b>£81,306.69</b>	<b>£68,077.64</b>	<b>£94,574.91</b>	<b>£2,573,230.01</b>
Previous month's position		3513	£292,778.15	£199,561.44	£40,028.11	£2,487.49	£5,766.12	-£10,062.12	£147,511.25	£208,405.24	£331,095.47	£75,642.17	£71,105.15	£100,867.76	£86,068.52	£1,551,254.75

\* Value of Invoices with Halted Recovery - invoices with issues to be resolved before payment / further recovery action e.g. service disputed, bounced direct debits, with bailiffs, etc.

\*\* Value of Invoices Awaiting Credit Note - credit notes have to be authorised on Agresso, until they are authorised the invoices remain outstanding but a complaint code is used to mark them appropriately.

\*\*\* Customer Credits - accounts where customers have paid in advance of an invoice, or in error.

\*\*\*\* No write offs to date.

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**Cheltenham Borough Council****Cabinet – 10<sup>th</sup> November 2015****Proposal to Update and Adopt Animal Licencing Conditions**

<b>Accountable member</b>	<b>Cllr Andrew McKinlay, Cabinet Member for Development &amp; Safety</b>
<b>Accountable officer</b>	<b>Sarah Clark, Public and Environmental Health Team Leader</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>Yes (affects communities living or working in two or more wards)</b>
<b>Executive summary</b>	<p>Under the Council's constitution Cabinet can approve the adoption of animal licence conditions to raise animal welfare standards for licenced animal premises including pet vending, animal boarding establishments and dog breeding.</p> <p>An eight week consultation period on five new sets of standard licence conditions was undertaken between 14<sup>th</sup> August and 9<sup>th</sup> October 2015.</p> <p>These new licence conditions are extracted from model conditions published by the Chartered Institute of Environmental Health (CIEH) and Local Authority Co-Ordinators of Regulatory Services (LACORS). Requests for alterations from consultees and the reporting officer have been highlighted with the recommendation for adoption.</p> <p>In particular, Cabinet are requested to choose their preferred option from the choices of wording in relation to the home boarding conditions.</p> <p>Adoption of the proposed conditions would bring the Authority up-to-date with the Animal Welfare Act 2006.</p>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That the conditions set out in 'Model conditions for <u>Pet Vending Licencing 2013</u>' published by the Chartered Institute of Environmental Health, September 2013 (see Appendix 4 for original and Appendix 7 for proposed) are adopted as the Authority's licensing conditions in respect of pet vendors and shops selling companion animals; including the yellow highlighted requests for amendment made following the council's consultation process;</li> <li>2. That the conditions set out in 'CIEH Model Licence Conditions and Guidance for <u>Dog Breeding Establishments</u>' published by the Chartered Institute of Environmental Health, January 2014 (see Appendix 4 for original and Appendix 8 for proposed), are adopted as the Authority's licensing conditions in respect of dog breeders who require a licence; including the yellow highlighted requests for amendment made following the council's consultation process;</li> </ol>

3. That the conditions set out in 'CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments 2013' published by the Chartered Institute of Environmental Health, November 2013 (see Appendix 4 for original and Appendix 9 for proposed) are adopted as the Authority's licensing conditions in respect of cat boarding establishments; including the yellow highlighted requests for amendment made following the council's consultation process;
4. That the conditions set out in 'CIEH Model Licence Conditions and Guidance for Dog Boarding Establishments' published by the Chartered Institute of Environmental Health, October 1995 (see Appendix 4 for original and Appendix 10 for proposed) are adopted as the Authority's licensing conditions in respect of dog boarding establishment using external kennels; including the yellow highlighted requests for amendment made following the council's consultation process;
5. That the conditions set out in 'LACORS Model Licence Conditions for Home Boarding (Dogs), Animal Boarding Establishments Act 1963' published by LACORS in November 2005 along with the 'LACORS model home boarding conditions - Update and clarification, 14<sup>th</sup> October 2009' (see Appendix 5 for original and Appendix 11 for proposed) are adopted as the Authority's licensing conditions in respect of the home boarding of dogs; including the yellow highlighted requests for amendment made following the council's consultation process. In particular, the view of Cabinet is requested regarding the blue highlighted proposed conditions;
6. That the conditions are applied from the 1<sup>st</sup> January 2016.
7. That Cabinet approve that officers may deviate from the detail of these conditions on a case by case basis, provided the proprietor can prove that the same or higher animal welfare standards are achieved by an alternative approach.

<b>Financial implications</b>	<p>None arising directly from this report.</p> <p><b>Contact officer:</b> Nina Philippidis, Business Partner Accountant nina.philippidis@cheltenham.gov.uk, 01242 264121</p>
<b>Legal implications</b>	<p>As specified in the report under "Legislation"</p> <p><b>Contact officer:</b> vikki.fennell@tewkesbury.gov.uk, 01684 272015</p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no direct HR implications as a result of this report</p> <p><b>Contact officer:</b> Richard Hall – HR business partner , richard.hall@cheltenham.gov.uk, 01242 77 4972</p>

<b>Key risks</b>	The key risks relate to effective enforcement capability, the promotion and raising of animal welfare standards, and business and customer concerns about licensed trade. Please see the accompanying risk assessment for full details.
<b>Corporate and community plan Implications</b>	<p>The recommendations will help to sustain and grow Cheltenham's economic and cultural vitality by:</p> <ul style="list-style-type: none"> <li>- Ensuring a level playing field for licensed animal businesses by updating conditions to a nationally recognised standard, whilst recognising the contributions of local businesses and interest groups</li> <li>- Promoting animal welfare within the borough.</li> </ul> <p>In addition, these recommendations will help people to live in strong, safe and healthy communities by:</p> <ul style="list-style-type: none"> <li>- Reducing the risk of animal to human infectious diseases (zoonosis) and animal to animal infection</li> <li>- Improving animal welfare standards meaning people in the borough have healthier pets which in turn improves human health and wellbeing.</li> </ul>
<b>Environmental and climate change implications</b>	There are no specific environmental or climate change implications.
<b>Property/Asset Implications</b>	<p>None</p> <p><b>Contact officer: David Roberts – Head of Property</b>  <b>david.roberts@cheltenham.gov.uk, 01242 264151</b></p>

## **1. Background**

- 1.1** Licencing conditions are currently in place for Pet Shops and for Animal Boarding Establishments please see the current conditions in Appendix 2. The conditions are old and were designed in-house which means they are no longer fit for purpose under the Animal Welfare Act 2006.
- 1.2** There are no conditions in place for dog breeding licences, nor are there currently any licenced businesses.
- 1.3** The Authority has currently four licenced pet shops and nine boarding establishments (six of which are home boarders).
- 1.4** Licenced animal establishments are currently inspected yearly or on a risk based programme. If problems are found at an inspection, revisits are undertaken when necessary and any appropriate action will be taken in-line with the corporate enforcement policy. Establishments demonstrating a level of high compliance and with low risk (e.g. low numbers) may be inspected every other year (this has occurred with home boarding establishments licenced for care with one or two animals).
- 1.5** Prior to this Cabinet paper, an eight week consultation exercise was undertaken which included consulting with the Licensing Committee. The Committee received a presentation as part of the process (Appendix 15) and agreed that they supported the adoption, in principle, of the model conditions by Cabinet (see Appendix 12). Further details about the consultation process are available in Section 4 of this report).

### Legislation

- 1.6** Under the Pet Animals Act 1951 (section 1(1)) any business which sells companion animals, must hold a pet shop licence issued by the local authority.
- 1.7** Section 1(3) of the Pet Animals Act 1951 enables local authorities to make conditions to secure appropriate animal accommodation, nutrition, age of sale, prevention of infection and that appropriate steps are taken in relation to fire. Please see Appendix 3 for specific legislation details.
- 1.8** Under the Breeding of Dogs 1973 (section 1(1)) & the Breeding and Sale of Dogs (Welfare) Act 1999 (section 7), any premise where the business of breeding dogs for sale is carried out, requires a licence by the local authority. Please see Appendix 3 for specific legislation.
- 1.9** Under section 1(4) of the 1973 Act a local authority may specify conditions under the dog breeders licence, in order to secure suitable; accommodation (including construction, size, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness); animal nutrition; prevention of infection; appropriate steps in relation to emergency situations; care in transport; ensure b\*\*ches are not mated if they are less than one year old; ensure b\*\*ches do not give birth to more than six litters of puppies each; ensure that b\*\*ches do not have more than one litter of puppies in any twelve month period; and that accurate records are maintained. Please see Appendix 3 for the specific legislation.

- 1.10** Under the Animal Boarding Establishments Act 1963 no person shall keep a boarding establishment for animals ('animals' being defined as any cat or dog under the Act) except under the authority of a licence, granted by the local authority.
- 1.11** Section 1(3) of the Animal Boarding Establishments Act 1963 enables local authorities to make conditions to secure appropriate animal accommodation (including construction, size, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness); animal nutrition, human visits, prevention of infection, appropriate steps in relation to emergency situations; and register details. Please see Appendix 3 for the specific legislation details.
- 1.12** Under section 9 of the Animal Welfare Act 2006 there is a duty on all persons deemed responsible for an animal (including a licensee) to ensure that an animals needs are met. This include the need for; a suitable environment, suitable diet, to be able to exhibit normal behaviour patterns, to be housed with, or apart from, other animals; and to be protected from pain, suffering, injury and disease. Please see Appendix 3 for the specific legislation details.

#### Model Licence Conditions

- 1.13** Appendix 4 provides web-links to the model licence conditions published by the Chartered Institute of Environmental Health (CIEH) upon which the proposed conditions are based. They were produced with guidance from the bodies listed in the Appendix which includes; veterinary professional bodies, trade representation, charities and other professional bodies including other local authorities.
- 1.14** The model conditions have been extracted from the relevant guidance documents in Appendix 4 and are the bold numbered conditions in the proposed conditions appendices 7-11.
- 1.15** The model licence conditions for dog boarding in kennels, published in 1995, is overdue for an update. New conditions are expected in the near future however at the time of writing this report they have not yet been published.
- 1.16** Appendix 5 are the model licence conditions for home boarding published by LACORS (Local Authorities Co-ordinators of Regulatory Services) in 2005 and the update made in 2009, these are not easily found on the internet. The home boarding model conditions were based on the CIEH model conditions for dog boarding published in 1995. Since 2010 'LACORS' no longer exists and has become merged into the Local Government Association. No further guidance has been published and the reporting officer is not aware of any planned conditions for home boarding to be issued.

## **2. Reasons for recommendations**

Relates to all proposed conditions except home boarding (see 2.15)

- 2.1** The model conditions published by the CIEH are the most up-to-date sets of conditions available for adoption at this time.
- 2.2** Adoption of the model licence conditions will bring the Authority in-line with other local authorities who have adopted the conditions.
- 2.3** There are currently no conditions for the breeding of dogs in this local authority area. There are currently no licenced dog breeders in the borough. Should any dog breeder wish to apply for a licence application, the process will be quicker if licence conditions are in place.
- 2.4** The current conditions for Pet Vending and Animal Boarding (see Appendix 2) are open to interpretation. This means businesses may operate differently under the same licence conditions, which does not allow for an equal competitive footing. The proposed conditions provide businesses with some specific minimum standards, clearer conditions and good direction to areas of licensable concern.
- 2.5** Where conditions are open to interpretation enforcement can be difficult to apply. The proposed conditions are considered clearer by enforcement officers and although not particularly prescriptive, they are more descriptive than the current ones. This ensures conditions are easier to enforce.
- 2.6** The model conditions expand on the current conditions in terms of animal welfare, public health, knowledge of numbers permitted and provide clearer management and training guidelines.
- 2.7** The wording in condition 23 of the Authority's current pet vending licence conditions (Appendix 2) is in breach of section 11 of the Animal Welfare Act 2006 in that it allows the sale of animals to persons under the age of 16. The Animal Welfare Act 2006 prohibits the transfer of animals by way of sale or prize to persons under 16 years of age (see Appendix 3). The reporting officer is aware that the borough's current licenced establishments have systems in place to comply with this Animal Welfare Act requirement and do not undertake sales to anyone under the age of 16.
- 2.8** The model conditions expand on what is needed in a licenced animal establishment's animal register (for current conditions see Appendix 2; pet vending condition 19 and boarding establishments' condition 8). This makes it easier for licensees to understand the requirements of a register and ensures clearer enforcement. (For proposed conditions see Appendix 7-11; pet vending condition A.4; dog breeding condition 6.5; cat boarding condition E.2; dog boarding – kennels condition 5.8; dog boarding- home boarders condition 5.7)



- 2.9** Some model conditions ensure specific numbers of animals or enclosure units are stipulated on the licence (see Appendix 7 & 10: Pet vending condition, A.5.1 ; and Kennels, 4.1.1.). Expanding on this, some of the conditions requested by the lead officer ensure specific numbers of animals or units are stipulated for other licence types: Dog Breeding, requested condition 1.15.1; Catteries, requested condition A.2.1.2; and Home boarders requested condition 3.1 (see Appendix 8, 9 and 11). This will make the licenced capacities clearer and helps ensure the public understand the size of the business.

**2.10 Table of number of requests within the proposed standard conditions:**

<b>Pet vending</b> Appendix 7	3 requests	By IFAW PDSA
<b>Dog Breeding</b> Appendix 8	8 requests	By IFAW Officer PDSA
<b>Cat Boarding – Catteries</b> Appendix 9	4 requests	By Officer PDSA and Pegasus Cattery Licenced boarder
<b>Dog Boarding – Kennels</b> Appendix 10	5 requests	By Licencing Committee Officer PDSA PIF
<b>Dog Boarding - Home</b> Appendix 11	20 requests	By Bark & Call Officer PDSA PetStay PIF

- 2.11** LACORS did not consult other professional bodies when setting the home boarding conditions. The 20 requests for changes may perhaps reflect the lack of consultation with the industry by LACORS before the guidance was published.
- 2.12** The reporting officer believes along with the consultees that the requests highlighted in yellow within the proposed conditions offer an increase in animal welfare standards or clearer understanding of the conditions.
- 2.13** There were 40 requests for changes to the model conditions. Should Cabinet Members have any questions regarding specific requests for changes, they are encouraged to ask the report writer the reasoning behind the request.
- 2.14** Adoption of the yellow highlighted conditions will demonstrate the Authority's response to listening to the various consultees who have taken their time and interest to respond to the consultation. For further information on the consultation please see section 4, consultation and feedback below.

Recommendation 5 (home boarding)

- 2.15 Dog boarding conditions for kennels cannot be applied to home boarders. Home boarding is where a strangers' dog lives in the home boarders house as their pet. Home boarders do not have and are not expected to have, separate external kennels. The CIEH model conditions for dog boarding establishments deals with kennels and therefore the majority of the conditions do not apply to home dog boarding. Separate home boarding conditions are therefore required.
- 2.16 The LACORS Home boarding model conditions are currently the most up-to-date conditions for home boarding.
- 2.17 Adoption of the conditions based on the LACORS home boarding model licence conditions will bring the Authority in-line with other local authorities who have adopted the conditions.

Cabinet Consideration of blue highlighted Home Boarding Conditions

- 2.18 Cabinet are requested to consider the blue highlighted areas within the proposed conditions for home boarding establishments (Appendix 11) and make a decision on the most appropriate condition. The conditions for consideration are 5.5.7 and 5.8.3.

Consultation feedback regarding the use of prescription medication proposed home boarding condition 5.5.7

- 2.19 5.5.7 reads "Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites."
- 2.20 PDSA are a veterinary based charity and requested the following be inserted to 5.5.7 "... *Medicines to prevent these parasites should be prescription medications and only administered after consultation with a veterinary surgeon....*". PDSA requests this to ensure that business owners do not self-medicate.
- 2.21 Bark and Call our largest home boarder who have lived and worked around dogs all their lives, **do not** support this addition and have stated that the requirement to have prescription only medication would be cost prohibitive because it would require the home boarder to go to the vet for treatment of all parasites.
- 2.22 The majority of pet owners will self-medicate their dogs to treat parasites they are knowledgeable of but will go to a veterinary surgeon when they do not know what the problem is.
- 2.23 Cabinet is therefore requested to decide on what they consider to be the most appropriate condition.

Consultation feedback regarding a child in a home boarders home and level of supervision, proposed home boarding condition 5.8.3

- 2.24** Dogs can be unpredictable, for many reasons.
- 2.25** Children are not always aware of the many risks associated with dogs. Children are risk immature.
- 2.26** A home boarder taking a stranger's dog into a child's home is subject to greater risk concerns than a family who have small children and a resident dog. The stranger's dog has unknown reactions.
- 2.27** The Animal Welfare Act ensures no animal is sold to a person under 16 years of age.
- 2.28** The reporting officer is not aware of any guidance about at what age a child/dog interaction becomes safe. i.e. when a child becomes less inquisitive towards a dog and knows how not to annoy it; nor when a child can read the warning signs a dog may give and make the situation safe. It is likely to depend upon the maturity and temperament of both the child and dog.
- 2.29** The PetStay franchise holder for Gloucestershire, express their view in Appendix 14 ie that the age is raised from 5 to 7 years old.
- 2.30** No current licenced home boarders have children under 7 in their household.
- 2.31** PDSA have inserted a requirement to ensure "no people under the age of 16 years of age should be left unsupervised with boarded dogs at any time". The reporting officer considers this to be an onerous condition because it is not easy to enforce, especially if the boarding dog is to live in the home as the boarders own pet. Such a condition would prevent a teenager watching TV with the visiting dog in the same room.
- 2.32** Please note that the combined PetStay and PDSA request is supported by the Cheltenham Animal Shelter.
- 2.33** Cabinet is therefore requested to decide on what they consider to be the most appropriate condition.

Recommendation 6

- 2.34** Adoption of the conditions for the 1<sup>st</sup> January 2016 allows the conditions to be implemented with the annual pet vending and animal boarding renewals which, in line with the legislation, run from 1<sup>st</sup> January to 31<sup>st</sup> December each year.

Recommendation 7

- 2.35** Although the proposed conditions represent best practice, are very comprehensive and are specifically designed to ensure a fair and consistent approach to licensing, they do not cover all eventualities. Officers should be permitted to exercise some discretion (i.e. to achieve the same aim through a different approach) provided it is shown that the appropriate animal welfare standards will still be achieved.

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

- 3.1** Cabinet may choose to operate the animal licensing service with no conditions attached to licences.
- 3.2** Cabinet may choose to enter the model conditions unaltered by consultee opinion/comment.
- 3.3** Cabinet may choose to implement their own conditions.
- 3.4** Please see the accompanying risk assessment for the potential consequences of choosing one of these alternative options.

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

- 4.1** An eight week consultation period was undertaken between 14th August and 9th October 2015.
- 4.2** Proposed licence conditions documents were available on the council website and were updated with the “requests” made throughout the consultation period. Requests for changes were discussed with the consultees on all occasions and updated to the proposed conditions when agreed upon. The only two conflicting responses received were those detailed in paras 2.19 – 2.33 above.
- 4.3** Updates were circulated to the licenced establishments or consultees who would be / or had shown, interest in the conditions affected. Please note that the PIF and IFAW consultation requests were not circulated to the licenced establishments as these come into the Authority on 9<sup>th</sup> October 2015.
- 4.4** Should Cabinet Members have any questions relating to specific requests for changes they are encouraged to ask the report writer the reasoning behind the request.
- 4.5** There were forty requests for changes made by seven contributors from the consultation alongside requests made from the reporting officer. In addition a further four responders offered their support to the proposed conditions and did not request changes.

#### **Summary of Consultation Responses**

- 4.6** Appendix 6 summarises who was directly contacted including licensed establishments, local vets and animal welfare charities.
- 4.7** Appendix 12 provides a summary of consultation responses. There were eleven responders who are listed in alphabetical order. Further detail of significant contributors, are alphabetically listed, in Appendix 12.
- 4.8** Significant contributors include: Bark and Call; Defra, IFAW, the Licencing Committee, PDSA, Pets at Home and Naturewatch Foundation (who also submitted a statement see Appendix 13)

## 5. Performance management –monitoring and review

- 5.1 The animal licensing officers work to statutory and council performance requirements in terms of timescales, standards and enforcement approach.
- 5.2 Operational issues are raised with the team leader as they arise, and performance monitoring is undertaken through monthly 121s.
- 5.3 The health and safety service which delivers animal licensing is subject to radical transformation through systems thinking which is likely to result in specific performance measures – for example around end to end application times.
- 5.4 In addition, the officers are members of a county animal welfare group which aims to promote best practice and consistency.
- 5.5 Further review of these conditions is anticipated when further model conditions and/or guidance is published – for example, dog boarding kennels – or if there are further legislative changes.

<b>Report author</b>	<p><b>Contact officer: Sadie Hawson, Senior Environmental Health Officer (Lead Animal Licensing Officer)</b>  <a href="mailto:sadie.hawson@cheltenham.gov.uk">sadie.hawson@cheltenham.gov.uk</a> Tel: 01242 775028</p> <p><b>Team Leader: Sarah Clark, Public &amp; Environmental Health Team Leader.</b> <a href="mailto:sarah.clark@cheltenham.gov.uk">sarah.clark@cheltenham.gov.uk</a> Tel: 01242 264226</p>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Current CBC Animal Licence Conditions</li> <li>3. Extracted Legislation for Animal Licencing Conditions</li> <li>4. Model Licence Conditions and Contributors</li> <li>5. LACORS Model licence Conditions – Home Boarding</li> <li>6. List of Consultees</li> <li>7. Draft Proposed CBC Pet Vending Conditions</li> <li>8. Draft Proposed CBC Dog Breeding Conditions</li> <li>9. Draft Proposed CBC Cat Boarding Conditions</li> <li>10. Draft Proposed CBC Dog Boarding Conditions – Kennels</li> <li>11. Draft Proposed CBC Dog Boarding Conditions – Home Boarding</li> <li>12. Summary of Consultation Responses</li> <li>13. Naturewatch Foundation (Charity) Consultation Response</li> <li>14. PetStay's Supporting Statement for Home Boarding Condition 5.8.3</li> <li>15. Animal Licencing Consultation Presentation</li> </ol>

<b>Background information</b>	<ol style="list-style-type: none"><li>1. Links to the model conditions are found in Appendix 4.</li><li>2. LACORS model conditions for Dog Boarding are found in Appendix 5.</li><li>3. <a href="#">Pet Animals Act 1951</a></li><li>4. <a href="#">Pet Animals (Amendment) Act 1983</a></li><li>5. <a href="#">Breeding of Dogs Act 1973</a></li><li>6. <a href="#">Breeding of Dogs Act 1991</a></li><li>7. <a href="#">Breeding and Sale of Dogs (Welfare) Act 1999</a></li><li>8. <a href="#">Breeding of Dogs (Licensing Records) Regulations 1999</a></li><li>9. <a href="#">Animal Boarding Establishments Act 1963</a></li><li>10. <a href="#">Animal Welfare Act 2006</a></li><li>11. <a href="#">Code of practice for the welfare of dogs</a></li><li>12. <a href="#">Code of practice for the welfare of cats</a></li></ol>
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## 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 council does not adopt <b>any</b> licence conditions in respect of animal licensing, then it will not have effective enforcement powers to deal with animal welfare or licensing issues which could result in customer complaints, reputational damage or criticism from local businesses who may believe they do not have an equal trading environment to their competitors.	SC	16.10.15	2	3	6	A	Reference would be made to Cabinet's decision not to adopt the conditions, and anyone wishing to complain would have recourse to the council's complaints procedure.	-	SC	Divisional
	If the council does not adopt <b>any</b> licence conditions, then it will be unable to adequately improve and maintain animal welfare standards, which could lead to animal ill health, animal rights challenges and reputational damage, customer complaints about licence holders, licensee complaints about other businesses or claims the council does not assist them to achieve high standards.	SC	16.10.15	2	3	6	A	As above - reference would be made to Cabinet's decision not to adopt the conditions, and anyone wishing to complain would have recourse to the council's complaints procedure. In terms of adverse publicity, the council usually has a right to reply in written media although this can be harder to manage over social media	-	SC	Divisional

	If the council does not adopt the <b>proposed</b> conditions, then it will not have comprehensive intelligence to use in event of an infectious disease or zoonosis incident, which would result in individual or widespread illness as well as loss of animal stock to local businesses.	SC	16.10.15	3	2	6	A	Public Health England could be notified in advance that the council does not hold information of this kind, although this in itself would not reduce or mitigate the risk to individual and public health.	-	SC	Divisional
	If the council does not adopt the <b>proposed</b> licence conditions in respect of animal licensing, then it will in effect support breaches of the Animal Welfare Act 2006 with regard to the legal age for the sale/transfer of animals, which could cause reputational damage and lead to challenge from the industry. DEFRA have asked to be informed of the council's approach to animal welfare and licensing in this eventuality	SC	20.10.15	1	3	3	A	The council would be unable to enforce conflicting conditions but no specific action required in order to accept the risk	-	SC	Divisional
	If the council does not adopt the <b>proposed</b> licence conditions but chooses instead to use the model conditions, or draft ones of its own, then there could be a challenge from consultees and special interest groups about the validity and appropriateness of such	SC	20.10.15	2	3	6	A	None possible other than to refer to the Cabinet decision in that eventuality	-	SC	Divisional



	conditions. These could take the form of complaints, press attention, petitions or lobbying, for example.										
<b>Explanatory notes</b> <b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) <b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) <b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close											

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## **Appendix 2**

### **Current CBC Animal Licence Conditions**

(Cabinet report on proposal to update and adopt animal licencing conditions)

#### **PET ANIMALS ACT 1951**

##### **Conditions in respect of a licence for pet vending.**

1. Animals shall at all times be kept in accommodation that is adequate in construction, size, amenities and position in the premises.
2. Where animals are kept in cages, hutches, boxes or other receptacles which are placed on top of other cages, hutches, boxes or receptacles, effective means should be provided for preventing water, food or other droppings falling onto or contaminating the animals' food or other surrounds which are underneath.
3. Animals shall be adequately supplied with suitable food and drink and shall be visited at suitable intervals. All accommodation shall be cleaned daily or as often as is necessary.
4. No mammal shall be sold unweaned or, if weaned, at any age at which it should not have been weaned.
5. No animal shall be displayed in a cage, hutch, box or other receptacle in such a position that it can be interfered with by other animals or unauthorised persons.
6. Animals shall not be displayed for sale outside the premises during unsuitable weather.
7. All excreta and soiled bedding shall be stored in suitably covered metal or other impervious containers until removed from the premises as soon as practicable and disposed of to the satisfaction of the appropriate local authority. All refuse containers shall be maintained in a clean condition.
8. All necessary precautions shall be taken to prevent the introduction or harbourage of rodents, insects and any other pests to the premises.
9. All animal foods shall be stored in suitable covered metal or other impervious closed containers so that the quality of the food can be preserved. These containers should be of such design as to allow easy cleaning.
10. Animals shall not be handed to customers in unsuitable containers.
11. The licensee shall ensure that a responsible person shall at all times be in, or within reasonable distance from the premises for the purpose of giving warning and taking other necessary steps in the event of fire or other emergency. In case of absence of the responsible resident, the licensee shall appoint a responsible person residing within a reasonable distance of the premises to have custody of a duplicate key. The name, address and telephone number

of such persons shall be displayed in legible characters on the front door or window of the premises and shall be notified to the local fire brigade and police.

