



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Cabinet

Tuesday, 12 January 2016
6.00 pm
Pittville Room - Municipal Offices

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

Agenda

	SECTION 1 : PROCEDURAL MATTERS	
1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Minutes of the meetings held on 8 and 15 December 2015	(Pages 3 - 12)
4.	PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
	SECTION 2 :THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
5.	OVERVIEW AND SCRUTINY COMMITTEE, WALKING AND CYCLING TASK GROUP - CABINET RESPONSE	(Pages 13 - 26)

		Report of the Cabinet Member Development and Safety	
6.		CHELTENHAM BUSINESS IMPROVEMENT DISTRICT - IMPACTS ON THE COUNCIL Report of the Leader	(Pages 27 - 38)
7.		PUBLIC NOTICE ASSOCIATED WITH PROPOSED LEASE OF LAND AND BUILDINGS AT ST MARKS PLAYING FIELD, OFF BROOKLYN ROAD CHELTENHAM. Report of the Cabinet Member Finance	(Pages 39 - 46)
8.		REVISED NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION-CBC RESPONSE Report of the Leader- TO FOLLOW	
		SECTION 6 : BRIEFING SESSION <ul style="list-style-type: none"> • Leader and Cabinet Members 	
9.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	

Contact Officer: Rosalind Reeves, Democratic Services Manager, 01242 774937
Email: democratic.services@cheltenham.gov.uk

Cabinet

Tuesday, 8th December, 2015

6.00 - 6.20 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety), Jon Walklett (Cabinet Member Corporate Services) and Chris Coleman (Cabinet Member Clean and Green Environment)
Also in attendance:	Andrew North, Peter Lewis, Rosalind Reeves and Councillor Matt Babbage

Minutes

1. APOLOGIES

Apologies were received from Councillor Rowena Hay.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 10 November 2015 were approved and signed as a correct record subject to the following amendment requested by the Cabinet Member Development and Safety.

The minutes read that condition 5.8.3 is requested to be:

“No current licenced home boarders have children under 7 in their household”

This is a statement taken from 2.30 of the report. As a condition this statement would not be enforceable.

The intention was that the proposed condition for 5.8.3: was to read

“No home where there are children under 7 years of age will be licensed”

This condition would be enforceable.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

None received.

5. HOUSING REVENUE ACCOUNT NEW BUILD - SWINDON ROAD SITE

The Cabinet Member Housing, Councillor Peter Jeffries, introduced the report. He explained that in March 2015 the Cabinet resolved that the Authority seek bids from contractors to build new homes on the redevelopment of the site at the corner of Swindon Road/Brunswick Street. Following a recent procurement exercise this report was now seeking approval to enter into a JCT Design and Build Contract with J Harper and Sons with Total Scheme Costs not to exceed £1,439,500. The scheme will deliver ten new homes which would be available for rent and provide affordable housing. He thanked Cheltenham Borough Homes for the excellent consultation they had carried out with stakeholders and

the community.

Other Members welcomed this development on a former brown field site and felt it emphasised the commitment of the council to providing affordable housing and would benefit the local environment and community.

RESOLVED THAT

- 1. Subject to subsequent Council approval, the Authority be authorised to accept the tender received from J Harper and Sons and enter into a JCT Design and Build Contract for the construction of ten new dwellings with Total Scheme Costs not to exceed £1,439,500.**
- 2. Authority be delegated to the Head of Property and Asset Management, in consultation with the Borough Solicitor to:**
 - i) Conclude the JCT Design and Build contract with J Harper and Sons**
 - ii) Take all necessary steps and undertake all necessary procedures, including entering into any legal agreements or other documentation as may be required to implement or facilitate the developments**
- 3. The Authority be authorised to charge Affordable Rents to all ten dwellings at 80% of Market Rents.**

It be recommended to Council to:

- 4. Authorise the allocation of up to £1,439,500 for the construction of ten new dwellings.**
- 5. Note that the total scheme costs of £1,439,500 (broken down in further detail in exempt appendix 3) will be funded by circa £430k of RTB receipts with the balance funded by the most appropriate combination of the other funding streams noted within the report – this decision being delegated to the Section 151 Officer in accordance with Financial Rules B7 and B8.**
- 6. Approve the Authority sourcing loan finance of up to £1.0m from the Public Works Loan Board to be used for the construction of ten new dwellings.**