12. Animals and stock shall not be kept in or outside the shop so as to obstruct entrance to or exit from the shop in the case of fire or other emergency.

13. Fire fighting equipment, including extinguishers, shall be provided as approved by the chief fire officer and shall be sited as so directed by him. The licensee shall ensure that the fire appliances remain accessible and maintained in a good condition.

14. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites shall be brought into or kept on the premises unless effectively isolated.

15. The maximum numbers and types of animals permitted to be kept on the premises to which the licence refers are as set out above and shall not be exceeded.

16. The numbers of animals which may be kept on the premises must be displayed on the premises.

17. Exhibition animals kept in the shop should be considered as requiring proper accommodation and any animals not for sale should have a note stating that fact.

18. No animals shall be directly imported except by licensees who have satisfied the local authority as to their ability to quarantine or handle consignments of animals under suitable conditions.

19. A register of animals shall be kept by the proprietor of the pet shop which must be produced on demand by the authorised inspector.

20. Pet shops selling animals on the schedule to the Dangerous Wild Animals Act should ascertain that the buyer is licensed or duly authorised to keep such animals.

21. Pet Trade and Industry Association Pet Care leaflets or other similar written instructions shall be made available to all purchasers of animals.

22. Purchasers of accessories shall, when necessary, be given proper advice on their maintenance and use.

23. No animal must be sold to any juvenile under the age of 16 years unless that person is known to the retailer, or accompanied by a parent or a legal guardian, or provides appropriate written consent. If the juvenile is known to the retailer and is over 12 years old then a sale of an animal can take place if the retailer is satisfied that:

- (i) the parent/guardian would not object to the acquisition;
- (ii) the juvenile is sufficiently knowledgeable as to the animal's needs and care;

(iii) the juvenile's intention towards the acquisition is consistent with the well being of the animal.

## **Animal Boarding Establishments Act 1963**

### **Cheltenham Borough Council Conditions of Licence**

1. No animal shall be kept in a cage, hutch, box or other receptacle in such position as to expose it to interference or annoyance by persons or animals.
2. Animals shall at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness.
3. Animals shall be adequately supplied with suitable food, drink and bedding material, adequately exercised and (so far as necessary) visited at suitable intervals.
4. Animals shall not be placed or kept in or outside the premises so as to render ingress and egress difficult in case of fire or other emergency.
5. The Licensee shall ensure that a responsible person shall at all times be in or within a reasonable distance from the premises for the purpose of giving warning and taking other necessary steps in the event of fire or other emergency. In the case of premises which are lock-up, outside business hours, the Licensee shall appoint a responsible person residing within a reasonable distance to the premises to have custody of the key. The name and address of such person shall be displayed in legible characters on the front door, or windows of the premises, and be notified to the local Fire Brigade. A supply of water and sand and/or an efficient fire extinguisher must always be available on the premises.
6. No animal which is suffering from or could reasonably be suspected of having come into contact with any other animals suffering from any infectious disease, shall be brought or kept on the premises unless it is properly isolated from the other animals therein.
7. Where animals are kept in cages, hutches, boxes or other receptacles placed on top of other cages, hutches, boxes or other receptacles, effective means shall be provided for preventing water, food or other droppings falling on to or contaminating the animals or other surroundings which are underneath.
8. A register shall be kept containing a description of any animals received into the establishment.

**END**

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## Appendix 3

### Extracted Legislation for Animal Licencing Conditions

(Cabinet report on proposal to update and adopt animal licencing conditions)

1. Pet Animals Act 1951
2. Breeding of Dogs Act 1973
3. Breeding and Sale of Dogs (Welfare) Act 1999
4. Animal Boarding Establishments Act 1963
5. Animal Welfare Act 2006

#### **1. Pet Animals Act 1951**

##### ***Section 1 Licensing of pet shops.***

- (1) No person shall keep a pet shop except under the authority of a licence granted in accordance with the provisions of this Act.*
- (2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and on payment of such fee . . . as may be determined by the local authority, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.*
- (3) In determining whether to grant a licence for the keeping of a pet shop by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—*
- (a) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;*
  - (b) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;*
  - (c) that animals, being mammals, will not be sold at too early an age;*
  - (d) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;*
  - (e) that appropriate steps will be taken in case of fire or other emergency;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects specified in paragraphs (a) to (e) of this subsection.*

#### **2. Breeding of Dogs Act 1973**

##### ***Section 1 Licensing of breeding establishments for dogs.***

*(1) No person shall keep a breeding establishment for dogs except under the authority of a licence granted in accordance with the provisions of this Act.*

.....

*(4) In determining whether to grant a licence for the keeping of a breeding establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—*

*(a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;*

*(b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and F1. . . visited at suitable intervals;*

*(c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;*

*(d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;*

*(e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;*

*(f) that b\*\*ches are not mated if they are less than one year old;*

*(g) that b\*\*ches do not give birth to more than six litters of puppies each;*

*(h) that b\*\*ches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and*

*(l) that accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (i) of this subsection.*

### **3. Breeding and Sale of Dogs (Welfare) Act 1999**

*Section 7 Definition of establishments.*

*Before section 5 of the 1973 Act insert—*

*“4A Breeding establishments for dogs.*

*(1) References in this Act to the keeping of a breeding establishment for dogs shall be construed in accordance with this section.*

*(2) A person keeps a breeding establishment for dogs at any premises if he carries on at those premises a business of breeding dogs for sale (whether by him or any other person) .*



*(3) Subject to subsection (5) of this section, where— .*

- (a) a person keeps a b\*\*ch at any premises at any time during any period of twelve months; and.*
- (b) the b\*\*ch gives birth to a litter of puppies at any time during that period,*

*he shall be treated as carrying on a business of breeding dogs for sale at the premises throughout the period if a total of four or more other litters is born during the period to b\*\*ches falling within subsection (4) of this section.*

*(4) The b\*\*ches falling within this subsection are—*

- (a) the b\*\*ch mentioned in subsection (3)(a) and (b) of this section and any other \*\*tches kept by the person at the premises at any time during the period;*
- (b) any b\*\*ches kept by any relative of his at the premises at any such time;*
- (c) any b\*\*ches kept by him elsewhere at any such time; and*
- (d) any b\*\*ches kept (anywhere) by any person at any such time under a breeding arrangement made with him.*

*(5) Subsection (3) of this section does not apply if the person shows that none of the puppies born to b\*\*ches falling within paragraph (a), (b) or (d) of subsection (4) of this section was in fact sold during the period (whether by him or any other person).*

*(6) In subsection (4) of this section “breeding arrangement” means a contract or other arrangement under which the person agrees that another person may keep a b\*\*ch of his on terms that, should the b\*\*ch give birth, the other person is to provide him with either—.*

- (a) one or more of the puppies; or*
- (b) the whole or part of the proceeds of selling any of them;.*

*and “relative” means the person’s parent or grandparent, child or grandchild, sibling, aunt or uncle or niece or nephew or someone with whom he lives as a couple.*

*(7) In this section “premises” includes a private dwelling.*

## **4. Animal Boarding Establishments Act 1963**

### ***Section 1 Licensing of boarding establishments for animals.***

*(1) No person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the provisions of this Act.*

*...*

*(3) In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—*

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;*
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;*

*(c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;*

*(d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;*

*(e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.*

## **5. Animal Welfare Act 2006**

### ***Section 9 Duty of person responsible for animal to ensure welfare.***

*(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.*

*(2) For the purposes of this Act, an animal's needs shall be taken to include—*

*(a) its need for a suitable environment,*

*(b) its need for a suitable diet,*

*(c) its need to be able to exhibit normal behaviour patterns,*

*(d) any need it has to be housed with, or apart from, other animals, and*

*(e) its need to be protected from pain, suffering, injury and disease.*

*(3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—*

*(a) any lawful purpose for which the animal is kept, and*

*(b) any lawful activity undertaken in relation to the animal.*

*(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.*

**Section 11 Transfer of animals by way of sale or prize to persons under 16.**

*(1) A person commits an offence if he sells an animal to a person whom he has reasonable cause to believe to be under the age of 16 years.*

*(2) For the purposes of subsection (1), selling an animal includes transferring, or agreeing to transfer, ownership of the animal in consideration of entry by the transferee into another transaction.*

*(3) Subject to subsections (4) to (6), a person commits an offence if—*

*(a) he enters into an arrangement with a person whom he has reasonable cause to believe to be under the age of 16 years, and*

*(b) the arrangement is one under which that person has the chance to win an animal as a prize.*

*(4) A person does not commit an offence under subsection (3) if—*

*(a) he enters into the arrangement in the presence of the person with whom the arrangement is made, and*

*(b) he has reasonable cause to believe that the person with whom the arrangement is made is accompanied by a person who is not under the age of 16 years.*

*(5) A person does not commit an offence under subsection (3) if—*

*(a) he enters into the arrangement otherwise than in the presence of the person with whom the arrangement is made, and*

*(b) he has reasonable cause to believe that a person who has actual care and control of the person with whom the arrangement is made has consented to the arrangement.*

*(6) A person does not commit an offence under subsection (3) if he enters into the arrangement in a family context.*

**End**

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## Appendix 4

### Model Licence Conditions & Contributors

(Cabinet report on proposal to update and adopt animal licencing conditions)

#### **Pet Vending**

'Model conditions for Pet Vending Licencing 2013' [September 2015] can be found at: <http://www.cieh.org/WorkArea/showcontent.aspx?id=47606>

Published in association with [Cats Protection](#), Pet Care Trade Association (now [Pet Industry Federation](#)), [British Veterinary Association](#), [International Cat Care](#), [Ornamental Aquatic Trade Association](#) (OATA), [Reptile and Exotic Pet Trade Association](#) (REPTA), [Dogs Trust](#) and the [Rabbit Welfare Association and Fund](#) (RWAFF).

#### **Dog Breeding**

'CIEH Model Licence Conditions and Guidance for Dog Breeding Establishments' [January 2014] can be found at:

<http://www.cieh.org/WorkArea/showcontent.aspx?id=50814>

Published in association with the [British Veterinary Association](#), [Advisory Council on the Welfare Issues of Dog Breeding](#), [City of London](#), [Dogs Trust](#), [Department for Environment Food and Rural Affairs](#) (DEFRA), [Epping Forest District Council](#), [The Kennel Club](#), [Royal Society for the Protection of Animals](#) (RSPCA), [British Small Animal Veterinary Association](#) (BSAVA).

#### **Cat Boarding**

'CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments 2013' [November 2013] can be found at:

<http://www.cieh.org/WorkArea/showcontent.aspx?id=49634>

**Published** in association with the [British Veterinary Association](#), [Cats Protection](#), [Corporation of London](#), [Dogs Trust](#), [Epping Forest District Council](#), [International Cat Care](#), [Royal Society for the Protection of Animals](#) (RSPCA), [Pet Industry Federation](#) (PIF) and [British Small Animal Veterinary Association](#) (BSAVA).

#### **Dog Boarding (Kennels)**

'CIEH Model Licence Conditions and Guidance for Dog Boarding Establishments' [October 1995] can be found at:

[http://www.cieh.org/uploadedFiles/Core/Policy/Publications\\_and\\_information\\_service/Policy\\_publications/Publications/Dog\\_Boarding\\_Guide.pdf](http://www.cieh.org/uploadedFiles/Core/Policy/Publications_and_information_service/Policy_publications/Publications/Dog_Boarding_Guide.pdf)

Published in association with the [British Veterinary Association](#), (BVA), Feline Advisory Bureau (now [International Cat Care](#)), Pet Trade and Industry Association (PTIA now [PIF](#)) and [British Small Animal Veterinary Association](#) (BSAVA).

### **Home Dog Boarding**

The Local Authorities Co-ordinators of Regulatory Services (LACORS) published [model conditions in 2005](#) based on the CIEH model conditions for dog boarding. LACORS recommended the model conditions be [updated in 2009](#).

Since 2010 'LACORS' no longer exists and has been merged into the Local Government Association, no further guidance has been published on home boarding.

Please find the 'LACORS Model Licence Conditions for Home Boarding (Dogs) Animal Boarding Establishments Act 1963' [November 2005] & 'LACORS model home boarding conditions. Update and clarification, 14<sup>th</sup> October 2009' in Appendix 4 unlike the other model conditions published by the CIEH these documents are now difficult to find on the internet.

### **Chartered Institute of Environmental Health**

The **Chartered Institute of Environmental Health** (CIEH) is a registered charity and the professional voice for environmental health. They set standards, accredit courses and qualifications for the education of members and Environmental Health Practitioners.

They provide information, evidence and policy advice to local and national government, environmental and public health practitioners in the public and private sectors.

They are a campaigning organisation, promoting improvements in environmental and public health policy. Based in the UK with offices in London, Wales and Northern Ireland they also operate in the USA, United Arab Emirates and Hong Kong.

For further information see [Chartered Institute of Environmental Health](#) (CIEH) internet pages.

**END**

## Appendix 5

### LACORS Model Licence Conditions – Home Boarding

(Cabinet report on proposal to update and adopt animal licencing conditions)



#### **LACORS MODEL LICENCE CONDITIONS FOR HOME BOARDING ( DOGS)** **ANIMAL BOARDING ESTABLISHMENTS ACT 1963.**

##### **1. INTRODUCTION**

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
- 1.3 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.6 Entire males and b\*\*ches in season or b\*\*ches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.

##### **2. LICENCE DISPLAY**

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

##### **3. NUMBERS OF ANIMALS**

- 3.1 The maximum number of dogs to be kept at any one time is (enter number).

- 3.2 Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.
- 3.3 Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.
- 3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

#### **4. CONSTRUCTION**

- 4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.
- 4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs.
- 4.4 As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.
- 4.5 There must be sufficient space available to be able to keep the dogs separately if required.
- 4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

#### **5. MANAGEMENT**

##### **5.1 TRAINING**

- 5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

##### **5.2 CLEANLINESS**

- 5.2.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 5.2.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 5.2.3 All bedding areas must be kept clean and dry.
- 5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs



with infectious diseases. The final route for all such waste shall comply with current waste regulations.

- 5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

### **5.3 FOOD AND WATER SUPPLIES**

- 5.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.
- 5.3.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.
- 5.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

### **5.4 KITCHEN FACILITIES**

- 5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
- 5.4.2 All bulk supplies of food shall be kept in vermin proof containers.

### **5.5 DISEASE CONTROL AND VACCINATION**

- 5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 5.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- 5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 5.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

- 5.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
- 5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.
- 5.5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

**5.6 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.**

- 5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 5.6.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
- 5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.
- 5.6.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeons premises until the owners return.

**5.7 REGISTER**

- 5.7.1 A register must be kept of all dogs boarded. The information kept must include the following:
- Date of arrival
  - Name of dog, any identification system such as microchip number, tattoo
  - Description, breed, age and gender of dog
  - Name, address and telephone number of owner or keeper
  - Name, address and telephone number of contact person whilst boarded
  - Name, address and telephone number of dog's veterinary surgeon
  - Anticipated and actual date of departure
  - Proof of current vaccinations, medical history and requirements
  - Health, welfare nutrition and exercise requirements
- 5.7.2 Such a register is to be available for inspection at all times by an officer of Licensing Authority, veterinary surgeon.

5.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

5.7.4 If medication is to be administered, this must be recorded.

5.7.4 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## **5.8 SUPERVISION**

5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.

5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

5.8.3 No home where there are children under 5 years of age will be licensed.

5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places.

## **5.9 EXERCISE**

5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.

5.9.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

5.9.4 If there is a pond, it must be covered to avoid drowning.

5.9.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

5.9.6 The Licensing Authority must be informed on the next working day if a dog is lost.

## **5.10 FIRE / EMERGENCY PRECAUTIONS**

5.10.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

- 5.10.2 The occupier of the property must be aware of the location of the dogs in the property at all times.
- 5.10.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 5.10.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises is rendered uninhabitable.
- 5.10.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.
- 5.10.6 All doors to rooms must be kept shut at night.
- 5.10.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.
- 5.10.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.
- 5.10.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

November 2005

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**LACORS model home boarding conditions**  
**Update and clarification, 14<sup>th</sup> October 2009**

In November 2005, LACORS published [model conditions](#) for the home boarding of dogs. LACORS has drafted this update in response to a number of queries received from councils, particularly in relation to the number of dogs from different households that can be boarded at any one time. This update has been agreed by the LACORS Companion Animal Focus Group.

**1) Using the model conditions**

The LACORS model conditions are a template which councils can choose to use, adapt or amend as appropriate. The conditions can also be amended and adapted to take account of the specific circumstances (e.g. structure, expertise) of a particular premises, in line with the views of the officer, council licensing policy and any veterinary advice.

**2) Dogs from different households**

Condition 3.2 of the LACORS model licence conditions for home boarding states that:

*“Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.”*

The model condition is intended to protect the safety of the dogs and to protect the licensee from any claim for a dog attack, injury, etc. As dogs in home boarding situations have the freedom to move around, there are risks that are not present in boarding kennels. For example, if dogs that are strangers to each other are left unattended, there is the potential for one dog to turn on another (e.g. over feeding time, or to become protective over an area/corner of a room).

LACORS is aware that some councils are choosing to relax this requirement provided the licensee is able to meet a number of additional requirements/ licence conditions. Examples of additional requirements include:

- Specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others.
- A mandatory, trial (documented) familiarisation session for all dogs prior to stay.
- Separation of dogs from different households in secure areas when left unattended.
- Separate feeding of dogs to minimise the likelihood of dispute and aggression.

Both the overall number of dogs to be boarded, and the number of dogs from different households to be boarded, will usually be dependent on the size of the premises and outside area. As with any decisions relating to the number of dogs allowed to be boarded, consideration is also given to whether the premises are constructed to allow:

- Adequate space for dogs (condition 4.3)
- Sufficient space available to be able to keep dogs separately if required (condition 4.5)
- The separation of dogs showing signs of disease (condition 5.6.1).

Measures put in place to ensure disease control will particularly important in circumstances where dogs from more than one household can be boarded together. To minimise the risk and spread of disease, it is vital that all dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis, Leptospirosis, Canine Parvovirus and other relevant diseases (as stated in condition 5.5.2). LACORS is aware that some councils are additionally requiring that dogs boarded together are vaccinated against Bordetella kennel cough. Where necessary, councils should seek veterinary advice on vaccination, worming and flea treatment.

It is also recommended that the Licensee check that their Public Liability Insurance company will cover dogs boarded from different households.

**3) Age of dogs that can be boarded**

Condition 1.6 of the LACORS model conditions states that:

*“Puppies under 6 months of age must not be boarded with other dogs including resident dogs.”*

The LACORS Companion Animal Focus Group discussed this condition and were of the opinion that, providing they were suitably vaccinated and difficulties had not been identified during a trial socialisation period, dogs under 6 months could be boarded.

#### **4) Further guidance**

##### [LACORS - licensing home boarders](#)

In October 2005, LACORS issued guidance on whether host families and/or agencies required a Boarding Establishment Licence.

##### [LACORS - day boarding of animals](#)

This LACORS advice from January 2007 seeks to clarify whether those engaged in the day boarding of animals require a licence under the Animal Boarding Establishments Act.

##### [LACORS - boarding of animals other than cats and dogs](#)

In April 2007, LACORS clarified that the boarding of animals other than cats and dogs (e.g. exotics and small mammals such as rabbits and guinea pigs) is outside the scope of the Animal Boarding Establishments Act 1963 and does not require a licence.

##### [CIEH - model conditions for dog boarding establishments](#)

The LACORS model conditions for home boarding establishments are adapted from the CIEH full model conditions for kennelling facilities. The CIEH conditions were drafted in discussion with key partners, including the British veterinary Association (BVA), British Small Animal Association (BSAVA) and Pet Trade and Industry Association (PTIA).

##### [Animal Welfare Act](#)

Both the LACORS model home boarding and CIEH boarding establishment conditions were drafted prior to the introduction of the Animal Welfare Act 2006. Anyone running a boarding establishment must also comply with the Animal Welfare Act and must ensure that the welfare needs of animals in their care are met. More information about the Animal Welfare Act can be found on the [Defra website](#).

##### **LACORS contact:**

Gemma Cantelo

Tel: 020 7665 3866

Email: [gemma.cantelo@lacors.gov.uk](mailto:gemma.cantelo@lacors.gov.uk)

**END**

## Appendix 6

### List of Consultees

(Cabinet report on proposal to update and adopt animal licencing conditions)

Consultation undertaken from the 14<sup>th</sup> August to the 9<sup>th</sup> October 2015

Press release made on the 13.8.15

Consultation available on Facebook, on the Councils webpages and consultation folder at reception.

#### **Direct Contact Made With:**

##### **-Licenced Pet Venders**

Animates – Six ways

Pets at home – both stores Gallagher and Golden Valley retail parks and the head office.

Pets Corner – local store and head office.

##### **-Licenced Animal boarding establishments**

Cheltenham Animal Shelter – Kennels and Cattery

Hopelands Cattery Ltd – Cattery and Kennels

Pegasus house Veterinary Centre - Cattery

Bark and Call – Home boarder

The Dog Walker UK – home boarder

Cosy Canines- home boarder

Petstay head office – home boarder regionally based

Petstay local contacts x3 - home boarders

#### **Cheltenham Vets Contacted from Royal Collage of Veterinary Surgeons (RCVS)**

##### **-Emailed addresses taken from RCVS website:**

Arvonias Vets <info@cheltenhamvets.co.uk>;

Charlton King Vet Centre (Dragon Vet Centre) <info\_charltonkings@btconnect.com>;

Cheltenham Animal Shelter Vets <casvet@gawa.org.uk>;

Cheltenham Equine Vets Ltd / Chelvets Dragon Vets

<info@cheltenhamequinevets.co.uk>; Companion Care Vets - Cheltenham - Pets at

Home <cheltenham@companioncare.co.uk>; Dragon Veterinary Centre - Presbury Park

<info@dragonvet.co.uk>;

Honeybourne Veterinary Centre -Overton Park <info@honeyborne.com>;

MacDonald Vets Ltd - Leckhampton <macdonaldvets@btinternet.com>;

Pegasus House Zetland Vet Centre <cheltenham@premiervetgroup.co.uk>;

<enquiries@pegasushouseveterinarycentre.co.uk>;

Simply Pets Vets - Knapp Rd <enquiries@simply-pets.co.uk>;

Stephen Crickmore Veterinary Practice - 1 Gloucester Rd <crickmorevets@ymail.com>;

Vets on the Park - Leckhampton <Alison@vetsonthepark.co.uk>;

Woodland - Warden Hill 2 <woodlands.daly@btconnect.com>;

Woodlands - Warden Hill <hello@woodlands-vets.co.uk>

**Local Animal Charities Contacted:**

-Either via email directly or email through their website:

Blue Cross – Dursley and Burford

Cats Protection League both Membership officer and Branch Co-ordinator

Dogs Trust Evesham

PDSA Charity Shop – local

Pet Adoption UK

RSPCA

Starfish Dog Rescue

**END**



## Appendix 7

### Draft Proposed CBC Pet Vending Conditions

(Cabinet report on proposal to update and adopt animal licencing conditions)

**(Draft) Cheltenham Borough Council**  
**Licence Conditions for Pet Vending**  
**Pet Animals Act 1951 & Pet Animals (Amendment) Act 1983**

- A – General Conditions
- B – Dogs
- C – Cats
- D – Rabbits and Guinea Pigs
- E – Other Small Mammals
- F – Ferrets
- G – Birds
- H – Reptiles and Amphibians
- I – Fish

#### **A General Conditions**

##### **A.1. Licence Display**

**A.1.1** The licence or a copy of the licence must be suitably displayed to the public in a prominent position.

##### **A.2. Accommodation**

**A.2.1** Animals must at all times be kept in accommodation designed to prevent escape and an environment suitable to their species and condition with respect to behavioural needs, situation, size, temperature, ventilation, and cleanliness. All accommodation must avoid drafts and overexposure to direct sunlight and must be kept in good repair.

**A.2.2** Ventilation must be provided to all interior areas without the creation of excessive, localized draughts. Ventilation is important as an aid to disease control and aims to decrease smell accumulation and prevent excessive humidity of the atmosphere.

**A.2.3** If animals are displayed outdoors, they must have protection appropriate to their species

**A.2.4** In order to control the spread of disease, and to prevent injury, housing must be constructed of non-porous materials or be appropriately treated. Junctions between all sections need to be fully cleanable.

**A.2.5** Animals must be kept in housing which minimises stress from other animals or the public. Signage must be in place to deter public interference.

**A.2.6** All animals for sale must be readily accessible and easy to inspect by staff.

**A.2.7** Accommodation must be cleaned as often as necessary to maintain good hygiene standards.

**A.2.8** Where accommodation is on a tiered system, water, food or droppings must not be allowed to enter the lower housing.

**A.2.9** All accessories provided for environmental enrichment in the accommodation must be appropriate for the species.

### **A.3. Exercise Facilities**

**A.3.1** Suitable and sufficient facilities must be available where appropriate.

### **A.4. Register of Animals**

**A.4.1** A purchase register must be maintained for all animals detailing their source and identification where appropriate,

**A.4.2** A sales register must be maintained for:

- **Dogs**
- **Cats**
- **Psittacines**
- **Species contained in the Schedule to the Dangerous Wild Animals Act 1976**

**A.4.3** Animals under veterinary treatment must be identifiable.

### **A.5. Stocking Numbers and Densities**

**A.5.1** No animals other than those specified in the licence may be stocked.

**A.5.2** Where appropriate, all animals must be housed in social groups of suitable size.

### **A.6. Health Disease and Acclimatisation**

**A.6.1** All animals for sale must be in good health

**A.6.2** Any sick or injured animal must receive appropriate care and treatment without delay. These must only be treated by appropriately competent staff or veterinary surgeons.

**A.6.3** Provision must be made for the isolation of sick/injured/infectious animals and those that might reasonably expected to be carrying serious infectious diseases.

**A.6.4** Any animal with an abnormality which would materially affect its quality of life, must not be offered for sale. When in doubt, veterinary advice should be sought.

**A.6.5** All reasonable precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.

**A.6.6** All necessary precautions must be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests.

Or IFAW charity request:

**A.6.6** All necessary precautions must be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests. *Any Pesticides must be kept in sealed containers*

*away from animal feed and cleaning products, in order to remove the possibility of accidental contamination.*

#### **A.7. Food and Drink**

**A.7.1** Animals must be supplied with adequate amounts of food and drink, appropriate to their needs at suitable intervals. All food must be suitable for the species concerned.

**A.7.2** Food and Drink receptacles must be appropriate to the species, constructed and positioned to minimise faecal and urine contamination and spillage. Receptacles must be cleaned out at regular intervals.

#### **A.8. Food Storage**

**A.8.1** All food, excluding live foods intended for feeding to animals on the premises, must be stored in impervious closed containers.

**A.8.2** The containers and equipment used for feeding must be kept in a clean and sound condition.

#### **A.9. Observation**

**A.9.1** All animals must be attended to at regular intervals, except where defined in the schedule, at least once daily, and appropriate to the individual animal.

#### **A.10. Disposal of Waste**

**A.10.1** All excreta and soiled bedding for disposal must be kept in a hygienic manner and stored in impervious containers with close fitting lids away from direct sunlight.

#### **A.11. Transportation to the Premises**

**A.11.1** When receiving animals, the licensee must make reasonable effort to ensure that they are transported in a suitable manner.

**A.11.2** Any animals received or consigned shall be transported according to the regulations laid down in current legislation.

**A.11.3** Animals must be transported or handed to purchasers in suitable containers,

#### **A.12. Sale of Animals**

**A.12.1** No mammal shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.

**A.12.2** In the case of non-mammals, they must be capable of feeding themselves.

#### **A.13. Dangerous Wild Animals as Defined by the Dangerous Wild Animals Act 1976**

**A.13.1** When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species and kept locked.

**A.13.2** The local authority must be notified in the event that the pet shop wishes to offer for sale, any animal on the Schedule to the Dangerous Wild Animals Act.

#### **A.14. Pet Care Advice, Staff Training and Knowledge**

**A.14.1** New applicants must have a qualification or be registered with a recognized body such as City & Guilds. They must have suitably progressed in 12 months and have completed the qualification within 2 years.

**A.14.2** The licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing, handling, husbandry, accessories and veterinary care.

Or PDSA charity request:

A14.2 The licensee must ensure that the purchaser is informed of the correct care of the animal, covering *the suitable* feeding, housing, handling, husbandry, accessories and veterinary care. *Literature must be available detailing a pet owner's duty of care under the Animal Welfare Act 2006 and the five welfare needs of the specific pet being purchased*

IFAW support the above

+ IFAW make the following additional request:

A14.2 .... *The vendor shall provide customers with aftersales support and guidance for a reasonable period post sale.*

**A.14.3** Appropriate reference materials on the care of each species must always be available for use by staff.

**A.14.4** Staff members must be able to provide suitable advice to purchasers and answer questions as required by them. No animal should be stocked or sold unless the staff or at least one member of staff on call is familiar with the care and welfare of the animals stocked and has a recognised qualification and/or suitable experience/ training.

**A.14.5** The licensee must be able to demonstrate appropriate staff training is carried out and that that staff are competent in pet shop management and animal handling.

#### **A.15. Fire and Other Emergency Precautions**

**A.15.1** Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for evacuation of animals.

**A.15.2** Entrances and exits must be clear of obstructions at all times.

**A.15.3** Suitable fire fighting, prevention and detection equipment must be provided, maintained, regularly serviced and sited as advised by the local fire protection/prevention officer and approved by the local authority.

**A.15.4** The licensee, or a designated key holder, must at all times be within reasonable travelling distance of the premises and available to attend in case of emergency.

**A.15.5** A list of key holders must be logged with the local police and local authority.

**A.15.6** In the interests of animal welfare, the following notice must be displayed prominently at the front of the premises: "In case of an emergency dial 999".

**A.15.7** When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the animals.

**A.15.8** All electrical installations and appliances must be maintained in a safe condition.

**A.15.9** There must be an effective contingency plan for essential heating, ventilation and aeration/ filtration systems, as appropriate.

## **B – Dogs**

**B.1** Puppies must be weaned before leaving the mother.

**B.2** The minimum kennel size must be:

- For a batch of small breed puppies – max 6 pups – 1.5m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- For a batch of medium breed puppies – max 4 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- For a batch of large breed puppies – max 2 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times. Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning. These are minimum standards and meeting the correct size of pens alone are not a defence if the welfare of the animals are in question.

**B.3** Suitable and sufficient exercise facilities must be available and accessible where appropriate.

**B.4** Extreme temperatures must be avoided.

**B.5** General bedding must include an adequate amount of absorbent material.

**B.6** Any soiled material must be removed at least four times a day or as required to ensure the puppy does not have to lie in a soiled area.

**B.7** A specific lying place must be provided lined with soft material.

**B.8** Puppies must be fed at least four times daily, at appropriate intervals.

**B.9** Puppies must have frequent, quality contact time with staff.

**B.10** Batches of puppies must not be mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.

**B.11** Ideally, single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of mixing

**B.12** There must be environmental enrichment in all kennels.

## **C – Cats**

**C.1** Kittens must be weaned before leaving the mother.

**C.2** The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m (for example, 0.6m x 1 x 1) No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m<sup>2</sup> additional floor space.

**C.3** Extreme temperatures must be avoided.

**C.4** Disposable or washable bedding must be provided and kept clean.

**C.5** A litter tray and appropriate litter must be available at all times and cleaned and disinfected at least once daily with an appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions, as some disinfectants are toxic to cats.

**C.6** Kittens must be fed at least four times daily, at appropriate intervals.

**C.7** Batches must not be mixed and if several batches are kept in one area then the pen must have solid sides.

**C.8** Kittens must have frequent, quality contact time with staff.

**C.9** There must be environmental enrichment in all cages such as toys, climbing frames and platforms.

## **D – Rabbits**

**D.1** Rabbits must be correctly sexed and housed in same sex groups.

**D.2** The minimum enclosure size must be:

- 0.4m<sup>2</sup> for up to 4 standard juvenile rabbits and a height of 0.4m.
- 0.5m<sup>2</sup> for up to 2 giant breed juvenile rabbits and a height of 0.5m.

These are minimum requirements, for larger batches, larger breeds or adult rabbits the size of the pens should be adjusted pro-rata accordingly.

**D.3** There must be environmental enrichment in all enclosures. A hiding place must be provided.

**D.4** Extreme temperatures must be avoided.

**D.5** Rabbits must be provided with a suitable substrate and bedding material in sufficient amounts.

**D.6** Visibly soiled substrate and bedding must be removed daily. The pen should be thoroughly cleaned and disinfected before introducing a new animal.

**D.7** If batches are mixed you must ensure all animals are free from obvious parasitic infection.

**D.8** Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.

**D.9** Animals must be provided with an appropriate diet and any new feeds must be introduced slowly.

## **E – Other small mammals**

**E.1** All small mammals must be correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair).

**E.2** Animals must at all times be kept in suitably sized accommodation.

**E.3** Animals must be provided with a suitable substrate in sufficient amounts.

**E.4** Animals must be provided with a suitable bedding material in sufficient amounts.

**E.5** Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.

**E.6** Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.

**E.7** All rodents must be fed a suitable diet, ad lib and have free access to hay where required.

**E.8** All rodents must be fully weaned on admission.

## **F – Ferrets**

**F.1** Ferrets must be at least eight weeks old

**F.2** Ferrets must be housed with batch companions

**F.3** Ferrets must be housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation.

**F.4** Batches of ferrets must not be mixed.

**F.5** The minimum pen floor area for a litter of up to 4 ferrets, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional ferret must have 0.25m<sup>2</sup> additional floor space.

**F.6** Sleeping quarters must be draught free and dark.

**F.7** Ferrets must have suitable bedding.

**F.8** Extreme temperatures must be avoided.

**F.9** Ferret kibble must be provided at appropriate intervals.

**F.10** Water must be supplied in both a heavy based bowl and a water bottle attached to the side of the enclosure.

## **G – Birds**

**G.1** There must be adequate perching space for all birds at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.

**G.2** Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species

**G.3** Ambient temperature must be appropriate for the species. Extremes of temperatures must be avoided.

**G.4** There must be adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water.

**G.5** Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.

**G.6** Windproof nest boxes must be provided in all outside housing and inside where appropriate.

**G.7** Flooring must be drop-through or easily washed/hosed.

## **H – Reptiles and Amphibians**

**H.1** Stocking and density must be appropriate to the species.

**H.2** The enclosure size must be appropriate to the species and adjusted according to its size.

**H.3** Temperature, humidity, lighting and ventilation must be appropriate to the species.

**H.4** Lighting must be appropriate to the species.

**H.5** Substrate appropriate to the species must be present.

**H.6** Enrichment must be provided appropriate to the species.

**H.7** Food and water must be provided in the appropriate manner for the species.

**H.8** Hygiene: enclosures must be cleaned appropriately.

**H.9** Handling must be kept to a minimum at all times.



**I – Fish**

**I.1.** Water quality is a key determinant of fish welfare. To assess it, levels of ammonia and nitrite must be checked first. Only if such measurements exceed the recommended standards, or there is an unexplained problem, is there any need to proceed further. Minimum water standards must be:

<b>Cold Water Species</b>	Free Ammonia - max 0.02mg/l Nitrite - max 0.2mg/l Dissolved Oxygen - min 6mg/l Nitrate - max 50mg/l above ambient tap water
<b>Tropical Freshwater Species</b>	Free Ammonia - max 0.02mg/l Nitrite - max 0.2mg/l Dissolved Oxygen - min 6mg/l Nitrate - max 50mg/l above ambient tap water
<b>Tropical Marine Species</b>	Free Ammonia - max 0.01mg/l Nitrite - max 0.125mg/l Nitrate - max 100mg/l pH - min 8.1 Dissolved Oxygen - min 4.0 mg/l

**I.2** Water quality must be checked regularly and records kept of all tests. Centralised systems must be tested weekly. 10% of individually filtered tanks or vat must be tested weekly. On aquaria or vats in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken.

**I.3** Holding systems must be cleaned and checked regularly.

**I.4** No aquatic organisms should be exposed to excessive light or heat, or lack of adequate warmth.

**End of Conditions**

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## Appendix 8

### Draft Proposed CBC Dog Breeding Conditions

(Cabinet report on proposal to update and adopt animal licencing conditions)

**(Draft) Cheltenham Borough Council**  
**Licence Conditions for Dog Breeding**  
**Breeding of Dogs Act 1973 & 1991 and Breeding and Sale of Dogs (Welfare) Act 1999**

Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or used in association with the breeding of dogs.

The following definitions are provided for the purposes of inspection:

**Kennel** – this is the physical structure and area that consists of an indoor sleeping area and outdoor run

**Run** – A run is defined as an area attached to and with direct and permanent access from a kennel

**Outdoor exercise area** – a separate area from the kennel itself where dogs may, for example, exercise, play, interact with other dogs and people

**Crate** – a safe, secure area that a dog can go into for short periods of time. Usually consists of a wire frame with a removable tray in the base for bedding, but can also be plastic, or fabric. Uses include security, transportation or following veterinary advice. NB: this should only be a temporary enclosure for a dog and only where the dog is habituated to it

#### **Licence Display**

Officer request:

i. A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the breeding establishment.

#### **1. Accommodation**

##### **General**

**1.1** Dogs must at all times be kept in accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness.

**1.2** Dogs kept in domestic premises must have free access to more than one room and every dog must be provided with continual access to a comfortable, dry, draught-free, clean and quiet place to rest.

**1.3** Dog crates, where used (and whilst not acceptable as permanent housing) must be of sufficient size to allow each dog to be able to sit and stand at full height, step forward, turn around, stretch and lie down in a natural position and wag its tail without touching the sides of the crate and to lie down without touching another individual.

### **1.3 Kennel Construction**

**1.3.1** Where kennels are provided, within converted outbuildings, consideration must be given to cleaning, wildlife access, vermin control, natural lighting and ventilation.

**1.3.2** All internal surfaces used in the construction of walls, floors, ceilings, partitions, doors and door frames must be durable, smooth and impervious, easily cleaned and disinfected. Kennels must be free from hazards and there must be no projections or rough edges liable to cause injury.

**1.3.3** Sleeping areas of kennels must be insulated so as to prevent extremes of temperature.

### **1.4 Security**

**1.4.1** The construction must be such that the security of the dog is ensured.

**1.4.2** Fencing material must be safe and secure.

### **1.5 Walls and Partitions**

**1.5.1** Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleaned and disinfected.

### **1.6 Floors**

**1.6.1** Flooring must be of a non-slip, urine-resistant material. It must be laid in a way and at a fall that avoids the pooling of liquids. Slatted or wire mesh floors must not be used.

**1.6.2** Floors of all buildings, individual exercise areas and kennels must be of smooth, impervious materials, capable of being easily cleaned and disinfected while providing sufficient grip for the animal to walk or run without sustaining injury.

### **1.7 Ceilings**

**1.7.1** Ceilings must be capable of being cleaned and disinfected.

### **1.8 Doors**

**1.8.1** Kennel doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

### **1.9 Windows**

**1.9.1** Windows must not pose a security risk and must be escape proof for the protection of the dog as well as the public.

### **1.10 Drainage**

**1.10.1** The establishment must be connected to mains drainage or an approved sewerage disposal system.

### **1.11 Lighting**

**1.11.1** During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible.

**1.11.2** Lighting must be of sufficient standard to enable efficient working both during and after daylight hours. Supplementary lighting, adequate to allow inspection, must be provided throughout the establishment.

## **1.12 Ventilation**

**1.12.1** Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

## **1.13 Kennel Design (size, layout and exercise facilities)**

**1.13.1** Kennels must be divided into sleeping and activity areas.

**1.13.2** Kennels must be provided with an adequate size of sleeping area, such that dogs can stand, turn around, stretch and lie down flat in a natural position, with sufficient space for the door to open fully.

**1.13.3** Adequate exercise areas must be provided for all kennels. How much space will depend upon the size of the dog as well as the circumstances of each breeding establishment. Dogs must be able to walk, turn around easily, wag their tails without touching the kennel sides, and lie down without touching another dog.

**1.13.4** Kennels and runs must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.

**1.13.5** Exercise areas must not be used as sleeping areas.

**1.13.6** Outdoor areas where animals exercise and interact cannot have strict temperature regulation. Dogs must not be restricted to such areas when climatic conditions may cause them distress. They must have constant access to fresh clean water, shade and shelter so they can avoid rain, wind, snow, ice or direct sunlight, etc.

**1.13.7** In adverse weather conditions, the responsible person must decide whether or not dogs are given free access to their run.

**1.13.8** The run must be at least partially roofed to provide the dog with sufficient protection against all weathers.

## **1.14 Beds and Bedding**

**1.14.1** The bed must have clean bedding and be large enough for each dog to lie flat on their sides.

**1.14.2** Beds must be suitable to allow dogs to be comfortable, i.e. of durable construction, be sited away from and offer protection from draughts and be of a suitable size for the size and type of dogs kept.

**1.14.3** Bedding must be capable of being easily cleaned and disinfected.

## **1.15 Number of Dogs Permitted**

**1.15.1** The maximum number of dogs to be kept at any one time is to be determined by the Local Authority.

Or Officer request:

1.15.1 The maximum number of *adult dogs and puppies* to be kept at any one time is to be determined by the Local Authority *and is indicated on the licence*.

### **1.16 Temperature in Accommodation**

**1.16.1** Heating facilities must be available in the kennel and used according to the requirements of the individual dog.

**1.16.2** Devices used for heating and cooling must be safe and free from risk of burning or electrocution. Manufacturer's instructions must be followed. Open flame appliances must not be used.

### **1.17 Cleanliness**

**1.17.1** All kennels, corridors, common areas, kitchens and so on must be kept clean and free from accumulations of dirt and dust so that disease control is maintained. An agreed SOP must be followed.

**1.17.2** Each occupied kennel must be cleaned daily at a minimum.

**1.17.3** All excreta and soiled material must be removed from all areas used by the dogs as necessary.

**1.17.4** All sleeping areas and bedding must be kept clean and dry.

**1.17.5** Facilities must be provided for the proper reception, storage and disposal of waste.

**1.17.6** Measures must be taken to minimise the risks from rodents, insects and other pests within the breeding establishment.

Or IFAW request:

1.17.6 Measures must be taken to minimise the risks from rodents, insects and other pests within the breeding establishment. *Any pesticides must be kept in sealed containers away from animal feed and cleaning products in order to remove any possibility of accidental contamination.*

**1.17.7** Foul waste water must be disposed of by discharge to the appropriate or an approved drainage system. Those wishing to operate an incinerator must seek advice from the Environment Agency and/or the local authority.

### **1.18 Whelping Facilities**

**1.18.1** There must be a separate whelping pen or room for each whelping b\*\*ch in which to whelp.

**1.18.2** There must be direct access to the whelping area for kennel personnel without disturbing the general kennel population.

**1.18.3** Once separated there must be increased social contact with humans.

**1.18.4** Each whelping pen must be constructed of easily cleanable impervious materials.

**1.18.5** The area must be cleaned regularly and a record kept of cleaning procedures.

**1.18.6** The whelping pen must have a divider to allow the b\*\*ch to access an area where she cannot be reached by the puppies.

**1.18.7** There must be natural daylight.

**1.18.8** There must be a whelping bed raised off the floor and with sides high enough to prevent new born puppies from falling out.

**1.18.9** The bed must contain sufficient bedding to ensure a soft surface for the b\*\*ch and to enable the absorption of mess resulting from whelping.

**1.18.10** The bed must be constructed of easily cleanable impervious material and must be thoroughly cleaned and disinfected between litters.

**1.18.11** The whelping area must be maintained at an appropriate temperature. The b\*\*ch must be able to move away from heat spots.

**1.18.12** B\*\*ches must be adequately supervised during whelping and records kept of:

- time of birth of each puppy
- puppies' sex, colour and weight
- placentae passed
- any other significant events.

**1.18.13** B\*\*ches must be allowed a minimum of four periods a day for toileting and exercise away from their puppies.

## **2. Management**

### **2.1 General**

**2.1.1** Dogs must be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals; BDA 1973 S.1(4)(b)

### **2.2 Supervision**

**2.2.1** A fit and proper person must always be present to exercise supervision and deal with emergencies.

### **2.3 Numbers of staff**

**2.3.1** Numbers of staff must be appropriate for the breed/ type and number of dogs being bred. Numbers must be sufficient to provide the level of care set out in these conditions.

**2.3.2** Sufficient adequately trained staff must be available every day to carry out all the interactions and procedures with dogs specified in these conditions.

**2.3.3** Dogs must not be left alone for long periods and must be checked at the start and end of every working day and regularly by a member of staff at least every four hours during the day.

## **2.4 Environmental Enrichment and Exercise**

**2.4.1** Dogs must be provided with environmental enrichment and the ability to have some control over their environment.

**2.4.2** Breeding establishments are the permanent home for some dogs and therefore provision of exercise facilities must be adequate for the long term. Dogs must not be kept permanently confined.

**2.4.3** Arrangements must be made for the dogs to be exercised at least twice a day.

## **2.5 Handling and habituation**

[Please note this condition is supported by the charity Naturewatch Foundation]

**2.5.1** Breeding dogs must be handled and examined regularly to identify changes in health, weight and behaviour, also to ensure dogs are habituated to handling by people. This is particularly important for b\*\*ches, as fear of people will influence development of puppy behaviour.

## **2.6 Food and Water Supplies**

**2.6.1** All dogs must be adequately supplied with suitable food. Clean water must be available at all times and changed at least daily. Dogs must be fed a diet appropriate to their age, breed, activity level and stage in the breeding cycle. Dogs must be fed individually with separate bowls. Food must be stored in vermin-proof containers and fresh food must be refrigerated.