6. TREASURY MID-TERM REPORT 2015/16

The Cabinet Member Finance, Councillor John Rawson introduced the report. The Treasury Management Strategy for 2015/16 had been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009 (revised 2011), which includes the requirement for determining a treasury strategy on the likely

financing and investment activity for the forthcoming financial year. The Code also recommends that members are informed of Treasury Management activities at least twice a year. This report therefore ensured the authority has adopted the code and complies with its requirements.

The Cabinet Member concluded it was a very satisfactory report and was very helpful to the council in formulating a balanced budget. He highlighted that the council was expected to exceed estimated investment income in 2015/6 which was an excellent result and he congratulated the Treasury Management Team.

RESOLVED THAT the contents of the summary report of the treasury management activity during the first six months of 2015/16 be noted.

7. BRIEFING FROM CABINET MEMBERS

The following Cabinet Member Decisions had been taken since the last meeting. Full details were available on the council's website.

17 November – Appropriation of sites from cemetery to general use – Cabinet Member Clean and Green Environment

17 November – A contract with Mears Homes Improvement Ltd for the supply of minor disabled adaptations

19 November – Appointment of Mr John Hays to the post of Commercial Director with Ubico - Leader

7 December - Rehousing of Syrian Refugees - Cabinet Member Housing

3 December – Changes to the Articles of Association for Gloucestershire Airport Board

The Cabinet Member Development and Safety was pleased to announce a recent successful prosecution for fly tipping. He congratulated the staff involved and hoped it would provide a warning to people that the council would not tolerate these type of offences and was prepared to take legal action against offenders.

The Cabinet Member Corporate Services advised that a facility would shortly be introduced which would allow Members to access exempt papers and papers for other working group meetings on their iPads. This would continue to reduce the amount of paper copies printed.

The Cabinet Member Finance highlighted the War Memorial restoration project which he thought was an excellent example of the council working with stakeholders and local people. A meeting had been held to discuss a number of events that might take place at the conclusion of the project which would be organised by local groups.

The Leader updated Members on the progress made in strengthening the Gloucestershire Airport Board by recruiting two additional non-Executive Directors. Their appointment would be confirmed at a meeting of the

appointments panel and it was anticipated that they would take the chair and vice-chair positions on the board. In preparation for this change he had taken the decision referred to above.

Similarly the Leader had taken a decision relating to Ubico which would allow the management team to expand to support the expansion of the service to other councils.

The Cabinet Member Housing was pleased to report on the decision he had taken regarding Syrian Refugees and the provision of certain properties owned by the council to be used over the next 5 years to rehouse Syrian refugees. The first family to be housed was expected before Christmas.

8. CABINET MEMBER DECISIONS TAKEN SINCE THE LAST MEETING

The following Cabinet Member Decisions had been taken since the last meeting. Full details were available on the council's website.

17 November – Appropriation of sites from cemetery to general use – Cabinet Member Clean and Green Environment

17 November – A contract with Mears Homes Improvement Ltd for the supply of minor disabled adaptations

19 November – Appointment of Mr John Hays to the post of Commercial Director with Ubico - Leader

7 December - Rehousing of Syrian Refugees - Cabinet Member Housing

3 December – Changes to the Articles of Association for Gloucestershire Airport Board

Chairman

Cabinet

**Tuesday, 15th December, 2015
6.00 - 6.30 pm**

Attendees	
Councillors:	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)

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 8 December would be considered at the January 2016 meeting of Cabinet.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

There were none.

5. GLOUCESTER, CHELTENHAM AND TEWKESBURY JCS - BUDGET REQUEST FOR 2016/17

The Leader of the Council introduced the report which had been circulated with the agenda. He explained that due to the extended period of the examination of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the extensive additional evidence and legal advice to support the process the budget implications for each of the JCS authorities had been revised for the period 2016/17.