**2.6.2** Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross contamination. They must be maintained in a clean condition and cleaned and disinfected or disposed of after each meal.

**2.6.3** Dogs must be fed sufficiently well to maintain health.

## **2.7 Weaning Procedures**

**2.7.1** Puppies must start the weaning process as soon as they are capable of ingesting food on their own. The food offered must be appropriate for the stage of development of the puppies.

**2.7.2** Puppies at weaning must initially be offered food five times a day. It must be ensured that each puppy takes the correct share of the food offered.

**2.7.3** During lactation, the b\*\*ch must have sufficient appropriate food to satisfy the demands being made upon her.

## **2.8 Kitchen Facilities**

**2.8.1** Facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.



**2.8.2** Where fresh and cooked meats are stored, refrigeration facilities must be provided. Food contamination must be avoided.

**2.8.3** A sink with hot and cold running water must be available for washing kitchen utensils and eating and drinking vessels.

**2.8.4** Containers for storing foods must be provided and must be constructed and maintained to guard against insects and other pests.

**2.8.5** Cross-contamination must be avoided.

## **2.9 First-Aid Kit for Dogs**

**2.9.1** A fully maintained first-aid kit suitable for use on dogs and puppies must be available and accessible on the premises.

## **2.10 Isolation Facilities**

**2.10.1** Veterinary advice must be sought for any animal with a potentially infectious disease.

**2.10.2** Facilities for isolation must be available when required. Isolation facilities must be used where the presence of infectious disease is suspected or known.

**2.10.3** Isolation facilities must be in compliance with the other licence conditions but must be physically separate from other dogs.

**2.10.4** Hands must be washed after leaving the isolation facilities before handling other dogs.

**2.10.5** Protective clothing, footwear and equipment, for use only in the isolation facility, must be used to reduce the spread of infection and must not be worn outside the isolation facility.

**2.10.6** Complete disinfection of the isolation facilities and equipment must be carried out once vacated.

## **3. Disease Control, Vaccination and Worming**

**3.1** All reasonable precautions must be taken to prevent and control the spread among dogs of infectious or contagious diseases; BDA 1973 S.1(4)(c). Licence holders must take all reasonable steps to protect the animal from pain, suffering, injury and disease.

Or PDSA request:

**3.1** All reasonable precautions must be taken to prevent and control the spread amongst dogs of infectious or contagious diseases.

*+3.1.i. All dogs over 8 weeks of age must be regularly vaccinated to protect against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus) Leptospirosis (L. canicola and L. icterohaemorrhagiae) and Canine Parvovirus.*

*+3.1.ii. Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in dogs. Medicines to prevent these parasites should be prescription*

*medications and only administered after consultation with a veterinary surgeon. Proof must be maintained of all routine and emergency treatment for parasites.*

*+ 3.1.iii. Licence holders must take all reasonable steps to protect the animal from pain, suffering and disease. If any signs of disease, illness or injury are detected in any dog, advice should be sought from a veterinary surgeon immediately. Any advice or treatment instructions issued by a veterinary surgeon must be strictly followed.*

**3.2** All breeding establishments must be registered with a Veterinary Practice and ensure full details are made available to the Licensing Authority.

Or PDSA request:

**3.2** All breeding establishments must be registered with a Veterinary Practice and ensure full details are made available to the Licensing Authority *and ensure that these details are known and clearly displayed for any staff.*

#### **4. Emergencies / Fire Prevention**

**4.1** There must be Emergency Evacuation and Contingency Plans in place which meets approval with the local authority.

#### **5. Transport**

**5.1** Dogs and puppies being transported to and from breeding establishments must be properly supervised to ensure compliance with the obligations under the 1973 Act.

**5.2** All appropriate steps must be taken to ensure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment.

**5.3** B\*\*ches must not be transported in the last stages of pregnancy, ideally not from 54 days after mating, unless to a veterinary surgeon for treatment.

**5.4** B\*\*ches must not be transported for 48 hours after whelping unless it is to see a veterinary surgeon for treatment.

**5.5** Whenever dogs are transported they must be fit and healthy for the intended journey. Injured and/ or diseased dogs must not be transported (except for minor illness or injury, as determined by trained and competent staff) unless they are being taken to a veterinary surgery.

**5.6** Puppies must not be transported before eight weeks of age without their dam unless a veterinary surgeon agrees otherwise for health and/or welfare reasons, or in an emergency (See Welfare of Animals (Transport) Order (England) 2006 – Council Regulation (EC) No 1/2005).

#### **6. Health and Welfare of the Breeding Stock and Litters**

**6.1** B\*\*ches must not be mated if they are less than one year old.

**6.2** B\*\*ches must not give birth to more than six litters of puppies each in their lifetime.

**6.3** B\*\*ches must not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies.

**6.4 Social Contact for Dogs and Socialisation of Puppies**

[Please note all conditions under 6.4 are supported by the charity Naturewatch Foundation]

**6.4.1** For adult dogs social contact is very important, and all dogs used for breeding must be kept in an environment that allows adequate social contact with both other dogs and people.

**6.4.2** Puppies must be handled regularly from shortly after birth for short periods (e.g. gently picking up and examining) to habituate them to human contact and to examine them for any sign of disease and to ensure they are feeding properly.

**6.4.3** From 3 weeks old puppies must be habituated to events likely to be encountered in a domestic environment.

**6.4.4** To learn social skills with other dogs, puppies must be maintained as a litter or with puppies of a similar age and size.

**6.5 Record Keeping**

**6.5.1** Accurate records in the form prescribed by regulations must be kept at the premises and made available for inspection there, by any officer of the local authority or any veterinary surgeon, authorised by the local authority to inspect the premises.

**6.5.2** A record must be kept for each breeding b\*\*ch providing the name of the b\*\*ch, date of birth, address where she is kept, breed, description, date of mating and details of sire.

**6.5.3** A record must be kept of any litters, including the sex of the puppies, date of birth, weight, description and total number in the litter.

**6.5.4** Records must show the details of sale, namely the date of sale, name and address of who was supplied and the status of the purchaser (i.e. private owner or pet shop).

**End of Conditions**

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## **Appendix 9**

### **Draft Proposed CBC Cat Boarding Conditions**

(Cabinet report on proposal to update and adopt animal licencing conditions)

**(Draft) Cheltenham Borough Council**  
**Licence Conditions for Cat Boarding - Catteries**  
**Animal Boarding Establishments Act 1963**

**- General Conditions**

**A – Environment: Providing the cat(s) with a suitable place to live/stay**

**B – Diet: Providing the cat(s) with an appropriate diet**

**C – Behaviour: Allowing the cat(s) to express normal behaviour patterns**

**D – Company: Providing the cat(s) with the appropriate company**

**E – Health and Welfare: Protecting the cat(s) from pain, suffering injury and disease**

**F – New Build**

#### **General**

1. A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.
2. An emergency contact number must be clearly displayed at the entrance to the cattery.
3. No animal other than cats are to be boarded within the licensed facilities without the written approval of the local authority.
4. All staff who handle and care for cats must be adequately trained in ensuring the cats' welfare (as per the Animal Welfare Act) as well as their safe handling.

#### **A Environment**

##### **A.1 General physical construction and integrity**

**A.1.1** The cattery must be structurally sound.

**A.1.2** The cattery must be constructed of materials that are robust, safe and durable and be well maintained in good decorative order and repair.

**A.1.3** Materials used in construction or maintenance must not expose cats to any harmful chemicals.

**A.1.4** The cattery must be built in compliance with good building practice (e.g. local authority guidelines), on a concrete base with a damp proof membrane. Where Building Regulations apply these must be adhered to.

**A.1.5** There must be no sharp edges, projections, rough edges or other hazards which present risk of injury to a cat.

**A.1.6** Windows must be escape-proof at all times.

**A.1.7** Doors must have secure latches or other closing devices.

**A.1.8** All wire mesh/fencing must be strong and rigid and kept in good repair to provide an escape-proof structure.

**A.1.9** Timber, if used, must be of good quality, well maintained and any scratched areas sealed or over-clad.

**A.1.10** Any storage areas must be dry and free from vermin.

**A.1.11** Electrical equipment must be installed in line with current legislation and maintained in a safe condition.

#### **Drainage**

**A.1.12** Waste water must not run off into adjacent pens.

**A.1.13** Adequate drainage must prevent pooling of liquids.

**A.1.14** Any drain covers in areas where cats have access must be designed and located to prevent toes/claws from being caught.

#### **Safety corridor/entrance lobby**

**A.1.15** There must be an escape-proof area (safety corridor/entrance lobby) at the exit of each cat unit.

**A.1.16** For catteries where there are facing units accessed by an indoor corridor, the corridor must be at least 1.2 m wide, or the doors of the units must be solid or have sneeze barriers.

**A.1.17** At the end of the safety corridor there must be a securable door through which the inside of the cattery can be viewed from the outside and this must be kept closed when not in use.

**A.1.18** The door from the cat unit to the safety corridor must be escape-proof, securable, strong enough to resist impact and scratching and kept closed at all times.

**A.1.19** The floor must be finished to produce a smooth, impervious surface which is easy to clean and disinfect. Holes or gaps between tiles or paving slabs are not acceptable.

**A.1.20** Outdoor safety corridors must be roofed.

**A.1.21** External doors/gates must be lockable and staff must have easy access to keys in case of emergency.

**A.1.22** Sufficient lighting must be provided in the safety corridor to illuminate all year round. Where practicable this should be natural light during the day.

**A.1.23** The safety corridor must not be used as an exercise area.

### **Roofing**

**A.1.24** There must be a safe, secure, waterproof roof over all of the cat units (sleeping accommodation and run) and the safety corridor. For the run, materials used must be capable of filtering UV light and providing adequate shade.

## **A.2 Cat Units**

**A.2.1** Cats from different households must not share cat units.

+Officer request:

**A.2.1.2** The number of cat units is specified on the licence.

### **Lighting**

**A.2.2** There must be adequate lighting in the cat unit.

### **Ventilation and humidity**

**A.2.3** Ventilation must be appropriate all year round (both cool in hot weather and avoiding cold draughts in winter). Localised draughts in the sleeping accommodation must be avoided.

### **Interior surfaces**

**A.2.4** All interior surfaces to which cats have access must be durable, smooth and impervious, capable of being cleaned and disinfected, and be kept in good decorative order and repair.

**A.2.5** Where concrete or other building blocks or bricks are used, they must be sealed to be smooth and impervious.

**A.2.6** Surfaces which are peeling, scratched, chipped or in disrepair must be repaired or resealed to an acceptable standard, or replaced.

**A.2.7** Ceilings must be capable of being easily cleaned and disinfected.

**A.2.8** Junctions between sections must be coved or sealed.

**A.2.9** Floors must be finished to produce a smooth, non-slip, solid surface and all surfaces must be capable of being easily cleaned and disinfected. (There must be no open gaps if using concrete slabs or tiling).

### **Accessing the cat unit**

**A.2.10** Each unit must be designed to allow staff to access and clean all parts of the cat unit safely.

**A.2.11** The unit must have a securable, full height door for access.

**A.2.12** Each unit must be clearly marked (e.g. numbered) and a system in place which ensures that relevant information about the cat in that unit is readily available.

### **Litter trays**

**A.2.13** Litter trays of a suitable size or type must be provided at all times.

**A.2.14** Each unit must have space to allow for at least 60 cm separation between the litter tray, resting place and feeding area. This allows cats to sit rest and eat away from areas where they urinate and defecate.

**A.2.15** Trays must be impermeable, easy to clean and disinfect, or be disposable.

**A.2.16** A safe and absorbent litter material must be provided.

**A.2.17** In a multiple cat unit the number of trays must be appropriate to the number of cats (see also D3 Multi –cat units).

**A.2.18** Trays must be regularly and appropriately cleaned. (See section E – Health and Welfare, for information on cleaning protocols, and waste disposal).

## **A.3 Sleeping Accommodation**

### **Size of full height walk-in unit sleeping accommodation:**

**A.3.1** The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

<b>Existing buildings, floor area and dimensions</b>			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
One cat	0.85 m <sup>2</sup>	0.9 m (e.g. 0.90m x 0.95m)	1.8 m
Up to two cats	1.5 m <sup>2</sup>	1.2 m (e.g. 1.20m x 1.25m)	1.8 m
Up to four cats	1.9 m <sup>2</sup>	1.2 m (e.g. 1.20 m x 1.60 m)	1.8 m

### **Shelving or raised area for a full height walk-in unit**

**A.3.2** All resting areas/shelving must be large enough for each cat to lie on.

**A.3.3** Facilities must be easily accessible and provide safe easy access to the shelf for elderly, ill, very young or disabled cats if required.

**A.3.4** Shelving or raised areas must be made of impervious, easily cleanable materials.



**Size of penthouse sleeping accommodation (an enclosed boxed sleeping area raised off the ground)**

**A.3.5** The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

Existing buildings, floor area and dimensions			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
One cat	0.85 m <sup>2</sup>	0.9 m (e.g. 0.90 m x 0.95m)	1m
Up to two cats	1.1 m <sup>2</sup>	0.9 m (e.g. 0.9 m x 1.20m)	1m
Up to four cats	1.7 m <sup>2</sup>	0.9 m (e.g. 0.9 m x 1.90m)	1m

**A.3.6** Facilities must be easily accessible and provide safe easy access (ramp/steps) to the penthouse. Extra consideration may be needed for elderly, ill, very young or disabled cats.

**Temperature in sleeping accommodation**

**A.3.7** There must be a means of measuring, monitoring and recording temperature (maximum and minimum temperatures) representative of the temperature in the cat sleeping accommodation.

**A.3.8** Insulation and temperature regulation in the cattery must aim to keep the ambient temperature in the cat sleeping accommodation above an absolute minimum of 10°C.

**A.3.9** There must be part of the cat's sleeping accommodation where the cat is able to enjoy a minimum temperature of 15°C –this additional heat may be in the form of a heated bed/pad etc.

**A.3.10** The cat must be able to remove itself from the source of heat.

**A.3.11** Heaters must not be sited in a manner or location where they present a risk of burning or electrocution to cats or humans, or a risk of fire.

**A.3.12** Open flame appliances must not be used.

**A.3.13** All heating equipment must be installed and maintained in a safe condition.

**A.3.14** Additional forms of heating can be in the form of heated beds, headed pads or similar but these must not be the main source of heat for the cats. Use should be tailored to the needs of individual cats.

**A.3.15** Any sockets in the sleeping accommodation must be waterproof and as far out of reach of cats as possible.

**A.3.16** There must be a policy in place for dealing with high temperatures and a means of keeping cats cool.

### **Bedding**

**A.3.17** There must be a clean resting place to provide comfort and warmth which is situated out of draughts.

**A.3.18** Soft bedding materials must be provided and adapted if necessary for old, young or infirm cats to help regulate their body temperature.

**A.3.19** Bedding must be made of a material that is easy to wash/disinfect, or is disposable.

### **Access to run**

**A.3.20** A cat must have access between the sleeping accommodation and run (e.g. a cat flap) so it can easily and safely access all parts of its unit.

## **A.4 Exercise Run** (in addition to and not including sleeping accommodation)

**A.4.1** Any part of the run to which the cat has access must be easily cleanable and not damaged by scratching. Any replacement wood must be clad with a smooth impervious material.

**A.4.2** The floor must be finished to produce a smooth, impervious surface and all surfaces must be capable of being easily cleaned and disinfected. There must be no open gaps if using concrete slabs or tiling.

**A.4.3** Where cats have access to mesh (catteries with gaps rather than sneeze barriers), the diameter of the wire must not be less than 1.6 mm (16 gauge welded mesh). Mesh size must not exceed 25 mm in one direction and should be positioned on the inside of the framework of runs to prevent damage of uprights by cats scratching any woodwork.

**A.4.4** All exercise runs must be roofed to provide protection from the elements.

**A.4.5** Communal exercise areas must not be used.

### **Size of exercise run for full height walk-in unit and penthouse style unit**

**A.4.6** The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

Existing buildings, floor area and dimensions			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
One cat	1.65 m <sup>2</sup>	0.9 m	1m

		(e.g. 0.90 m x 1.85m)	
Up to two cats	2.2 m <sup>2</sup>	0.9 m (e.g. 1.20m x 1.85 m)	1m
Up to four cats	2.8 m <sup>2</sup>	1.20 m (e.g. 0.9 m x 2.35 m)	1m

**Sneeze barriers**

**A.4.7** Full height, full width solid sneeze barriers must be installed between cat units.

**A.4.8** Sneeze barriers must be in place on the end walls of the exercise run at each end of the cattery block to prevent contact with animals from outside.

**Shelving or raised areas in exercise run**

**A.4.9** Shelving must be made of impervious, easily cleanable materials.

**A.4.10** There must be a shelf or facility for providing a raised area in the exercise area.

**A.4.11** All resting areas/shelving must be large enough for each cat to lie on.

**A.4.12** Extra help (e.g. steps) to provide safe easy access to the shelf for elderly, ill, very young or disabled cats must be available if required.

**A.5 Fire and Other Emergencies**

**A.5.1** There must be a written emergency plan (agreed by the local authority) which must be on display and known to staff and a contingency plan should the premises be destroyed or uninhabitable.

**A.5.2** Premises and activities must be risk assessed (including fire). These risk assessments must be recorded and relayed and understood by all staff.

**A.5.3** Fire fighting equipment must be provided, maintained in good working order (maintenance must be evident and should show date checked) and easily accessible.

**A.5.4** Fire exits must be clearly marked and access left unrestricted.

**A.5.5** The premises must comply with current legislation with regards to electricity and gas (if connected).

**B – Diet****B.1 Drinking**

**B.1.1** Fresh water must be available at all times. Clean water must be provided daily in a clean container or changed sooner if it is visibly soiled.

**B.1.2** Food and water must be kept separate (Joint feeding and water bowls must not be used).

**B.1.3** Water must be positioned well away from the litter tray, as cats will not drink if it is placed too close to a toilet site (see also D.3).

**B.1.4** Adequate water bowls must be provided for multi-cat units (see also D.3).

**B.1.5** Water bowls must be non-porous and easy to clean/disinfect.

## **B.2 Eating**

**B.2.1** There must be exclusive facilities, hygienically constructed and maintained, for the storage and preparation of food for the cats.

**B.2.2** Refrigeration facilities must be provided.

**B.2.3** A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels.

**B.2.4** Clean, safe containers must be provided for the storage of foods and must be insect and rodent proof.

**B.2.5** Cats must be fed a balanced diet suitable for their age, health status, reproductive status and lifestyle. The type of food, specific diet or prescription diet is usually by agreement with the owner.

**B.2.6** Food must be unspoilt, palatable, and free from contamination.

**B.2.7** For healthy adult cats at least two meals a day must be offered at a minimum of 8 hours apart, as appropriate to the individual's requirements.

**B.2.8** Unconsumed wet or fresh food must be removed before it deteriorates, and before the next feed time. Dry food can be fed as indicated by the manufacturer.

**B.2.9** Food must not be left for excessive periods to prevent it being spoiled and attracting flies. This will vary with temperature conditions and type of food.

**B.2.10** All food must be positioned well away from the litter tray, (minimum 60cm), as cats will not eat if it is placed too close to their toilet site.

**B.2.11** One feeding bowl must be provided per cat.

**B.2.12** Food bowls must be non-porous and easy to clean and disinfect or disposable.

**B.2.13** Food intake must be monitored daily and any problems recorded.

**B.2.14** Veterinary advice must be followed if feeding debilitated, underweight or ill cats, or those with specific dietary requirements.

**B.2.15** Cats displaying marked weight loss/gain must be evaluated by a vet and treated as necessary.

## **C – Behaviour**

### **C.1 General points on Cat Behaviour**

**C.1.1** The behaviour of individual cats must be monitored on a daily basis and abnormalities or changes noted and acted upon if necessary.

**C.1.2** Cats must be able to access different levels within the unit (see A.3 for more information).

**C.1.3** Cats must be given the opportunity for play and exercise.

#### **Hiding places**

**C.1.4** A hiding place must be provided for cats in the sleeping accommodation (see also D.3).

#### **Play**

**C.1.5** Any toys provided must be safe and be disinfected between use in the cattery, or disposed of. If provided by the owner toys must be kept within that cat's unit and used solely for that cat and returned to the owner at the end of the cat's stay.

#### **Scratching**

**C.1.6** Cats must be provided with suitable facilities for scratching.

**C.1.7** Any surface available for scratching must either be disinfected between use for different cats, or disposable. If provided by the owner it must be kept within that cat's unit and used solely for that cat and returned to the owner at the end of the cat's stay.  
(See Section E -Health & Welfare).

### **C.2 Noise**

**C.2.1** Cats must not be exposed to excessive noise of barking boarded dogs or other excessive/continuous noise.

### **C.3 Long Stay Cats**

**C.3.1** A Standard Operating Procedure (SOP) must be in place explaining how to ensure the health and welfare of long-term stay cats.

## **D – Company**

## **D.1 Feline Company and Interactions**

**D.1.1** Cats from different units must not share exercise runs or an exercise area either at the same time or sequentially.

## **D.2 Human Company and Interactions**

**D.2.1** Cats must be always be handled humanely and appropriately to suit the requirements of the individual cat.

## **D.3 Multi-Cat Units**

**D.3.1** For any multi-cat unit (cats from the same home) cats must be monitored and consent obtained from the owner for separating cats, should problems arise (e.g. cats fighting or 'stressed').

**D.3.2** There must be multiples of all resources (food and water bowls, litter trays and sleeping areas (warmed if required), depending on the number of cats, to ensure that some cats cannot monopolise resources and prevent the others from accessing them.

**D.3.3** A separate bed must be provided for each cat.

**D.3.4** A separate hiding place must be provided for each cat eg a cardboard box, igloo bed.

**D.3.5** Separate feeding bowls (not double feeders) must be provided for each cat.

**D.3.6** Several sources of water must be provided if multiple cats are housed.

## **E – Health and Welfare**

### **E.1 Monitoring Cats**

**E.1.1** All cats must be observed regularly throughout the day. Cats must be checked daily for signs of illness and/or injury and to ensure that their needs are being met. Any signs of ill health or unusual behaviour must be recorded and advice sought without delay.

Or PDSA request:

E 1.1 All cats must be observed regularly throughout the day. Cats must be checked daily for signs of illness and/or injury and to ensure that their needs are being met. Any signs of ill health or unusual behaviour must be recorded and advice sought *from a veterinary professional* without delay.

**E.1.2** The cattery proprietor or responsible person must visit the cats at regular intervals (of no more than 4 hours apart during the working day), or as necessary for the individual health, safety and welfare of each cat.

**E.1.3** Presence or absence of faeces and urine in trays must be noted daily. Any signs of abnormalities in excreta must also be noted or acted upon as appropriate.

**E.1.4** Drinking and eating habits must be monitored and any problem investigated. (Refer back to Section B).

## **E.2 Keeping Records**

The information kept must include the following:

**E.2.1** Date of arrival and departure.

**E.2.2** Name, sex, description of cat and microchip number.

Or Pegasus request:

**E.2.2** Name, sex, description of cat and microchip number (*where appropriate*).

**E.2.3** Number of cats sharing from same household.

**E.2.4** Name, address, phone number and email of owner (including emergency contact details).

**E.2.5** Name, address, email and phone number of emergency local contact (who is able to take the cat if necessary).

Or Pegasus request:

**E.2.5** Name, address, email and phone number of emergency local contact, who is able to take the cat if necessary (*where available*).

**E.2.6** Cat's veterinary surgeon.

**E.2.7** Cat's diet and relevant requirements.

**E.2.8** Cats' relevant medical history.

**E.2.9** Consent forms e.g. veterinary treatment, consent to share or separate cats if needed, record of baskets/toys etc. left at the cattery. (Check vet consent forms i.e. own vet or designated vet if not in area).

**E.2.10** Record of vaccination.

**E.2.11** Any medical treatment must be recorded and visible to prevent mis-dosing.

### **E.3 Disease Control**

**E.3.1** Where work with rescue cats or breeding cats is also undertaken, this must be kept completely separate, and extra precautions taken to prevent the spread of disease.

**E.3.2** When there is any cause for concern regarding the health status of a cat, that cat must be handled last and the unit must be cleaned after all the others.

**E.3.3** Cats must remain in their assigned unit and not be moved to other units (rotation) or to a holding unit for cleaning purposes, except for moving to an isolation facility.