He went on to explain that the JCS authorities had, since 2008 provided an annual contribution per authority of £60 000. Section 2 of the report set out the detail of the request for a total contribution of £195 000 (i.e. £135 000 per Council in addition to the £60 000) per JCS authority for the financial year 2016/17.

The Leader added that the report identified the continuing resource needs of work to deliver a Community Infrastructure levy (CIL) and ways in which management and set up costs could be claimed back.

The Cabinet Member Finance added that this was a cost that the council had to pay. The work on CIL represented an opportunity to generate income in future

but should alternative funding options for the shared CIL post be unavailable further budgetary provision would be required.

The Cabinet Member Development and Safety emphasised that the delays in the examination of the JCS was not of the council's making but it was important that a sound and solid document was finalised to take the council forward.

Finally, the Leader added that Gloucester and Tewkesbury councils were concluding a similar arrangement.

RESOLVED THAT

- 1. the recommendation of the JCS Cross Boundary Programme Board for inclusion within the 2016/17 budget of a total of £195,000 (£60,000 + £135,000) to complete delivery of the JCS examination and its adoption be endorsed.**
- 2. the Director of Planning be tasked to investigate options for a management fund facilitated through S106 and CIL and how alternative funds may support a shared officer resource.**

6. GENERAL FUND REVENUE AND CAPITAL-INTERIM BUDGET PROPOSALS 2016/17 FOR CONSULTATION

The Cabinet Member Finance introduced the report which set out the Cabinet's interim budget proposals for 2016/17 for consultation. He explained that the financial situation was now alarming. Between 2009-10 and 2015-16 there had been a 12 % decrease in net budget in actual cash terms which equated to 30 % in real terms. Revenue Support Grant and business rates would have reduced by a half if projected to 2016/17. Whilst the council had struggled to deal with this level of cuts the New Homes Bonus had helped to address the situation as it had increased gradually since its introduction. However, it was now under threat as the government was seeking to reduce the length of payments from six to four years, in part to make savings from the grant which would go towards social care costs.

The Cabinet Member Finance reported that under the government's provisional financial settlement for local authorities the council faced a further cut in its revenue support grant with a 74% grant reduction over the next two years (from £2,110,000 to just £544,000).

The Cabinet Member Finance explained that the council's Medium Term Financial Strategy (MTFS) identified £735k of efficiency savings in 16/17 and a further £657k over the following three years by sharing more services with neighbouring authorities. However, in these current circumstances the council tax freeze could no longer be maintained and an increase of just under 2% was proposed which equated to £190.84 per year for a band D property. Similar council tax increases were being proposed by other local authorities across the county. The Cabinet Member said that there would be no increase in car parking charges or to the garden waste service and no cuts to frontline services.

In terms of savings in the coming year, these had been identified as £150k from the restructure of senior management, £231k from the reduction in the management fee paid to the Cheltenham Trust, £63k from new income generated from the advertising and sponsorship contract, £97k from the vehicle operating lease at Ubico and £100k from the impact of the purchase of Delta House.

The Cabinet Member wished to highlight a number of important projects which the council was undertaking including the Pittville Play Area, the new crematoria and in terms of economic development support for Business Improvement Districts and strength for the planning service. He said that further work on the budget would continue in January and a five week consultation period would commence seeking the views of the public. This included an online questionnaire, consultation with the voluntary sector, the business community and Parish Councils and a public forum would be held on 14 January.

Finally, the Cabinet Member wished to put on record his thanks to officers for drafting the interim budget proposals. He gave special thanks to the Director Resources for the support he had given him personally as Cabinet Member, the S151 Officer and his deputies for their intelligence, skill and ingenuity in compiling the Medium Term Financial Strategy and the Executive Board for their input to the budget which maintained the current level of services.

A question was raised with regard to the Ubico vehicle replacement. It was clarified that this figure related to the Cheltenham share of the Ubico replacement fleet. Officers were working closely with Cheltenham to look for a strategy of whole vehicle fleet replacement rather than on an ad hoc basis.

The Leader wished to put on record his thanks to the Cabinet Member Finance for his valuable contribution. He reminded Members that the consultation process would run until 20 January with the budget proposals being considered by Cabinet and Council in February 2016.