**E.3.4** Standard operating procedures (SOPs) must be in place and followed to prevent spread of disease, and staff trained in these procedures.

**E.3.5** Facilities must be provided for the proper reception, containment and disposal of all waste and meet with local authority approval.

**E.3.6** Isolation facilities must be available (see E.6).

### **E.4 Hygiene Practices**

#### **Cleaning and disinfectant products**

**E.4.1** Products must be suitable to use and effective against the pathogens, (especially feline parvovirus (FIE) and ringworm) for which the cats are at risk and under the conditions present in the environment in which they are used.

**E.4.2** Cleaning agents and disinfectants must be non-toxic to cats.

**E.4.3** The compatibility of different bactericides, fungicides and virucides (if used together and/or with a detergent) must also be taken into account.

Manufacturers' recommended guidelines for use, correct dilutions and contact time for use in cleaning and disinfection products must be followed. Standing water must not be allowed to accumulate in areas around the cat units due to the possibility of pathogens residing in these moist environments.

#### **Cleaning and disinfecting routines for units when cats are resident**

**E.4.4** There must be cleaning and disinfection routines in place for day-to-day management of the cats and for ensuring a cat unit and all equipment is cleaned and disinfected effectively before a new cat comes in.

**E.4.5** Each unit must be supplied with its own dustpan, brush and scoop, to be used exclusively in, and kept in that unit, until departure of the cat, and then cleaned and disinfected before re-use, or disposed of prior to the next resident.



**E.4.6** Litter trays must be emptied and cleaned and disinfected at least once a day, or more frequently as necessary.

**E.4.7** Beds and bedding material must be checked daily and be maintained in a clean, dry and parasite-free condition.

**E.4.8** Drinking vessels must be changed/cleaned and disinfected at least once a day.

**E.4.9** Grooming equipment must either be cleaned and disinfected between use on different cats, or be disposable. If provided by the owner, it must only be used on that cat and must be sent home with the cat.

**E.4.10** Toys and scratch posts must be cleaned and disinfected between use for different cats, disposed of, or returned to the cat's owner (if they came in with the cat)

#### **Handling cats**

**E.4.11** Hygiene protocols must be observed between handling cats. Hands must be washed/ disinfected or hand sprays or alcohol gel used between handling of each cat.

**E.4.12** Protective garments must be changed and laundered with an appropriate disinfectant/ disposed of immediately after handling a cat with a suspected infectious disease.

### **E.5 Vaccination, Fleas, Worms and Other Parasites**

**E.5.1** An up-to-date veterinary health record must be seen to ensure that cats boarded have current vaccinations against feline parvovirus (feline infectious enteritis (FIE)) and against feline respiratory viruses (feline herpesvirus and feline calicivirus).

**E.5.2** Vaccination (including boosters) must have been completed, at the very least, 2 weeks before the cat's arrival in order to ensure maximum protection.

**E.5.3** Homoeopathic vaccination is not acceptable as it will not protect against infectious diseases.

### **E.6 Isolation Facilities**

**E.6.1** The area must provide separate, self-contained facilities for the isolation of suspected infected cats and must have a separate entrance to the rest of the units.

**E.6.2** Separate cleaning supplies and clothing must be designated for the isolation area and other cattery sections.

**E.6.3** Protective clothing and footwear must be worn when handling cats in the isolation facility, and sanitation protocols adhered to, to avoid the transmission of disease. Whilst in use, the clothing should be kept in the isolation unit and not be removed other than for cleaning and disinfection.

**E.6.4** Hands must be washed/disinfected between handling cats.

**E.6.5** Separate feeding and water bowls, litter trays, litter, a dedicated safe cat basket, bedding and cleaning utensils must be stored in the isolation unit ready for immediate use.

**E.6.6** Any cats in the isolation facility must be checked regularly and unless a separate person is caring for them, they should be visited after the other cats.

**E.6.7** A Standard Operating Procedure (SOP) for barrier nursing and information must be provided for staff.

**E.6.8** Should a cat need to be removed from its unit, it must be carried in a secure and disinfected cat carrier, and the carrier disinfected after use.

**E.6.9** In emergency cases, such as admission of unvaccinated cats because of owner hospitalisation, there must be provision to be able to place these animals in isolation.

## **E.7 Veterinary Treatment and Health Care**

**E.7.1** A veterinary practice must be appointed for the establishment. The name, address and telephone number of the establishment's veterinary service must be displayed in a prominent position for staff.

**E.7.2** Where cats require wiping of eyes, grooming or other cleaning regimes, these must be carried out frequently enough to keep the cat clean and comfortable providing it is safe to do so.

**E.7.3** When a cat is suspected of being ill or injured (staff should be trained to recognise when a cat requires veterinary care), a veterinary surgeon must be contacted for advice immediately. Any instructions for treatment given by a veterinary surgeon must be strictly followed with further advice sought if there is ongoing concern.

**E.7.4** Medicines must be stored safely, securely, at the correct temperature and labelled correctly according to manufacturer's instructions. Any unused medications must be returned to the owner or prescribing vet.

## **E.8 Holding Units for Temporary Housing**

**E.8.1** If, in an emergency, holding units/pens are used, they must not be sited in the reception.

**E.8.2** Cats must be provided with a bed, litter tray, food and water.

## **E.9 Transportation of Animals**

**E.9.1** Any transport legislation must be complied with.

**E.9.2** Cats must be secured in durable carrying baskets any time they are transported/carried outside the cat unit (A spare cat carrier should be kept at the cattery for situations where owners do not arrive with their cat in a secure carrier).

**E.9.3** All vehicles and equipment must be kept clean and disinfected after each collection or delivery.

**E.9.4** Cats must not be left in vehicles except for transportation.

## **F – New Build**

**F.1** For new build the smallest unit must be large enough for up to 2 cats and to allow for adequate staff space for cleaning. The following dimensions in the table below are to apply:

<b>Full height, walk-in units – floor area and dimensions</b>			
New build – the minimum size must be as below (2 cats)			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
Up to two cats	1.5 m <sup>2</sup>	1.2 m (e.g. 1.2m x 1.25m wide)	1m
Up to four cats	1.9 m <sup>2</sup>	0.9 m (e.g. 1.2m x 1.6m wide)	1m

<b>Penthouse accommodation – floor area and dimensions</b>			
New build – the minimum size must be as below (2 cats)			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
Up to two cats	1.1 m <sup>2</sup>	0.9 m (eg 0.9m deep x 1.2m wide)	1m
Up to four cats	1.7 m <sup>2</sup>	0.9 m (eg 0.9m deep x 1.9m wide)	1m

**Exercise area sizes**

<b>Full height, walk-in units and penthouse accommodation</b>			
New build – the minimum size must be as below (2 cats)			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
Up to two cats	2.2 m <sup>2</sup>	1.20 m (e.g. 1.2m x 1.85m)	1m
Up to four cats	2.8 m <sup>2</sup>	1.20 m (e.g. 1.20m deep x 2.35m)	1m

**F.2** Penthouse accommodation measurements for the exercise run must be taken from the front of the sleeping accommodation/box, not under the box.

**F.3** When measuring floor area, shelving areas must not be included.

**F.4** The box must be 0.9 m off the ground both to enable the area underneath to be cleaned effectively, and to enable a person to reach inside to clean the walls and ceiling of box.

**Sneeze barriers**

**F.5** In new build sneeze barriers must be at a minimum, translucent (Allowing light to pass through, but only diffusely, so that objects on the other side cannot be clearly distinguished) to reduce stress caused by cats seeing one another. Opaque barriers are acceptable but may cut down on the light entering the cattery.

**Gaps between units**

**F.6** Where gaps between units are used as disease control, one side of the gap must have a full height, full width translucent sneeze barrier.

**Hygiene facilities**

**F.7** In new build there must be separate sinks for cleaning of litter trays and feeding utensils.

**Materials**

**F.8** In new build any wood to which the cat has access must be clad with an impervious smooth material to prevent damage and make cleaning and disinfection easier.

**Noise**

**F. 9** If a new cattery is being built near existing kennels serious consideration must be given to positioning of the building to minimise the level of noise from the dogs which can be very stressful to cats.

**End of Licence Conditions**

## Appendix 10

### Draft Proposed CBC Dog Boarding Conditions - Kennels

(Cabinet report on proposal to update and adopt animal licencing conditions)

**(Draft) Cheltenham Borough Council**  
**Licence Conditions for Dog Boarding Establishments - Kennels**  
**Animal Boarding Establishments Act 1963**

#### **1. Introduction**

1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or are used in association with the boarding of dogs. Use of the term 'kennel' refers to combined sleeping and individual exercise areas.

#### **2. Licence Display**

2.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

#### **3. Construction**

##### **3.1 General**

3.1.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by the licensing officer of the local authority.

3.1.2 Where wood has been used in existing construction it must be smooth and treated to render it impervious. Wood should not be used in exposed construction of walls, floors, partitions, door frames or doors in the dog kennelling area. There must be no projections liable to cause injury.

3.1.3 Fencing material must be secure and safe.

3.1.4 Sleeping areas of kennels must be so insulated as to prevent extremes of temperature.

3.1.5 The construction must be such that the security of the dog is ensured.

3.1.6 All exterior wood must be properly treated against wood rot, e.g. Tanalised. Only products which are not toxic to cats may be used.

Or officer request:

3.1.6 All exterior wood must be properly treated against wood rot, e.g. Tanalised. Only products which are not toxic to *dogs and* cats may be used.

**3.1.7** All internal surfaces used in the construction of walls, floors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.

### **3.2 Walls and Partitions**

**3.2.1** Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleansed. Where concrete or other building blocks or bricks are used in such walls, they must be sealed so as to be smooth and impervious, and resealed as necessary.

**3.2.2** Junctions between vertical and horizontal sections should be coved. If impractical in existing premises, all joints must be sealed.

**3.2.3** Partition walls between kennels must be of solid construction to a minimum height of 1.2m (4ft).

**3.2.4** In new construction, in exercise runs the lower section of partitions in adjoining runs must be of solid construction.

### **3.3 Floors**

**3.3.1** Floors of all buildings, individual exercise areas and kennels, must be of smooth, impervious materials, capable of being easily cleansed and in new kennels must incorporate a damp proof membrane.

**3.3.2** All floors of kennels and individual exercise areas must be constructed and maintained in such condition as to prevent ponding of liquids.

**3.3.3** In new construction floors must be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.

**3.3.4** Communal exercise areas must be suitably drained but need not comply with conditions 3.3.1 and 3.3.2.

### **3.4 Ceilings**

**3.4.1** Ceilings must be capable of being easily cleansed and disinfected.

### **3.5 Doors**

**3.5.1** Kennel doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.

**3.5.2** Where metal bars and frames are used, they must be of suitable gauge (approximately 10-14) with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this must not present a risk of injury to the dog.

**3.5.3** Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.

### **3.6 Windows**

**3.6.1** All windows which pose a security risk must be escape proof at all times.

### **3.7 Drainage**

**3.7.1** The establishment must be connected to mains drainage or an approved, localised sewage disposal system.

### **3.8 Lighting**

**3.8.1** During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this must be natural light.

**3.8.2** Adequate supplementary lighting must be provided throughout the establishment.

### **3.9 Ventilation**

**3.9.1** Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the bedding area.

### **3.10 Maintenance**

**3.10.1** Maintenance and repair of the whole establishment must be carried out regularly.

## **4. Number of Animals**

### **4.1 Number of dogs permitted**

**4.1.1** The maximum number of dogs to be kept at any one time is stipulated on the Licence.

**4.1.2** Each dog must be provided with a separate kennel except that dogs from the same household may share a kennel of adequate size with the written consent of the dogs' owner.

**4.1.3** Holding kennels may be provided for temporarily kennelling a dog for not more than 24 hours. Holding kennels, if provided, must comply with conditions as required for main kennels. Holding kennels must be a minimum area of 2.3 sq m (25 sq ft).

**4.1.4** No animals other than dogs are to be boarded within the licensed facilities without the written approval of the local authority.

**4.1.5** Where stray dogs are accepted by the kennels they must be kept in a separate area away from boarded dogs.

### **4.2 Kennel size, layout and exercise facilities**

**4.2.1** For new kennels each kennel must be provided with a sleeping area of at least 1.9 sq m (20sq ft).

**4.2.2** Suitable bedding equipment must be provided which allows the dog to be comfortable and which is capable of being easily and adequately cleaned and sanitised. Such equipment must be sited out of draughts. All bedding material must be maintained in a clean, parasite free and dry condition.

**4.2.3** For new kennels each kennel must be provided with an exercise area of at least 2.46sq m (26 sq ft) (for dogs up to 24 inches high at shoulder) or 3.34sq m (36 sq ft) for larger dogs, which

is separate from the bedding area and exclusive to that kennel, for free use by the dog at all times except at night.

**4.2.4** Kennels must have a minimum height of 1.8m (6ft) to facilitate adequate access by kennel staff for cleaning.

**4.2.5** Kennels and exercise areas must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.

**4.2.6** Exercise areas must not be used as bedding areas.

+ Licencing Committee Request:

**4.2.7** Suitable and adequate exercise in an outdoor environment (separate to the kennel areas) must be ensured for all boarded dogs that require it, to ensure a dog's daily environmental and normal behaviour needs are met.

## **5. Management**

### **5.1 Training**

**5.1.1** A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.

Or PDSA request:

**5.1.1** A written training policy for staff must be provided. *Systematic training of staff must be demonstrated (documented) in all aspects of care, for all ages of dogs and must be regularly updated.*

### **5.2 Temperature in kennels**

**5.2.1** Heating facilities must be available in the kennel and used according to the requirements of the individual dog.

**5.2.2** There must be some part of the dog's sleeping area where the dog is able to enjoy a temperature of at least 10°C (50°F).

**5.2.3** In isolation kennels there should be a means of maintaining the temperature at a level suitable for the conditions of the dog and dependent on veterinary advice.

### **5.3 Cleanliness**

**5.3.1** All kennels, corridors, common areas, kitchens etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

**5.3.2** Each occupied kennel must be cleansed daily. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary.

**5.3.3** All bedding areas must be kept clean and dry.



**5.3.4** Each kennel must be thoroughly cleansed, disinfected and dried upon vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.

**5.3.5** Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final disposal route for all such waste must be incineration.

**5.3.6** Measures must be taken to minimise the risks from rodents, insects and other pests within the establishment.

#### **5.4 Food and water supplies**

**5.4.1** All dogs must be adequately supplied with suitable food. Wholesome water must be available at all times and changed daily.

**5.4.2** Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition.

**5.4.3** Eating vessels must be cleansed after each meal.

**5.4.4** Drinking vessels must be cleansed at least once a day.

#### **5.5 Kitchen facilities**

**5.5.1** Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.

**5.5.2** Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.

**5.5.3** A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash hand basin with hot and cold water must be provided for staff use.

**5.5.4** Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proof against insects and other pests.

#### **5.6 Disease control and vaccination**

**5.6.1** Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

**5.6.2** Proof must be provided that boarded and resident dogs have current vaccinations against:

- Canine Distemper,
- Infectious Canine Hepatitis (Canine adenovirus),
- Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and
- Canine Parvovirus and other relevant diseases.

The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

Or PIF request:

5.6.2 Proof must be provided that boarded and resident dogs have current vaccinations against:

- Canine Distemper,
- Infectious Canine Hepatitis (Canine adenovirus),
- Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and
- Canine Parvovirus and other relevant diseases.

The course of vaccination must have been completed at least **four two** weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

**5.6.3** Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

Or PDSA request:

5.6.3 Advice from a veterinary surgeon must be sought *immediately* in case of signs of disease, injury or illness. *Written consent from the owner of the boarded dog must be given prior to the dogs stay, to all necessary veterinary treatment including euthanasia if a vet deems this necessary on welfare grounds.* Where any dog is sick or injured any instructions for its treatment which are given by a veterinary surgeon must be strictly followed.

**5.6.4** A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

**5.6.5** A suitable range of muzzles of varying sizes and a suitable dog catching device, must be kept on site.

## **5.7 Isolation**

**5.7.1** Isolation facilities must be provided.

**5.7.2** In existing facilities these isolation facilities must be in compliance with the other boarding requirements but must be separate and physically isolated from the main kennels. This must be a minimum 5m (15ft). (See also 5.2 temperature control).

**5.7.3** Adequate facilities to prevent the spread of infectious disease between the isolation and other kennels must be provided.

**5.7.4** Hands must be washed after leaving the isolation facilities before visiting the other kennels.

## **5.8 Register**

**5.8.1** A register must be kept of all dogs boarded. The information kept must include the following:-

- date of arrival
- name of dog, any identification system such as microchip number or tattoo
- description, breed, age and gender of dog
- name, address and telephone number of owner or keeper

- name, address and telephone number of contact person whilst boarded
- name, address and telephone number of dog's veterinary surgeon
- anticipated and actual date of departure
- health, welfare and nutrition requirements

**5.8.2** The register must be kept readily available for a minimum of 24 months and kept in such a manner as to allow an authorised officer easy access to such information.

**5.8.3** Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

### **5.9 Identification of kennels**

**5.9.1** Each kennel must be clearly marked (e.g. numbered), and a system in place which ensures that relevant information about the dog in that kennel is readily available.

### **5.10 Supervision**

**5.10.1** A fit and proper person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.

**5.10.2** Dogs must be visited at regular intervals as necessary for their health, safety and welfare.

### **5.11 Fire precautions**

**5.11.1** Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

**5.11.2** A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions on where dogs are to be evacuated to in the event of a fire or other emergency.

**5.11.3** Fire fighting equipment must be provided in accordance with advice given by the Fire Prevention Officer.

**5.11.4** All electrical installations and appliances must be maintained in a safe condition. There must be a residual current circuit breaker system on each block of kennels.

**5.11.5** Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to dogs.

**5.11.6** Precautions must be taken to prevent any accumulation which may present a risk of fire.

**5.11.7** There must be adequate means of raising an alarm in the event of a fire or other emergency.

### **End of Conditions**

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## Appendix 11

### Draft Proposed CBC Dog Boarding Conditions – Home Boarders

(Cabinet report on proposal to update and adopt animal licencing conditions)

**(Draft) Cheltenham Borough Council**  
**Licence Conditions for Home Boarding of Dogs**  
**Animal Boarding Establishments Act 1963**

#### **1 Introduction**

**1.1** Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.

**1.2** Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.

**1.3** The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and where necessary adequate and suitable employers liability insurance.

**1.4** No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.

**1.5** Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.

**1.6** Entire males and b\*\*ches in season or b\*\*ches due to be in season during the boarding, must not be boarded together or boarded with resident dogs.

**1.7** Puppies under 6 months of age will not be boarded with other dogs unless they have been suitably vaccinated and no difficulties identified during a documented trial socialisation period.

+ Bark and Call home boarder request:

**1.8** Any puppies boarded must continue their Puppy Socialisation plan.

#### **2 Licence Display**

**2.1** A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

### **3 Numbers of Animals**

**3.1** The maximum number of dogs to be kept at any one time (enter number).

Or Officer request:

**3.1** *The licence indicates the maximum number of dogs to be kept at any one time.*

**3.2** Only dogs from the same household may be boarded at any one time unless the licence holder can:

- Secure the specific written consent of each household to confirm that they are content for their dogs to be boarded with others.
- Undertaken a mandatory, trial (documented) familiarisation session for all dogs prior to stay.
- Separate dogs from different households in secure areas when left unattended.
- Separate the feeding of dogs to minimise the likelihood of dispute and aggression.

Or Bark and Call - home boarder request:

**3.2** Only dogs from the same household may be boarded at any one time unless the licence holder can:

- Secure the specific written consent of each household to confirm that they are content for their dogs to be boarded with others.
- Undertaken a mandatory, trial (documented) familiarisation session for all dogs prior to stay.
- ***Before leaving dogs from different household unattended, documented safe behavioural integration must be established (see guidance).***
- ***Where safe behavioural integration in dogs from different households has not been or has not yet been demonstrated dogs must be separated in secure areas when left unattended.***
- Separate the feeding of dogs to minimise the likelihood of dispute and aggression.

**Removal Request - Bark and Call home boarder and PIF:**

**3.3** ~~Dogs must not be boarded with any cat, unless they normally live together in the same household~~

**3.4** Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.

**3.5** The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

### **4 Construction**

**4.1** Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.

**4.2** The premises shall have its own entrance and must not have shared access e.g. communal stairs.

**4.3** There must be adequate space, light, heat and ventilation for the dogs.

**4.4** As far as reasonably practicable, all areas/rooms within the home to which boarded dogs have access must have no physical or chemical hazards that may cause injury to the dogs.

**4.5** There must be sufficient space available to be able to keep the dogs separately if required.

**4.6** If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

Or PDSA request with Cheltenham Animal Shelter support;

**4.6** If a collection and delivery service is provided, a suitable vehicle with a dog guard or *secure* cage in the rear must be provided. *Dogs must not be left unattended in a vehicle.*

## **5 Management**

### **5.1 Training**

**5.1.1** A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

Or PDSA request:

**5.1.1** A written training policy for staff must be provided. *Systematic training of staff must be demonstrated (documented) in all aspects of care, for all ages of dogs and must be regularly updated.*

+ Bark and Call – (self- employed) home boarder request:

**5.1.2** Self-employed boarders must provide evidence of relevant training to demonstrate how skills and knowledge are kept up-to-date e.g. recording any self-study, training, presentations delivered or attended.

### **5.2 Cleanliness**

**5.2.1** All areas where the dogs have access to, including the kitchen etc, must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

**5.2.2** All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.

**5.2.3** All bedding areas must be kept clean and dry.

**5.2.4** Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the

treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.

**5.2.5** Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

### **5.3 Food and Water Supplies**

**5.3.1** All dogs shall have an adequate supply of suitable food as directed by the client.

**5.3.2** Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

**5.3.3** Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross infection. The Licensee however should also be able to provide extra bedding material.

Or Bark and Call - home boarder request:

*5.3.3 The Licensee must provide sufficient bedding material that is cleaned regularly to prevent cross infection. Where clients provide a dogs own equipment it must be cleaned regularly to prevent cross infection.*

**5.3.4** Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

### **5.4 Kitchen Facilities**

**5.4.1** Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak-proof containers in the fridge.

Or Bark and Call - home boarder request:

*5.4.1 Suitable containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak-proof containers in the fridge.*

**5.4.2** All bulk supplies of food shall be kept in vermin-proof containers.

### **5.5 Disease Control and Vaccination**

**5.5.1** Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.



**5.5.2** Proof must be provided that boarded and resident dogs have current vaccinations against:

- Canine Distemper,
- Infectious Canine Hepatitis (Canine adenovirus),
- Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and
- Canine Parvovirus and other relevant diseases.

The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

Or PIF request:

**5.5.2** Proof must be provided that boarded and resident dogs have current vaccinations against:

- Canine Distemper,
- Infectious Canine Hepatitis (Canine adenovirus),
- Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and
- Canine Parvovirus and other relevant diseases.

The course of vaccination must have been completed at least ~~four~~ two weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

**5.5.3** Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.

Or PDSA request with Bark and Call and Cheltenham Animal Shelter support:

**5.5.3** Advice from a veterinary surgeon must be sought *immediately* in case of signs of disease, injury or illness. *Written consent from the owner of the boarded dog must be given prior to the dogs stay, to all necessary veterinary treatment including euthanasia if a vet deems this necessary on welfare grounds.* Where any dog is sick or injured any instructions for its treatment which are given by a veterinary surgeon must be strictly followed.

**5.5.4** A well stocked first-aid kit suitable for use on dogs must be available and accessible on site.**5.5.5** The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

Or PDSA request:

**5.5.5** The Licensee must be registered with a veterinary practice that can provide 24 hour help and advice. *The details of that veterinary surgery including the name, address and telephone number, must be clearly available and known to any staff.* The clients own veterinary practice must be known and consulted if necessary.

+ PDSA request

**5.5.6** Provision must be available for either; the transportation of sick or injured dogs to a

veterinary surgery at all times; or a documented agreement made with a veterinary practice, for home visits, 24 hours a day.

### **Cabinet consideration**

**5.5.7** Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.

Or PDSA request (**NOT** supported by Bark and Call - home boarder):

**5.5.7** "Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. *Medicines to prevent these parasites should be prescription medications and only administered after consultation with a veterinary surgeon.* Proof must be maintained of all routine and emergency treatment for parasites."

**5.5.8** The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.

**5.5.9** Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

## **5.6 Isolation and Contagious Disease Outbreak**

**5.6.1** Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.

**5.6.2** The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.

**5.6.3** Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.

**5.6.4** The Licensing Authority must be informed of any animal death on the premises. For boarding animals the Licensee must make arrangements for the body to be stored at veterinary surgeons premises until the owners return.

## **5.7 Register**

**5.7.1** A register must be kept of all dogs boarded. The information kept must include the following:

- Date of arrival
- Name of dog, any identification system such as microchip number, tattoo
- Description, breed, age and gender of dog
- Name, address and telephone number of owner or keeper

- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of dog's veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Health, welfare nutrition and exercise requirements

**5.7.2** Such a register is to be available for inspection at all times by an officer of the Licensing Authority or a veterinary surgeon.

**5.7.3** The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

**5.7.4** If medication is to be administered, this must be recorded.

**5.7.5** Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## **5.8 Supervision**

**5.8.1** A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.

**5.8.2** Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

### **Cabinet consideration**

**5.8.3** No home where there are children under 5 years of age will be licensed.

Or Petstay request:

**5.8.3** No home where there are children under 7 years of age will be licensed.

Or PDSA request:

**5.8.3** No home where there are children under 5 years of age will be licensed. *No person under the age of 16 years of age should be left unsupervised with boarded dogs at any time.*

Or combine Petstay and PDSA request [supported by Cheltenham Animal Shelter]:

**5.8.3** No home where there are children under 7 years of age will be licensed. *No person under the age of 16 years of age should be left unsupervised with boarded dogs at any time.*

**5.8.4** Only people over 16 years of age are allowed to walk the dogs in public places.

Or PDSA request:

**5.8.4** Only people over 16 years of age, *who have appropriate knowledge, training and physical capability*, are allowed to walk the dogs in public places.

## 5.9 Exercise

**5.9.1** Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.

**5.9.2** There must be direct access to a suitable outside area. The area/garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

Or PIF request:

**5.9.2** There must be direct access to a suitable outside area. The area/garden must be *available* for use by the homeowner at all times. The area must be kept clean.

**5.9.3** The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

**5.9.4** If there is a pond, it must be covered to avoid drowning

Or Bark and Call - home boarder request:

**5.9.4** If there is a pond, *within the confines of a dog's boarding area*, it must be covered to avoid drowning.

**5.9.5** Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

Or Bark and Call - home boarder request (remove address):

**5.9.5** Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name and telephone number of the boarding premises.

**5.9.6** The Licensing Authority must be informed within one working day if a dog is lost.

Or PIF Request:

**5.9.6** The Licensing Authority must be informed as soon as practicable and at least on the next working day, if a dog is lost.

## 5.10 Fire/Emergency Precautions

**5.10.1** Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

**5.10.2** The occupier of the property must be aware of the location of the dogs in the property at all times.

**5.10.3** Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.

**5.10.4** A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises are rendered uninhabitable.

**5.10.5** Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top and bottom of the staircase, or other appropriate location.

**5.10.6** All doors to rooms must be kept shut at night.

**5.10.7** All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.

**5.10.8** All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.

**5.10.9** A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

### **End of Conditions**

*Conditions adapted from LACORS Model Licence conditions issued November 2005 and adapted in line with LACORS guidance of October 2009.*

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## Appendix 12

### Summary of Consultation Response

(Cabinet report on proposal to update and adopt animal licencing conditions)

#### **List of Responders** (x 11 in alphabetical order)

Body making response - comment or support upon which model condition/s:

- [Bark and Call](#) –Home boarding requests
- [Cheltenham Animal Shelter](#) –Home boarding support
- [Defra](#) – General Comment in support of all model conditions  
(from Philip Alder in the Animal Welfare Team)
- IFAW – [International Fund for Animal Welfare](#) – Pet vending and dog breeding requests
- [Licencing Committee](#) – General support and kennel request
- [Naturewatch Foundation](#) (local charity) - General support
- [PDSA](#) - Pet venders, dog breeders and home boarders, kennels and catteries requests
- [Pegasus Veterinary Centre](#) –Cattery requests
- [Pets at Home](#) (Head office) –Pet vending requests
- [PetStay](#) (Gloucester franchise owner) – Home boarding requests
- [PIF](#) (Pet Industry Federation) –Home boarding requests

#### **Significant Responders**

(in alphabetical order: Bark and Call; DEFRA; IFAW; CBC Licencing Committee; PDSA; Pets at Home; PetStay; Pet Industry Federation; Naturewatch Foundation.)

#### **‘Bark and Call’**

Bark and Call is a local independent licenced home boarder. They were the first home boarder to be licenced in the district and came to the Authority to request a licence. They are registered with the Kennel Club and have been breeding dogs since 2003. Living and working around dogs all their life. They commented extensively on the home boarding model conditions making 8 requests.

## **DEFRA**

DEFRA offered their support to the adoption of the model conditions and Phil Alder Animal Welfare Team emailed the Authority on the 8<sup>th</sup> October 2015:

*"We would like to take the opportunity to put forward the views of this department to the possibility of your council adopting the Chartered Institute of Environmental Health's Model Conditions for licensed (i) pet shops; (ii) boarding establishments; and (iii) dog breeders.*

*It is our recommendation that the council adopt all of the CIEH Model Conditions because they provide local authority inspectors with clear guidance on the minimum welfare standards needed at these establishments in order to comply with the provisions of the Animal Welfare Act 2006.*

*The CIEH Model Conditions were drafted by key stakeholder organisations including, representatives from local authorities, animal welfare organisations, animal keepers and veterinary organisations. These conditions have been adopted by most councils which is not surprising given the expertise that has gone into these documents.*

*We are not aware of any other guidance documents that provide such informative assistance to inspectors in relation to these establishments and would be interested to know what other publications Cheltenham Council would use for their inspections if the CIEH Model Conditions are not used."*

## **International Fund for Animal Welfare (IFAW)**

The International Fund for Animal Welfare (IFAW) saves individual animals, animal population and habitats all over the world. With projects in more than 40 countries. IFAW rescues individual animals, works to prevent cruelty to animals and advocates for the protection of wildlife and habitats.

While they agreed with and welcomed the proposed changes they made requests for changes to pet vending appendix 7 and dog breeding appendix 8. They also provided guidance for inspection.

## **CBC Licencing Committee**

The [Licencing Committee](#) resolved in their meeting of the 2<sup>nd</sup> October 2015, the adoption in principle of the model conditions by Cabinet be supported subject to the following being included into the "CBC Licence Conditions for Dog Boarding – Kennels" following condition 4.2.6 (under 'Kennel size, layout and exercise facilities'):

*"Suitable and adequate exercise in an outdoor environment (separate to the kennel areas) must be ensured for all boarded dogs that require it, to ensure a dog's daily environmental and normal behaviour needs are meet."* (Please see appendix 10).

This condition reflects animal welfare needs specified in the Animal Welfare Act 2006 but not covered by the model conditions (produced in 1995).



## **PDSA**

The head office of PDSA a charity that provides free veterinary care to sick and injured pets of people in need and works to promote responsible pet ownership responded to all five sets of conditions making 11 requests for changes.

## **Pets at Home**

Pets at Home are a large national chain of around 350 pet shops 2 of which reside in Cheltenham's borough. They have 338 vet practices and 179 groom rooms nationally. One of the Cheltenham stores has a veterinary practice. Two veterinary nurse assistants and their Operations Manager have offered support to the Authorities adoption of the CIEH model licence conditions for pet vending through email. They did however question some of the guidance within the document, but this is not relevant to the conditions being considered here.

## **PetStay**

The county franchise holder for Petstay (home boarding) requested changes to the home boarding model conditions. The franchise holder has lived and worked with dogs all her life. Comments in support of home boarding condition 5.8.3 are found in appendix 13.

## **Pet Industry Federation**

The Pet Industry Federation (PIF) contributed to the recent model conditions for pet vending and cat boarding (see appendix 4). They are a voice of the pet industry. In responding to our consultation they requested changes to the home boarding conditions see appendix 11.

## **Naturewatch Foundation**

The charity Naturewatch Foundation is a national charity which is locally based in Cheltenham. They have responded to the consultation with a statement that has both positive and negative comments regarding the proposed conditions. They have made no requests for changes to the conditions. Their response to the consultation can be seen in appendix 13.

**End**

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## Appendix 13

### Naturewatch Foundation (Charity) Consultation Response

(Cabinet report on proposal to update and adopt animal licencing conditions)

# Naturewatch Foundation

For the advancement of animal welfare

Public Protection Office,  
Cheltenham Borough Council  
Municipal Offices, Promenade,  
Cheltenham, Gloucestershire GL50 9SA  
[ehbusinesssupport@cheltenham.gov.uk](mailto:ehbusinesssupport@cheltenham.gov.uk)

Thursday 8<sup>th</sup> October 2015

To whom it may concern:

#### Animal Licence Consultation

Naturewatch Foundation is a registered charity working to improve the lives of animals, based in Cheltenham and founded in 1991. 30,000 national supporters and a distributed network of volunteers help us run World Animal Day, deliver animal welfare projects in Eastern Europe, and campaign for improving animal protection in the UK. Domestically, we lobby for the reduction of scientific experiments using animals and for reform of commercial dog breeding and sales. As a result we have a keen interest in our borough's review of animal licensing and welcome the opportunity to comment.

In its review Cheltenham Borough Council (CBC) has invited feedback on practical steps to improve animal welfare, cross infection and zoonoses. However, Council's aspiration to set high standards and its goal of establishing practical, manageable licensing provisions are also an opportunity to achieve more. In revising not only the licence conditions, but also the enforcement and public engagement around dog breeding and vending, Council can support practices towards making each transaction good for the owner, good for dogs and good for the community. We hope that engaging with an established local animal welfare charity will help identify suitable next steps as the Council's review progresses, and we should be glad to contribute fully.

#### Draft CBC Licence Conditions for Breeding & Sale of Dogs

We welcome conditions 2.5.1 and 6.4 which allow for the socialisation of breeding dogs and puppies, which behaviourists agree relates directly to the success of purchase and housing of dogs by the public. Commercial pet breeders and vendors cannot meet these standards within a profitable business model. As a result Naturewatch Foundation believes that full enforcement of these conditions would entail withdrawal of licences from such venues.

Pet Animals Act 1951 section 1(3)(D), quoted in CBC's (Draft) Licence Conditions for Dog Breeding 3.1, states that 'all reasonable precautions will be taken to prevent the spread among animals of infectious diseases'. Meanwhile the Local Government Association's Model Licence Conditions for Pet Shops, which guides that *'No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease, or which is infested with parasites shall be brought into or kept on the premises unless effectively isolated.'* Naturewatch believes that full enforcement of these conditions would reveal how neither commercial breeding nor vending operations could meet these legal minimums.

#### Impact & Suggested Measures

Commercially bred puppies are a high risk purchase. Poorly socialised puppies bred in volume based operations will have no familiarity with the role of companion animal and have been exposed to far greater risk of infection, many of which are zoonoses and all of which can lead to tragedy for puppy buying families. Owners of unhealthy dogs may incur huge fees in veterinary care due to preventable infectious diseases and genetic problems.

#### Enforcement Measures

Naturewatch Foundation advocates full enforcement of the licensing conditions. We have concern over resources available to local authorities to this end and believe that any revision of licence conditions should not result in additional enforcement burdens without providing for the expertise or personnel they will entail.

Licensing of dog breeding and vending operations based on a risk assessment which allow for spot inspections, with a minimum requirement for annual inspection, would make it possible for licensing teams to plan flexibly rather licensing at anniversaries. At the same time public evidence of a breach in the conditions should trigger an automatic investigation and so it is essential that unannounced inspections are specified by the licensing system. Similar risk assessment based models are already in use by local authorities enforcing food standards and farm animal health. Criteria for risk assessment need to be clear and explicit and matched with a mandatory initial inspection. Inspection reports may also lead to pro forma guidance identifying, recognising and encouraging best practice.

Naturewatch Foundation also believes it is sensible, practical and efficient to share the expertise of animal welfare specialists across local authority boundaries. It is costly for individual local authorities to train animal welfare specialists while costs might be reduced as a result of regional collaboration.

According to the CBC website: 'If a person is in the *business* of dog breeding they are required to be licensed... [Commercial] sale of pets includes traditional pet shops and also pet sales occurring over the internet.'

However, the definition of a dog breeding or vending operation as commercial, and therefore due for licensing, can be difficult. Rather than reference to a fixed number of litters per year (which is a risk factor rather than a defining characteristic of commercial or amateur breeding and vending), Naturewatch Foundation advocates use of HMRC's definition of *Badges of Trade*<sup>1</sup>. Using the Badges of Trade to define commercial operations will show that some local internet-based vending operations are not licensed, that prospective customers cannot easily determine which vending operations are licensed, and that some breeders and vendors do not know a licence is required

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<sup>1</sup> <http://www.hmrc.gov.uk/manuals/bimmanual/BIM20205.htm>

### Public Engagement

Naturewatch Foundation believes that local authorities can also improve animal welfare, animal and human health and the quality of dog ownership in the community, through public engagement. Prospective buyers can help check that licensing is in place and can also seek advice from local charities, canine experts and from Council itself, supported through signposting, events, literature and online content. At the same time, by working with a local charity such as Naturewatch Foundation, Council may help encourage the fast growing network of dedicated volunteers who currently collect information about sales, licensing and best practice. As a result then let me thank you again for this invitation to submit a response to Council's review of Animal Licensing and look forward to describing practical next steps in more detail whenever the opportunity may arise.

Yours faithfully,

Patrick Joel  
Campaign Manager

**T** +44 (0) 1242 252871 • **E** [info@naturewatch.org](mailto:info@naturewatch.org) • **W** [www.naturewatch.org](http://www.naturewatch.org)  
Naturewatch, 49 Rodney Road, Cheltenham, Gloucestershire, GL50 1HX, United Kingdom

**PATRONS** Pollyanna Pickering • Alexandra Bastedo • Chris Packham • Hayley Mills • Jenny Seagrove • The late Princess Elizabeth de Croÿ  
Registered Charity No. 1039679 • Registered Office: 49 Rodney Road, Cheltenham GL50 1HX

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## Appendix 14

### **PetStay Supporting Statement for Home Boarding Condition 5.8.3**

(Cabinet report on proposal to update and adopt animal licencing conditions)

Extract from email dated 17<sup>th</sup> August 2015, from the franchise holder for PetStay in Gloucestershire:

*"My feeling is that not regardless of a child's age, not every dog is right for children and not every child is right for a dog.*

*I think the licence should be two fold – much like it doesn't allow a dog to be boarded in a house with a cat when the dog doesn't live with a cat at home – the same should be applied to children. That if there are not children at home then the dog should not be placed with a host family who has children.*

*With regards to the age:*

*The majority of dog/child problems I have encountered involve children under six years of age (this is within a personal capacity not professional).*

*Also, parents with small children are usually very busy as children under 7 are not capable of carrying out many tasks alone. As such these parents often do not have the free time or desire to spend hours grooming or walking a high maintenance dog thus the question has to be asked – are they suitable to be a dog host / carer?*

*It's also important to consider things from a dogs view: In a dog's mind a family is a pack unit and everyone in that family has a certain 'position' in the pack. In most families, one or both of the parents are considered the pack leaders and the dog is subordinate to them. But when small children are involved, it has been my experience that dogs almost always consider the children equal or lower in the pack hierarchy than they are, and this is where the problem arises.*

*Because the dog considers the child a subordinate, it may refuse to obey the child's commands or 'accidentally' bump into the child and knock her down. It may escalate to growling at the child when the child is near food or toys, or even baring his teeth and biting when the child approaches or tries to play with the dog.*

*A child over 7 however, has a far better command of language and is also physically larger.*

*Also,, when dogs bite adults it is usually out of fear and perhaps out of aggression. When dogs bite children it may also be from fear or aggression, but I feel that many times it is what I call 'warning bite.' The warning bite is usually to the face or hand and while traumatic for the child, is often not serious in a medical nature. However, the question needs to be asked that can a five year old understand a warning – whether it's a teeth bearing warning, a verbal warning or a bite? In my experience and also research has proved that in fact they cannot.*

*As such, despite any guidelines stipulated by a licence stating no children under 5, I will still not have carers on my team that have children under 7 at home.*

*... I am no dog or child psychologist or expert but have spent time reading about and listening to problems with children and dogs. I am happy for my name to be mentioned but this is all just my opinion!"*

**End**



## Appendix 15

### Animal Licencing Consultation Presentation

(Cabinet report on proposal to update and adopt animal licencing conditions)

#### Animal Licence Conditions - Consultation



Sadie Hawson - Senior EHO

DD: 01242 775028

Sadie.hawson@cheltenham.gov.uk

#### Why License?

##### Public Health

- Zoonosis: e.coli, cryptosporidium, Rabies, Hantavirus



##### Animal Welfare

- Need for Suitable environment, suitable diet, ability to exhibit normal behaviour patterns, housed with or apart from other animals, need to be protected from pain, suffering, injury and disease.



##### Knowledge and contacts

- Information provision, Outbreaks, Emergencies, Recalls



## Animal Licences

### **Animal Boarding Dogs & Cats**

Animal Boarding Establishments Act 1963

- Kennels
- Catteries
- Home boarders
- Not Dog Crèches*



### **Dog Breeding**

Breeding of Dogs Act 1973 & 1991; Breeding and Sale of Dogs (welfare) Act 1999; Breeding of Dogs (Licensing Records) Regulations 1999

- Home breeders
- Puppy farms



### **Pet Vending**

Pet Animals Act 1951 & Pet Animals (Amendment) Act 1983

- Pet shops
- Internet sales
- Home sales



*Not included:*

- Riding Establishments
- Dangerous Wild Animals
- Zoos

## Current Conditions

- Not reflective of current legislation  
(e.g. *Animal Welfare Act 2006*)
- Open to interpretation
- Numbers undefined
- No current dog breeding conditions



## **Animal Boarding - Current Conditions**

- Not specific to different types of boarding
- Reflective of language in the legislation
- Short on infectious disease control information and welfare
- No requirement to display license
- No numbers stipulated on license
- No explanation of register requirements



## **Proposed Animal Boarding - Kennels**

- Number of dogs to be stipulated on the licence and to be displayed

Clearer conditions on:

- accommodation including dimensions and temperature
- disease control and vaccination issues
- management methods
- register information



## **Proposed Animal Boarding - Catteries**

- Reflects Animal Welfare Act 2006
- Licence to be displayed

Clearer conditions on :

- accommodation including dimensions and temperature & **safety corridor**
- disease control and vaccination issues
- management methods
- register information



## **Proposed Animal Boarding – Home Boarding**

- Number of dogs stipulated
- Licence to be displayed

Clearer conditions on :

- disease control and vaccination issues
- management including training
- register information



## **Proposed Animal Boarding – Home Boarding Considerations**

Proposed CBC conditions-

**5.8.3** No Home where there are children under 5 years of age will be licensed.

**4.1** Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.



## **Dog Breeding**

- No current conditions
- CIEH Model conditions (January 2014)  
address: - Display of licence,  
accommodation, management, disease  
control, emergencies, welfare of stock.
- Includes direction to additional guidance on  
puppy rearing, socialisation and habituation  
– Puppy Plan



## **Proposed Dog Breeding - Considerations**

- Advisory Council on the Welfare Issues of Dog Breeding have own standards
- Wales new regulations under Animal Welfare Act 2006 in force April 2015
  - own standards for Breeding dogs



## **Pet Vending – Current Conditions**

- Reflective of language in the legislation
- No requirement to display licence
- Condition 4 relates only to the sale of immature mammals not all animals
- No provision for specification of numbers (Condition 15)
- Allows sale of animals to juveniles (Condition 23)
- No explanation of what should be kept in a register
- No consideration of Animal Welfare Act 2006
- Short on; accommodation, disease control & animal welfare, transportation, training and emergencies



## Proposed Pet Vending - Considerations

- “Six point plan for pet shops” Animal Protection Agency
- **EMODE** leaflet & PIF response
- **Welsh** Level of difficulty **Traffic Light System**
- **Warwick *et al*** paper against model conditions



## Feedback

- Concerns regarding a set of conditions or specific conditions
- Provide additional reference material or ask for those highlighted
- Draft alternative conditions
- Approval of proposals

**for consideration by the Licensing committee meeting on the 2<sup>nd</sup> October.**

## **Feedback**

Sadie Hawson SEHO

[Sadie.Hawson@Cheltenham.gov.uk](mailto:Sadie.Hawson@Cheltenham.gov.uk)

DD: 01242 775 028

**By Monday 12:00 noon**

**14<sup>th</sup> September**

**Enable a report for consideration by the  
Licensing Committee on the 2<sup>nd</sup> of October**



## Cheltenham Borough Council Cabinet – 10 November 2015 Revised Street Trading Policy

<b>Accountable member</b>	<b>Councillor Andy McKinlay, Cabinet Member Development and Safety</b>
<b>Accountable officer</b>	<b>Mike Redman, Director of Environmental &amp; Regulatory Services</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The council's current street trading policy was approved by Full Council on 22 February 2013 and came into effect on 1 April 2013.</p> <p>A review of the policy has been undertaken by officers and Cabinet is asked to consider the consultation feedback and to recommend to Council the adoption of the revised policy.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. Note the amendments to the current policy;</b></li> <li><b>2. Note the consultation feedback and officer comments;</b></li> <li><b>3. Approve the draft amended policy; and</b></li> <li><b>4. Make a recommendation for Council to adopt the revised policy.</b></li> </ol>
<b>Financial implications</b>	<p>There are no financial implications arising from this report.</p> <p><b>Contact officer: Sarah Didcot, <a href="mailto:sarah.didcot@cheltenham.gov.uk">sarah.didcot@cheltenham.gov.uk</a>, 01242 264125</b></p>
<b>Legal implications</b>	<p>As outlined in the report.</p> <p><b>Contact officer: Vikki Fennell, <a href="mailto:vikki.fennell@tewkesbury.gov.uk">vikki.fennell@tewkesbury.gov.uk</a>, 01684 272015</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications arising from this report.</p> <p><b>Contact officer: Richard Hall, <a href="mailto:richard.hall@cheltenham.gov.uk">richard.hall@cheltenham.gov.uk</a>, 01242 77 4972</b></p>
<b>Key risks</b>	<b>As Identified in Appendix 1</b>

<b>Corporate and community plan Implications</b>	<p>Cheltenham has a clean and well-maintained environment.</p> <p>Cheltenham's natural and built environment is enhanced and protected.</p> <p>Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.</p> <p>Cheltenham has a strong and sustainable economy.</p>
<b>Environmental and climate change implications</b>	<p>Not applicable</p>
<b>Property/Asset Implications</b>	<p>None</p> <p><b>Contact officer: <a href="mailto:David.Roberts@cheltenham.gov.uk">David.Roberts@cheltenham.gov.uk</a></b></p>

## **1. Background**

- 1.1** The council's current street trading policy was approved by Full Council on 22 February 2013 and came into effect on 1 April 2013.
- 1.2** The current policy sets out a commitment to keep the policy under review and proposes revisions where they are deemed necessary, but in any event to review the policy at least every three years.
- 1.3** In accordance with the above, a review of the current policy was undertaken and Cabinet is asked to consider the policy revisions and approve the draft amended policy for consultation.

## **2. Statutory Framework**

- 2.1** The council has adopted schedule 4 of Local Government (Miscellaneous Provisions) Act 1982 ("the Act") to apply in the borough. Schedule 4 of the Act enables the council to control street trading in the borough.
- 2.2** As part of the adoption, the council has designated all streets in the borough as consent streets meaning that no street trading can take place anywhere in the borough without the council's consent.
- 2.3** There is no statutory responsibility on the council to adopt a policy but it is considered good practice because it clearly sets out the council's approach to local street trading regulation and provides guidance to licence holders, prospective licence holders and Members.

## **3. Policy Review**

- 3.1** The council's current street trading policy was adopted and approved by Full Council on 22 February 2013 and came into effect on 1 April 2013.
- 3.2** The current policy approach is to deal with every application on its merits without being overly prescriptive.
- 3.3** A review of the current policy was undertaken by officers - from licensing, built environment, business partnership and the development task force – and it is proposed that the broad policy approach be changed to one that is much more prescriptive in nature, primarily to:
  - a) prevent the obstruction of the streets by street trading activities;
  - b) sustain established shopkeepers in the town;
  - c) maintain the quality of the townscape and add value to the town;
  - d) encourage inward investment;
  - e) promote quality markets; and
  - f) promote more consistent decision making.
- 3.4** Members will note that the new policy seeks to define appropriate locations for street trading mainly in the town centre. These locations are associated with a range of permitted goods that can be sold or offered for sale. The locations and permitted goods will be kept under regular review – in consultation with Urban Design, Conservation, business partnership and Development Task Force - to ensure that street trading activity does not conflict with the retail offer and investment but also to ensure it does not detract from the investment and improvement to the

town centre.

#### 4. New Policy Proposal

4.1 The proposed new policy identifies a number of locations deemed suitable for different types of street trading in the town. These locations have been identified as suitable and appropriate for the reasons mentioned above but particularly to:

- a) prevent the obstruction of the streets by street trading activities;
- b) sustain established shopkeepers in the town;
- c) maintain the quality of the townscape and add value to the town.

4.2 A copy of the proposed policy is attached at **Appendix 2**.

#### 5. Alternative options considered

5.1 Cabinet can resolve not to approve the amended policy and stay with the existing policy. This is not a recommended course of action for the reasons set out in this report.

#### 6. Consultation and feedback

6.1 Consultation was undertaken between July and September this year. Consultees were:

- a) Existing consent holders
- b) The Licensing Committee
- c) Parish Councils
- d) Director of Environmental & Regulatory Services
- e) Cheltenham Development Taskforce
- f) Gloucestershire Highways
- g) Head of Planning
- h) Head of Public Protection
- i) Urban Design Manager
- j) Conservation & Heritage Manager
- k) Cheltenham Chamber of Commerce
- l) Chief Officer of Police
- m) Cheltenham Borough Council - Environmental Health
- n) The residents of Cheltenham

6.2 A breakdown of consultation feedback and officer response is attached at **Appendix 3**.

<b>Report author</b>	<b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 26 4217</b>
<b>Appendices</b>	1. Risk Assessment 2. Draft Amended Policy
<b>Background information</b>	1. Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 2. Policy on Measures to Control Street Scene Activities in Cheltenham (approved by Full Council on 22/02/2013)

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 draft policy is not adopted, the Council risks not being able to effectively discharge its licensing function to regulate street trading.	Licensing & Business Support Team Leader		2	4	8	Accept	Approve consultation		Licensing & Business Support Team Leader	
<b>Explanatory notes</b> <b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) <b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) <b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close											

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**CHELTENHAM**  
BOROUGH COUNCIL

## Street Trading Licensing Policy



**All enquiries should be directed to:**

Licensing Section  
Municipal Offices  
Promenade  
CHELTENHAM  
GL50 9SA

Tel: 01242 775200  
E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
Website: [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing)

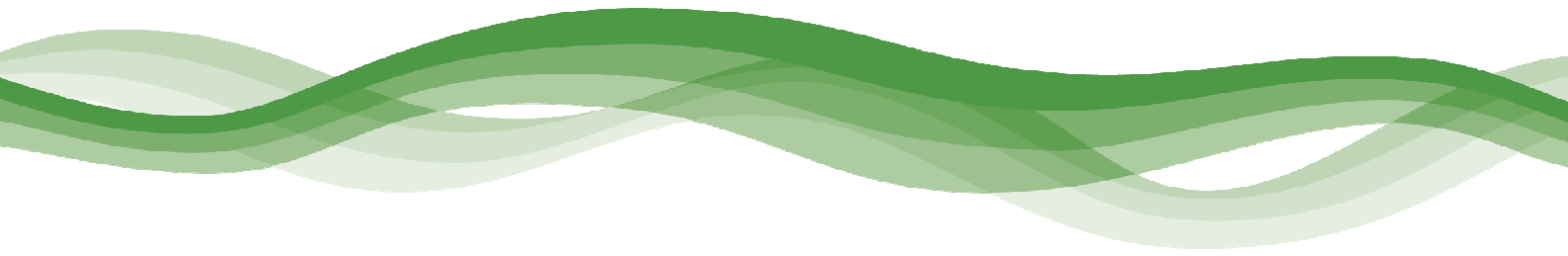
This Policy was approved on ...

# Index

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**Purpose of the Policy**  
**Review of the Policy**  
**Legislation & Designation of Streets**  
**Delegation of Functions**  
**The Licensing and Determination Process**  
**Renewals**  
**Transfers**  
**Markets**  
**Special Events**  
**Conditions**  
**Enforcement**

**Annex 1 – Permitted Locations**  
**Annex 2 - Standard Conditions**





## 1. Purpose of the Policy

This policy sets out Cheltenham Borough Council's ("the council") framework and approach for the management of street trading in the borough.

Through the street trading scheme the council aims to regulate:

1. the location of street traders;
2. the number of street traders; and
3. the types of goods to be sold or offered for sale.

The scheme also aims to:

1. prevent the obstruction of the streets by street trading activities;
2. sustain established shopkeepers in the town;
3. maintain the quality of the townscape and add value to the town;
4. encourage inward investment; and
5. promote quality markets.

In doing so, the council recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause public or statutory nuisance to the people in the area.

This policy will guide the council when it considers applications for street trading consents ("consent"). It will inform applicants of the criteria against which applications will be considered.

## 2. Review of the Policy

It is the intention that this policy will be reviewed every 3 years or more frequently should it be deemed necessary.

Notwithstanding the policy review cycle, the council will proactively review street trading in the consent streets to identify any new street trading opportunities.

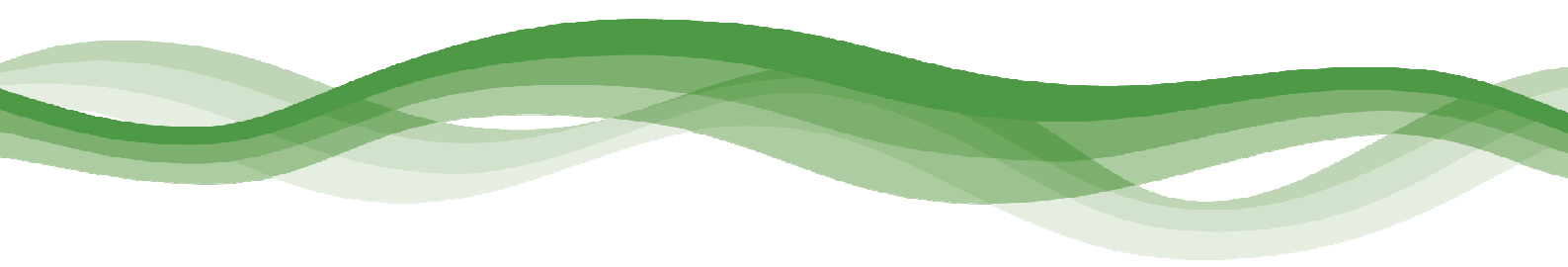
## 3. Legislation & Designation of Streets

The council has resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 ("Act") should apply in the borough. Under Schedule 4 of the Act the council can regulate street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

The council has designated the entire borough as consent streets. A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

It is a criminal offence to engage in street trading in a consent street without consent.

There are currently no licence streets or prohibited streets within the borough.



## 4. The Licensing and Determination Process

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

Applications can be made for:

1. a “Fixed Pitch” (see “Permitted Locations” below);
2. a “Roaming Consent” (Borough wide consent when a schedule of stops/streets is included with the application i.e. ice cream vans etc.)
3. A “Market” (see “Markets” below)

### 4.1 Permitted Locations

Consents are limited to the sites identified in **Annex 1**.

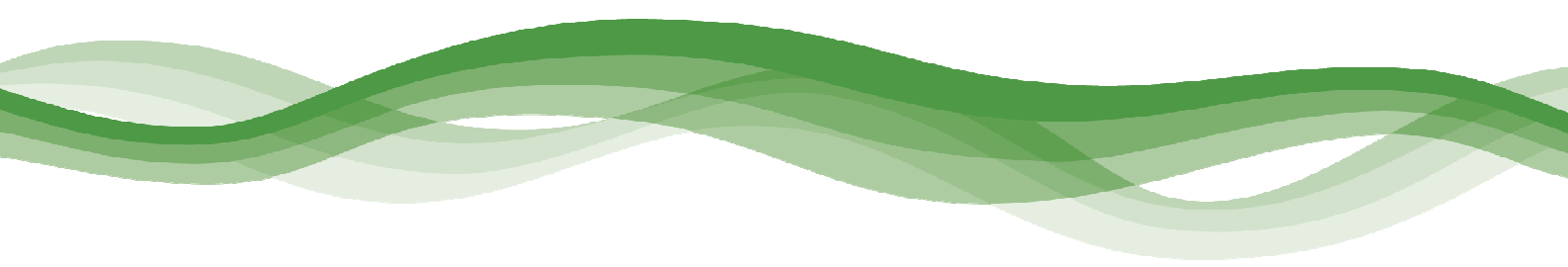
Sites can remain with the same person for a number of years. In the event of the consent being revoked, surrendered or if it lapses without being renewed, the council will invite new applications for the vacant site on its website. This might be at any time of the year.

If more than one application is received for any new or vacant pitch, the applications will be referred to the council’s licensing committee to consider the applications. The applications will be assessed against the council’s “criteria for assessment” (see **x**).

### 4.2 Assessment Criteria

In considering applications for the grant or renewal of a consent the following factors will be considered:

- **Needs of the Area** - The retail offer of each individual pitch. The goods complement and do not conflict with the goods sold by other retailers (including other street traders) within vicinity. This criterion permits the council to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The council does however recognise that the surrounding retail offer is subject to change therefore it will apply this criterion to applications for new or renewal applications.
- **Public Nuisance** – Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public or properties in the vicinity from noise, misbehaviour, emissions, smells etc.
- **Public Safety** – Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable scale, style and of appropriate materials. It should also be designed to be fully accessible for all customers and advertising material must be



limited to the name of the stall, the type of product sold and a simple price list and be professionally designed and printed. The council will generally not permit trading units over 3 meters tall to avoid obstruction of sight.

- **Environmental Credentials** - The impact of the proposed operation on the local environment including street surfaces, tree pits & materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers.

## 5. Renewals

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

Consent holders should re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent. As a matter of convenience, the council will send renewal reminders to consent holders. However, the council is clear that it remains the consent holder's responsibility to ensure that their consent is renewed in time.

If, without reasonable excuse, a renewal application is not made before the expiry of the current consent it will expire and the pitch will become available. A new application must be submitted in accordance with the procedure set out above ("[Application for Consent – Permitted Locations](#)").

The council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

Where a renewal application has been made and:

1. there have been no significant complaints or enforcement issues;
2. all fees have been paid on time; and
3. there has been no significant change to the retail environment in the vicinity of the trading location

the consent will normally be renewed.

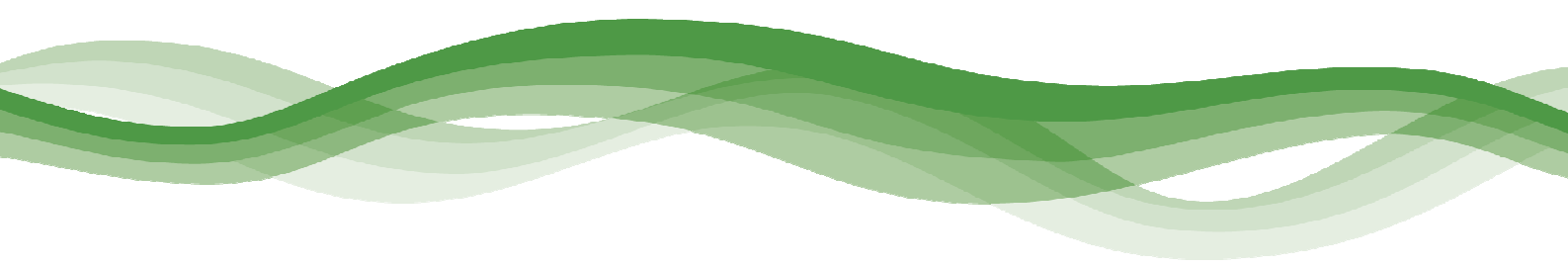
## 6. Transfers

An issued consent cannot be transferred or sold to another person. The sub-letting of a pitch is prohibited.

## 7. Markets

There are a number of regular markets in the borough that are privately operated. The council recognises the value of markets in that they positively enhance the enjoyment of the town as a tourist and leisure destination and add value for local residents.

The council is therefore supportive of high quality markets in the borough and would be inclined to be supportive of market applications of this type. The council has deemed the following locations appropriate for regular markets:



- Pedestrianised Promenade outside the front of Cavendish House.
- Entire length of the Long Gardens facing the outer Promenade.

## 8. Special Events

The council recognises that there may be times when consent may be sought otherwise than in accordance with the policy for special one-off events.

These may include, for example, one-off charitable or promotional events.

Applications of this type will be determined on a case-to-case basis taking into account the assessment criteria set out above.

## 9. Conditions

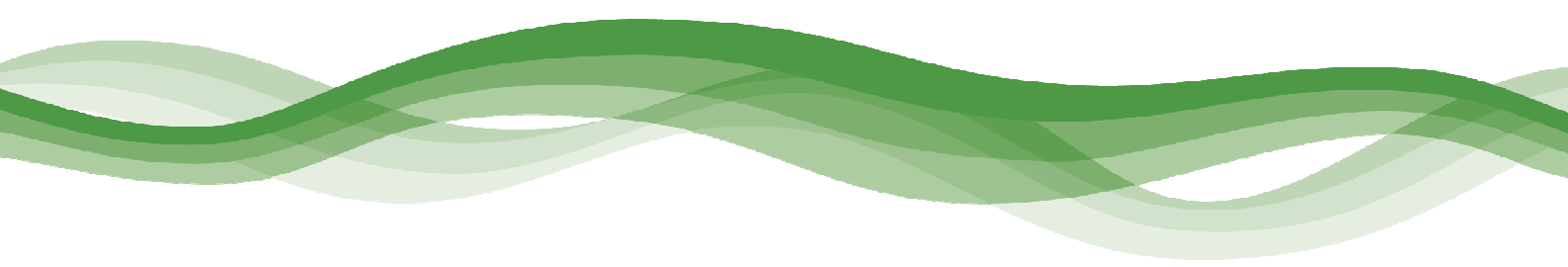
Consents are issued subject to the council's standard conditions. See **Annex 2** for the council's standard conditions.

In addition, the council can impose additional conditions where it is deemed appropriate.

## 10. Enforcement

The council has a responsibility to regulate street trading in the borough and is therefore committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies.

All enforcement action will be undertaken in accordance with the council's adopted enforcement policy.



**Annex 1 (Should be read in conjunction with the attached maps)**

Location	Permitted Trading
High Street 1 (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Flowers/plants</li> <li>Arts &amp; crafts</li> </ul>
High Street 2 (up to 3 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Hot food/drink</li> <li>Ice-cream</li> </ul>
High Street 3 (up to 3 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Hot food/drink</li> <li>Ice-cream</li> </ul>
High Street 4 (up to 3 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Confectionary/cakes</li> <li>Busking (when also selling merchandise)</li> <li>Signup services</li> </ul>
High Street 5* (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Signup Services</li> <li>Busking (when also selling merchandise)</li> </ul>
High Street 6* (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Signup Services</li> <li>Busking (when also selling merchandise)</li> </ul>
High Street 7 (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Flowers/plants</li> <li>Arts &amp; crafts</li> <li>Ice-cream</li> <li>Fruit &amp; Veg</li> </ul>
Promenade 1* (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Ice-cream</li> <li>Signup services</li> <li>Busking (when also selling merchandise)</li> <li>Arts &amp; crafts</li> <li>Flowers/plants</li> <li>Fruit &amp; veg</li> </ul>
Promenade 2* (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Ice-cream</li> <li>Signup services</li> <li>Busking (when also selling merchandise)</li> <li>Arts &amp; crafts</li> <li>Flowers/plants</li> <li>Fruit &amp; veg</li> </ul>
Promenade 3* (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Flowers</li> <li>Arts &amp; crafts</li> </ul>
Promenade 4* (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Ice-cream</li> <li>Busking (when also selling merchandise)</li> <li>Confectionary/cakes</li> <li>Signup Services</li> </ul>
Promenade 5* (up to 6 m <sup>2</sup> )	<ul style="list-style-type: none"> <li>Ice-cream</li> <li>Busking (when also selling merchandise)</li> <li>Hot drinks</li> </ul>

- Signup Services

\* Where the goods sold do not conflict with similar in the vicinity and in the case of Promenade 1 – 5 where no markets are operating in these locations.

## **Annex 2 – Standard Conditions**

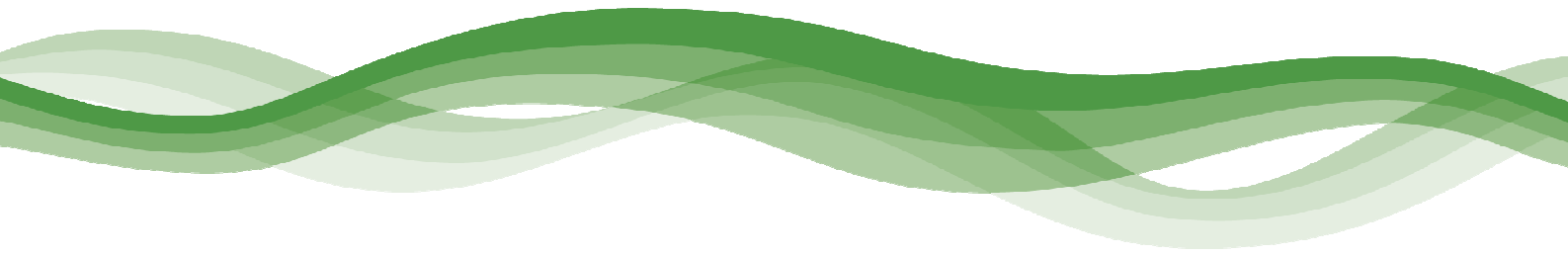
### **1. Definitions**

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

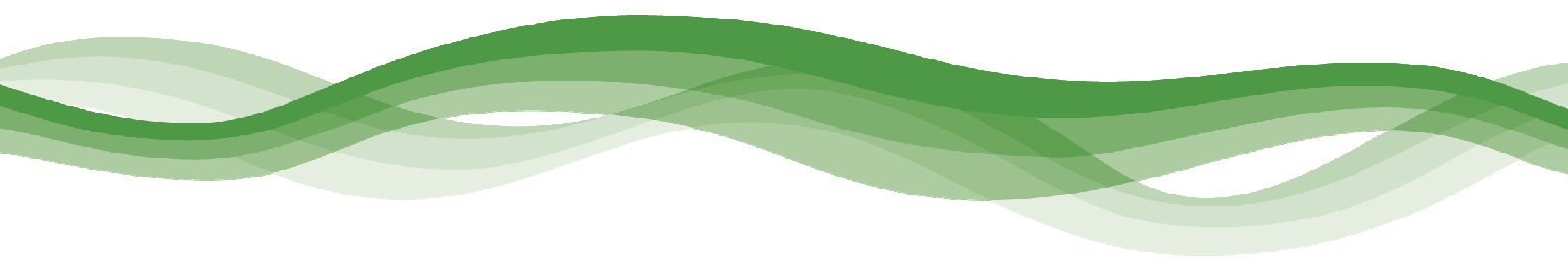
### **2. Obligations on the Consent holder**

- 2.1 Not to use the Site for any purpose other than that of the operation of the Unit.
- 2.2 Not to trade or operate the Unit in such a way as to cause obstruction of the street or danger or annoyance to persons using the street.
- 2.3 To adequately manage the street trading activity so as not to cause a statutory or public nuisance (from noise, fumes and odour, for example).
- 2.4 To ensure that the Unit is securely erected, is of such material and design, and so constructed and maintained that it is not liable to cause injury to any person present on the Site or otherwise.
- 2.5 To pay to the Council the cost of making good any damage which may be caused to the Site in consequence of the Consent Holder's operations thereon.
- 2.6 To keep the Site in a clean and tidy condition and to pay to the Council the cost of carrying out any works including cleansing of the highway that is required due to the Consent Holder's use of the Site.
- 2.7 The Consent Holder will be responsible for cleansing of the Site and ensuring that all refuse arising as a result of the activities of the Consent Holder shall be placed in suitable covered containers provided by the Consent Holder, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and disposed of in an approved manner on a daily basis.

- 2.8 To observe all statutory and other provisions and regulations for the time being in force which relate to the Consent Holder's use of the Site.
- 2.9 So far as is reasonable to ensure that patrons or customers of the Consent Holder conduct themselves in an orderly manner.
- 2.10 To ensure that the use and storage of liquefied petroleum gas complies with any relevant codes of practice.
- 2.11 The Consent Holder shall ensure that liquefied petroleum gas is not used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
- 2.12 The Consent Holder shall ensure that goods may not be of an inflammable, corrosive or otherwise dangerous nature.
- 2.13 The Consent Holder shall ensure that no mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that they do not present a danger to the public do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not cause any noise or fume nuisance.
- 2.14 The Consent Holder shall ensure that a competent person installs all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturer's instructions.
- 2.15 The Consent Holder shall ensure that no combustible materials are to be stored in the vicinity of a generator and suitable first aid fire fighting appliance(s) must be immediately available.
- 2.16 The Consent Holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
- 2.17 All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
- 2.18 All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported.
- 2.19 All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them, they must be fitted with rubber cable protecting mats.
- 2.20 To ensure that the dimensions and appearance of the Unit at all times accord with the details agreed by the Council upon the issue of this Consent.
- 2.21 To maintain the Unit in a clean and tidy condition.



- 2.22 To indemnify the Council from all claims, damages and costs in respect of all accidents, damage and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act, neglect or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000.
- 2.23 At all times while trading to display in a conspicuous position on the Unit the street trading permit issued by the Council.
- 2.24 To forthwith inform the Council in writing of the details of any change in the operation or staffing of the Unit (including changes in details of Nominated Assistants) or the sale or transfer of the Consent Holder's business to another party.
- 2.25 The Consent Holder(s) shall notify the Council's Licensing Section within 72 hours of any convictions or proceedings arising out of the use or enjoyment of the Consent.
- 2.26 The Council may revoke or suspend this Consent at any time in the event of:
- The breach by the Consent Holder, their servants or agents (included Nominated Assistants) of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or
  - Work being carried out in, under or over the highway on which the Unit is located; or
  - A change in Council Policy which necessitates termination of this Consent; or
  - Circumstances outside the Council's control which necessitate termination of this Consent forthwith.
- 2.27 The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.





### **SPECIAL CONDITIONS FOR MOBILE ICE CREAM TRADERS**

Trading prohibited in the following streets or parts of streets:

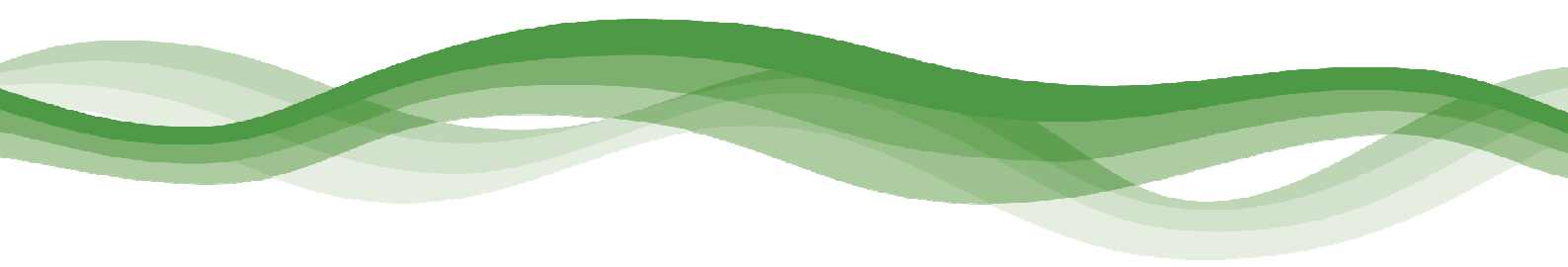
- a) High Street (from Sandford Park entrance to Townsend Street)
- b) Promenade (from High Street to Montpellier Walk)
- c) Clarence Street
- d) North Street
- e) Pittville Street
- f) Regent Street
- g) Rodney Road
- h) Winchcombe Street (from High Street to Warwick Place)
- i) Imperial Square
- j) Montpellier Walk
- k) Montpellier Street
- l) Warden Hill Road (within 100 metres of frontage to Bournside School), both sides of the road in any direction, during the period half an hour before school opening to 1 hour after closing during school terms).
- m) Loweswater Road (from the junction with Alma Road to the junction with Langdale Road during the above period and times).
- n) Evesham Road and roads adjacent to Pittville Park.

2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition 1) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.

3. The consent holder shall not, without the prior permission of the Council, trade in any particular location for more than 30 minutes at any one time and shall not return to that particular location, or any position in the immediate vicinity thereof (which expression shall be as interpreted by the Council), within 2 hours of leaving it.

4. The consent holder shall comply with all traffic regulations, rules, orders and directions which apply to the public highways on which he trades.

5. The consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or any modification or re-enactment thereof.



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### Appendix 3 - Consultation Feedback and Officer Response

Feedback	Officer Response
<p>Document in relation to the Councils review of Street Trading policies Dated 30th August 2015</p> <p>To Whom it may concern.</p> <p>This letter is regarding the prohibiting of ice cream vans from operating in or near Pittville park. For several years I have been asking the council to relax this law to allow me to operate my ice cream van on a road near the park, earlier this year I attended a committee meeting where this topic was discussed. It was agreed by the committee that I must remain unable to trade near Pittville park.</p> <p>I am willing to stick by the committees decision but what I am unhappy with is the policy surrounding private events. I'm not 100% sure why ice cream vans are not allowed to trade near the park but I can only imagine it has something to do with the councils interest in the cafe within the park who also sell ice creams. But what I am asking now is to simply allow my ice cream van to trade in the park when I am invited to attend a private event.</p> <p>Every year large, family orientated events are held in the park. There are no limits to the type of traders until it comes to ice cream vans. As a Cheltonian I attend all the events as a parent from the Nation Play Day to Paws In The Park, at these events you will find burger vans, coffee vendors, sweet sellers, doughnut sellers and many, many more. I just find it very hard to accept that all these traders (most of which are from outside of the county) are allowed to attend the event where I, who over the years have contributed tens of thousands of pounds to the town in licence fees is not allowed to be there due to some ancient policy. I also</p>	<p>The nature of the response is not relevant to the general policy review because it raises specific issues that have previously been dealt with by the licensing committee. In addition, officers have responded to the individual issues raised by the respondent.</p> <p>As a general policy point, officers have not proposed to vary the "Special Conditions for Mobile Ice Cream Traders" prohibiting trading by mobile ice cream traders in a number of locations including certain roads surrounding public parks.</p> <p>Reasons for this relates to problems associated with access, parking restrictions, public safety and obstruction.</p>

<p>find it difficult to accept this as we attend lots of events all over the county without any restrictions including events in Montpelier Park and Gloucester Park. If I am right in assuming ice cream vans are not permitted to operate in the park because the cafe sells ice creams then why are coffee vendors and hot snack sellers allowed in the park? Also these events are held near the Pump Rooms which is a 1KM round trip to the cafe which a long distance when you have small children and pushchairs. I am not writing this letter to reignite my attempt to trade in or near the park all summer long, all I am asking is that I am permitted to attend these events with the same rights as all the other food and non-food traders. I have been in contact with the organisers of these events and they have said they are happy for me to attend as we are a well known company who bring joy to all the people of Cheltenham.</p> <p>I would appreciate a reply to this letter and an explanation to why this policy exists, why are these coffee and snack sellers allowed to attend events in Pittville Park when I am not.</p>	
<p>Thank you for your letter 18 June 2015 Your Ref 15/STA/Policy. (Consultation on revised street trading policy)</p> <p>Could you please include this letter in the above Consultation.</p> <p>I respectfully ask that I am left in the same position outside M&amp;S where I have traded at for the last 23 Years.</p> <p>The reasons are that the Seating Plan has changed in the High Street and there is a safe space outside the entrance to M&amp;S by the lamppost where I trade. My age next year will be 66 and as I carry money around my waist I feel safe there as there is CCTV at this point on the wall of M&amp;S and my cart can be viewed from three visual topographic points.</p>	<p>Officers agree and have included the additional location on the plans.</p>

<p>At this stage I am not sure how many more years I can trade but have much enjoyed my seasonal licence.</p>	
<p>Concerning the Draft document on Street trading ,speaking as a busker I think the description of 'Busking (when also selling merchandise)' a bit misleading ,at the risk of being pedantic I'd say 'selling merchandise when Busking' is more accurate because it's the selling you are trying to regulate.</p> <p>Sticking with the 'Busking (when also selling merchandise)' it does imply the two are interconnected which is true with busking musicians selling CD's. This argument some Councils accept. Liverpool, York and soon Bath through 'good practice guide on busking' allow buskers to sell CD's as long they have a notice stating "In order to comply with Street Trading Legislation these CDs are not being offered for sale, any contribution you make is voluntary and your discretion, suggested contribution... £xx".</p> <p>Gloucester in its Busking Code of Conduct allows Buskers to sell CD's as long as it's a fairly small display. In the good practice guide the key point being that the merchandise is part of the act and by way of compromise the busker is taking the risk of people taking Cds for nothing.</p> <p>The Keep Streets Live which has support from the Musicians Union general advice to Busking Musicians is to have a sign saying "Cds available ,suggested donation £xx" wherever they play as opposed to having a blatant display of priced CDs.</p> <p>I apologise for the length of this email which hopefully gives some understanding from a busking point of view.</p> <p>The response was supplemented with a petition calling on the council to "Allow buskers to have a small display of CDs with a sign stating "CDs available suggested donation £x""</p>	<p>On the initial point of the phrasing of the policy, the policy seeks to make a distinction between the activity of busking (which does not require a licence per se) and the selling of merchandise (which does require a street trading consent). For this reasons officers are not suggesting a rewording.</p> <p>Regarding the point raised about a suggested donation as an alternative approach, officers are of the view that this will not contravene street trading licensing requirements and will be permissible.</p> <p>Officers will update the current buskers' code of practice to clarify to this effect.</p>

At the licensing committee on 4<sup>th</sup> September 2015 the Committee ratified their comments of the previous committee meeting (31<sup>st</sup> July 2015), shown below, as an accurate reflection of their response to the consultation, with the following additional comment: That the committee was concerned about the amount of prescription of the products to be sold in the various locations, whilst recognising the general need to avoid the sale of certain products where these locations were unsuitable.

#### 4. Committee's Response

##### 4.1 Permitted Locations (para 4.1)

Members of the Licensing Committee felt that the proposal to have a limited number of prescribed locations in the town centre where trading will be allowed, thereby prohibiting street trading in any other location in the town centre, is far too restrictive. Whilst the Committee did not disagree with the proposal for having a number of pre-approved locations (listed in Annex 1 of the draft policy), Members felt that the Committee should retain the ability to determine applications on a case-by-case basis where they are not in an approved location.

Members felt that this power should be explicitly expressed in the Policy so that when the Committee approves such an application they will not be doing so in contravention of the Policy. The Committee felt strongly that the proposal to have prescribed, limited locations in the town centre should be referred to as *guidelines* to which the Committee should have regard when making its decisions, without it being a prescribed policy position.

The policy cannot fetter the council's discretion and applications for street trading consent for locations not approved can still be made and must still be determined. In these cases, officers will refer applications to the committee in accordance with the scheme of delegation.

Officers do not consider this to be necessary as the relevant powers and delegation is already set out in the council's constitution.

The prescriptive nature of the policy is intentional to meet the policy's stated objectives. To lessen the nature of the policy to merely "guidelines" would in officer's view fundamentally undermine the policy and its intended objectives:

1. prevent the obstruction of the streets by street trading activities;
2. sustain established shopkeepers in the town;
3. maintain the quality of the townscape and add value to the town;

<p>In terms of the locations proposed in Annex 1 of the draft policy, Members felt that the sites shown are suitable but said that another location should be included, that being the site outside Marks and Spencer on the High Street (currently and in previous years occupied on a seasonal basis by a static ice cream trader).</p> <p>In terms of “security of tenure”, members proposed the adoption of a 3 year street trading consent (subject to the ability for the Committee to review where necessary), however it has been clarified that the law permits a maximum 12 months for the duration of a street trading consent.</p> <p><b>4.2 Special Conditions for Mobile Ice Cream Traders (Annex 2)</b></p> <p>The current and proposed policies both prohibit trading by mobile ice cream traders in the following locations:</p> <ol style="list-style-type: none"> <li>1. a) High Street (from Sandford Park entrance to Townsend Street)</li> <li>b) Promenade (from High Street to Montpellier Walk)</li> <li>c) Clarence Street</li> <li>d) North Street</li> <li>e) Pittville Street</li> <li>f) Regent Street</li> <li>g) Rodney Road</li> <li>h) Winchcombe Street (from High Street to Warwick Place)</li> </ol>	<ol style="list-style-type: none"> <li>4. encourage inward investment; and</li> <li>5. promote quality markets.</li> </ol> <p>Officer will commit to an annual review of the locations and will include representation from members of the licensing committee.</p> <p>See comments above. Additional site will be included.</p>
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<p>i) Imperial Square j) Montpellier Walk k) Montpellier Street l) Warden Hill Road (within 100 metres of frontage to Bournside School), both sides of the road in any direction, except in the lay- by opposite to number 89, during the period half an hour before school opening to 1 hour after closing during school terms). m) Loweswater Road (from the junction with Alma Road to the junction with Langdale Road during the above period and times). n) Evesham Road and roads adjacent to Pittville Park. 2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition 1) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.</p> <p>Members of the Licensing Committee expressed a desire for this list of prohibited locations to be reviewed to ensure that they are still appropriate.</p> <p>In terms of location (l), Warden Hill Road, Members felt that the section “except in the lay-by opposite to number 89” should be removed because trading is not appropriate in that location due to the heavy traffic and the proximity of the school.</p> <p>In terms of the prohibition of trading within 75 metres of gates of all schools, Members felt that consideration should be given to increasing this prohibition to 200 metres.</p>	<p>Officers consider the “Special Conditions for Mobile Ice Cream Traders” to still be fit for purpose but have committed to a more comprehensive review on 2016.</p> <p>Officers agree with this recommendation.</p> <p>Officers consider this to be too excessive and, in some areas, impractical.</p>
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<p>Please find as follows Environmental Protection's comments on the proposed policy:</p> <ol style="list-style-type: none"> <li>1. We remain supportive of the principles of the policy and welcome the consistency it gives</li> <li>2. Section 1: purpose – reference to 'nuisance and annoyance' – recommend this wording is changed to 'public or statutory nuisance', unless licensing are able to regulate against 'annoyances'?</li> <li>3. Section 4: the licensing and determination process – from a customer perspective, it may be useful to mention the role of consultees and what they would be commenting on or looking for in an application. 4.1 only states that the licensing committee will assess applications against the council's criteria for assessment. In systems thinking terms, we are more likely to get 'clean' applications if we set out the requirements of each consultee as well as committee</li> <li>4. Para 4.2, second bullet point 'Public Nuisance' – we would have worded this para differently if it only applied to EP assessment of public nuisance, but we understand this in relation to the licensing committee's assessment of it? For example – EP would deal with 'misbehaviour' as ASB not public nuisance. The other examples of emissions and smells are also more likely to give rise to statutory rather than public nuisance.</li> <li>5. Para 4.2 Public nuisance – as an applicant or a complainant or Member, it would be useful to know what you mean by 'a substantial risk of nuisance' and how the cumulative impact of these applications will be assessed</li> <li>6. There is no reference to statutory nuisance but this is covered in comment 3 above. Noise from a loudspeaker in a street is more likely to be a stat nuisance than a public nuisance for example.</li> <li>7. Para 4.2 third bullet point – public safety – would be useful to</li> </ol>	<p>Agreed and policy amended accordingly.</p> <p>The criteria for assessment are set out in the policy and will be reflected in amended guidance notes in an appropriate manner.</p> <p>Noted.</p> <p>The intention is that the likelihood of a "substantial risk of nuisance" will be assessed through consultation and be based on a case to case basis taking into account the individual merits of an application and drawing on the knowledge, assessment and experience of consultees.</p> <p>See response above.</p> <p>See comment to point 5 above.</p>
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<p>expand on what is meant by ‘substantial risk to the public’. If the ‘unhygienic conditions’ is supposed to relate to food safety, - please can you change the wording accordingly. It would be for useful to know how licensing assess this please, or maybe this is something we can work on together.</p>	
<p>8. Para 4.2 last bullet point – environmental credentials – great to see this in the policy as sustainability should be a key consideration of all commercial enterprises/operations – as long as such schemes do not have the potential to give rise to a nuisance. We understand the council does not have a sustainability officer at the moment so it would be good to know who has the expertise to assess against this criteria in the interim. If we can be of help in this respect, do let us know.</p>	<p>Noted.</p>
<p>9. Section 5, renewals – ‘the council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints’ – for our information, please can you advise who else would be consulted and what, if any, impact this would have on an EP representation</p>	<p>This will be determined on a case to case basis taking into account the relevant matters and information.</p>
<p>10. Also section 5 – ‘where a renewal application has bene made and: 1) there have been no significant complaints or enforcement issues’ – please expand or define what is meant by ‘significant’ for example do you mean a certain number of complaints or enforcement issues, or substantiated ones or ones that you or LC would consider to be the most serious?</p>	<p>See comment above.</p>
<p>11. Section 7 markets – please be aware that although ‘the council...would be inclined to be supportive of market applications of this type’ – in the world of EP, the usual considerations re nuisance and pollution would still apply</p>	<p>Noted.</p>
<p>12. Annex 2 standard conditions – 2.3 – we would prefer this wording please ‘To adequately manage the street trading activity so as not to cause a statutory or public nuisance (from noise, fumes and odour, for example).</p>	<p>Agreed and policy amended accordingly.</p>
<p>13. Annex 2, para 2.13 – please advise who in the council gives this</p>	<p>This will form part of the application and therefore also the consultation.</p>

<p>express permission for the use of generators? We note there is reference to fumes and noise in this clause, which indicates the 'permission giver' would need to liaise with EP.</p> <p>14. Special conditions for ice cream traders – the 1984 CoP was revised in 2013 so these conditions should match the revised CoP please and reference should be to the current version</p> <p>15. Food safety – where the application relates to a food vendor, the Licensing Officer or committee could use the national food hygiene ratings website to ensure a high standard of food hygiene through street trading consents, if this is appropriate. A rating of 3 or above means the business is broadly compliant with food safety and hygiene legislation.</p>	<p>Any issues identified will be considered as part of the consultation process and taken into account in the street trading determination.</p> <p>Agreed and policy amended accordingly.</p> <p>Noted.</p>
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**CHEL TENHAM**  
BOROUGH COUNCIL

Environment and Regulatory Services  
Municipal Offices  
Promenade, Cheltenham, Gloucestershire  
Tel: 01242 264328 Fax: 01242 264328

PROJECT  
Street Trading Policy  
TITLE  
Sheet 2 High Street  
CLIENT  
CBC Licensing

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Environment and Regulatory Services  
Municipal Offices  
Promenade, Cheltenham, Gloucestershire  
Tel: 01242 264328 Fax: 01242 264328

PROJECT  
Street Trading Policy  
TITLE  
Sheet 3 High Street  
CLIENT  
CBC Licensing


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<div> <b>CHEL TENHAM</b> BOROUGH COUNCIL Environment and Regulatory Services Municipal Offices Promenade, Cheltenham, Gloucestershire Tel: 01242 264328 Fax: 01242 264328</div>			
PROJECT Street Trading Licenses			
TITLE Sheet 4 Promenade			
CLIENT CBC Licensing			
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BOROUGH COUNCIL

Environment and Regulatory Services  
Municipal Offices  
Promenade, Cheltenham, Gloucestershire  
Tel: 01242 264328 Fax: 01242 264328

PROJECT  
Street Trading Policy

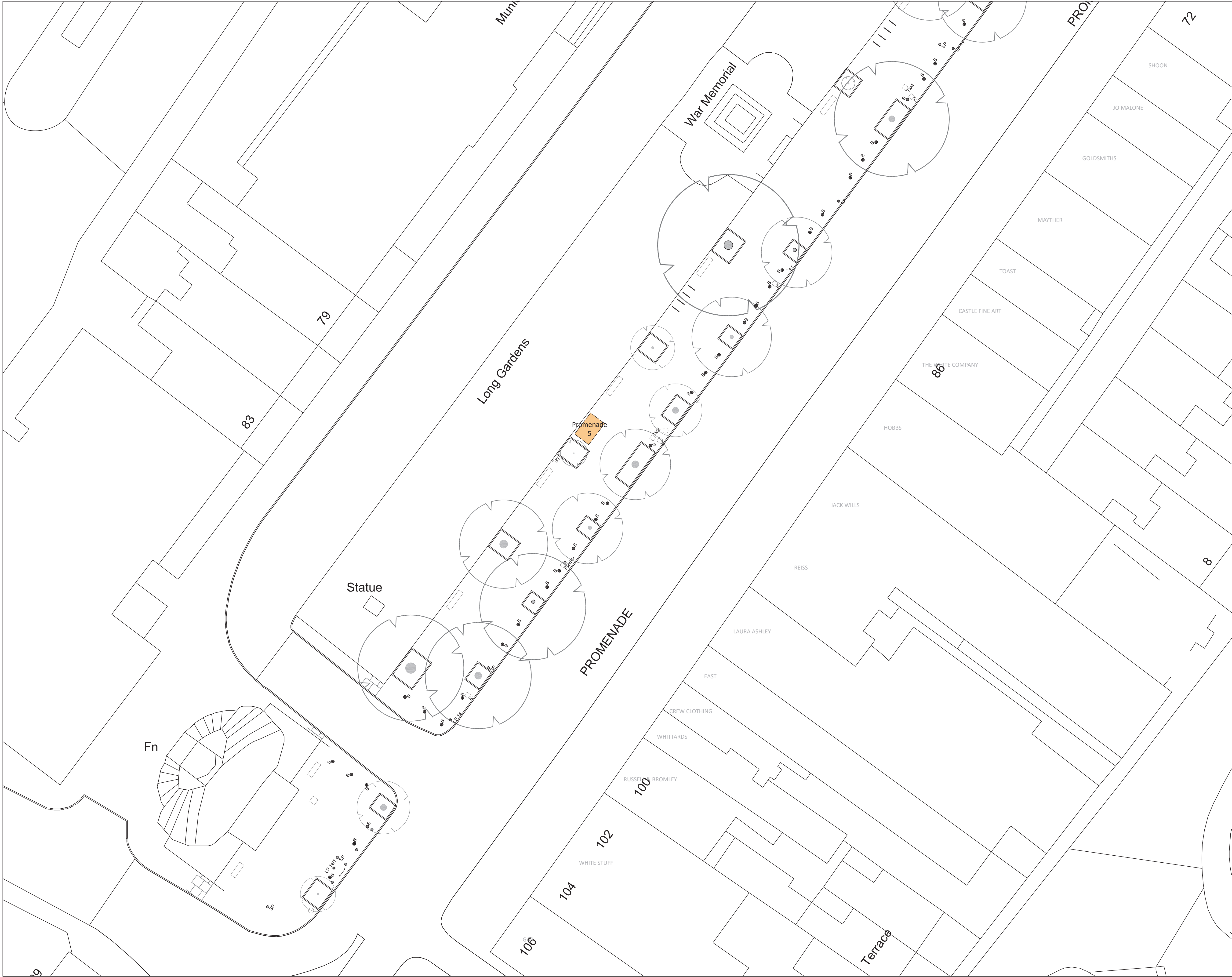
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Sheet 5 Promenade

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BOROUGH COUNCIL

Environment and Regulatory Services

Municipal Offices

Promenade, Cheltenham, Gloucestershire

Tel: 01242 264328 Fax: 01242 264328

PROJECT

Street Trading Policy

TITLE

Sheet 6 Promenade

CLIENT

CBC Licensing

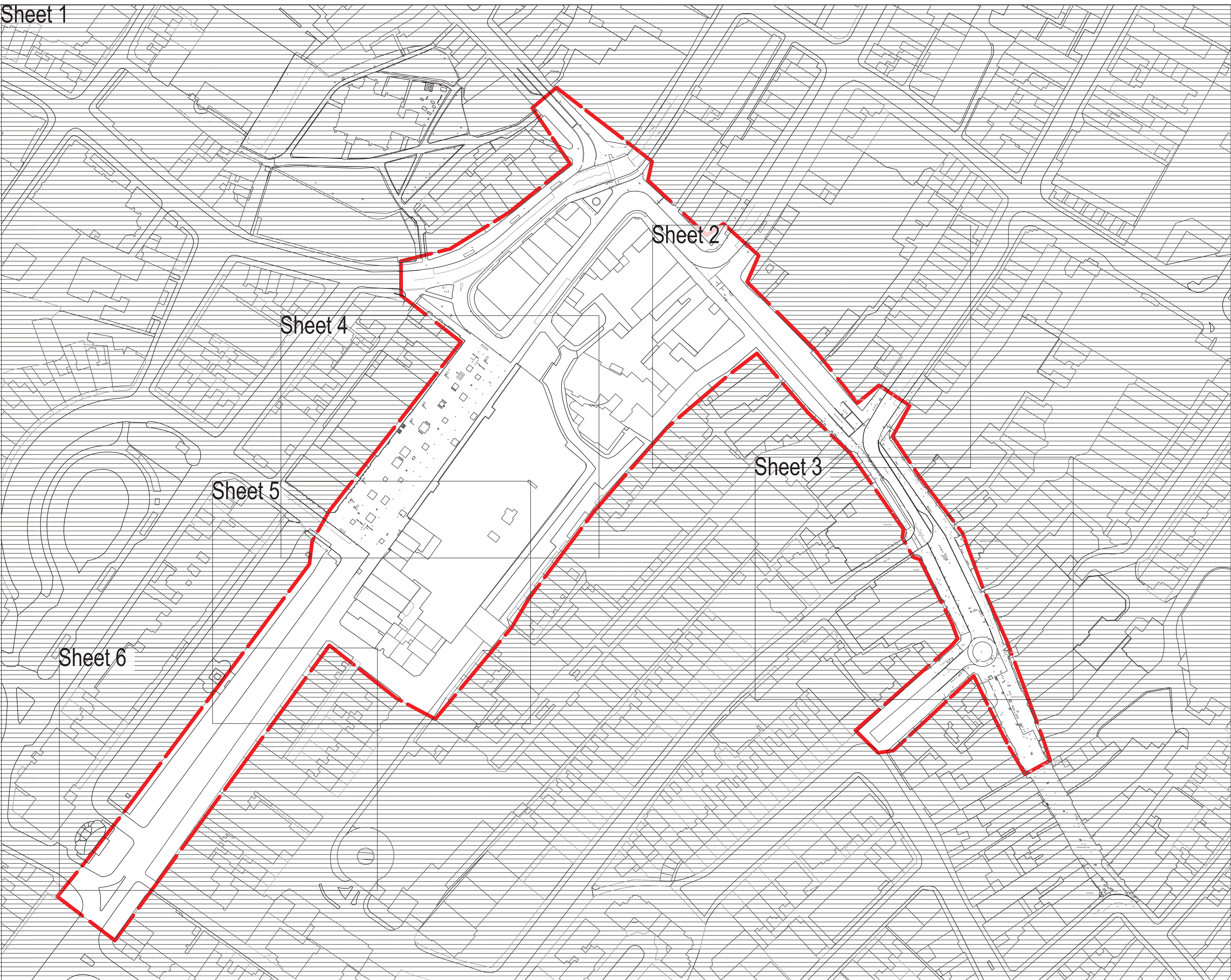
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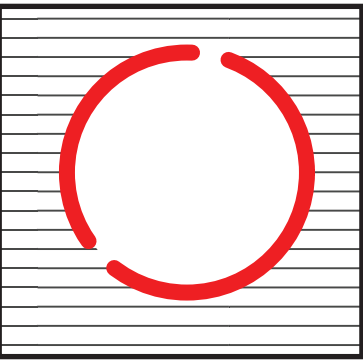


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zone of street trading policy control

refer to individual sheets to see supported street trading pitches

rev.	date	description	by



**CHEL TENHAM**  
BOROUGH COUNCIL

Environment and Regulatory Services  
Municipal Offices  
Promenade, Cheltenham, Gloucestershire  
Tel: 01242 264328 Fax: 01242 264328

PROJECT	Street Trading Policy
TITLE	Sheet Key Plan
CLIENT	CBC Licensing

scale	status
date	
drawing number	revision
CBC_E&RS_T_28_P_01	



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