RESOLVED THAT

- 1. the interim budget proposals be approved for consultation including a proposed council tax for the services provided by Cheltenham Borough Council of £190.84 for the year 2016/17 (an increase of 1.99% or £3.72 a year for a Band D property).**
- 2. the growth proposals be approved, including one off initiatives at Appendix 3, for consultation.**
- 3. the proposed capital programme at Appendix 6 be approved, as outlined in Section 7.**
- 4. authority be delegated to the Section 151 Officer, in consultation with the Cabinet Member for Finance, to determine and approve any additional material that may be needed to support the presentation of the interim budget proposals for consultation.**
- 5. consultation responses be sought by 20 January 2016.**

- 6. It be recommended to Council that the Government's recent changes to Housing Benefit, set out in section 5, should not be incorporated into the local council tax support scheme.**

7. HOUSING REVENUE ACCOUNT REVENUE AND CAPITAL-REVISED BUDGET 2015/16 AND INTERIM BUDGET PROPOSALS 2016/17 FOR CONSULTATION

The Cabinet Member Finance introduced the report which summarised the Housing Revenue Account revised forecast for 2015/16 and the Cabinet's interim budget proposals for 2016/17 for consultation. He explained that in July the Chancellor had announced that rents in social housing would be reduced by 1 % a year for four years. Whilst this was good news for tenants there was an estimated loss of rental income of £6.7m in the period to March 2020. On the assumption that the Government would revert back to rent increases of CPI +1% in April 2020, the cumulative loss of income over 30 years was estimated at £111m. This would produce a very significant reduction in the previously anticipated surpluses that were forecast in the long term HRA business plan and therefore CBH was faced with a significant challenge to produce a revised business plan that maintained service levels and retained viability.

The Cabinet Member reported that the initial review of the HRA Business Plan had been guided by the following minimum targets :

- Maintaining the recommended contingent balance of £1.5m in HRA reserves
- Allocating sufficient resources to maintain the decent homes standard throughout the stock
- Delivering the windows and doors improvement programme at a pace consistent with value for money
- Ensuring that resources continue to be available to deliver the existing new build programme
- Ensuring the continuation of key service improvements to the disabled, the elderly, young people, employment initiatives and enhanced benefit and money advice

The Cabinet Member explained that these represented considerable achievements but if in four years time the Government insisted that rents should not rise again there would be problems with regard to the viability of the HRA account and the level of service provided to tenants. The HRA draft budget proposals would now be subject to consultation until 29 January.

Steve Slater, Finance Director CBH, was invited to address Cabinet. He said it was a challenging time for the HRA but the plan was to continue the investment in new build and existing housing stock and to continue providing those value added services to the benefit of tenants. He expressed caution with regard to 2020 if the Government decided not to revert to rent increases of CPI +1% and said the business plan would have to be re-examined and plans would be put in place in advance to address these issues.

The Cabinet Member Finance wished to put on record his thanks to CBH and colleagues in CBC who had worked together on the draft HRA budget proposals.

The Cabinet Member Housing welcomed the continuing priorities of CBH in view of the impact of the changes in Government Housing and Welfare Policy. He was however very concerned about future changes. These draft budget proposals were however positive in view of the very difficult circumstances.

RESOLVED THAT

- 7. the revised HRA forecast for 2015/16 be noted.**
- 8. the interim HRA budget proposals for 2016/17 (Appendix 2) be approved for consultation including a proposed rent decrease of 1% and changes to other rents and charges as detailed at Appendix 5.**
- 9. the proposed HRA capital programme for 2016/17 as shown at Appendix 3 be approved.**
- 10. authority be delegated to the Section 151 Officer, in consultation with the Cabinet Member for Finance, to determine and approve any additional material that may be needed to support the presentation of the interim budget proposals for consultation.**
- 11. consultation responses be sought by 29 January 2016.**

8. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Finance referred to the Government consultation on changes to the New Homes Bonus. Further details would be received in the coming days but he wished to assure Members that the council would be making strong representations.

9. CABINET MEMBER DECISIONS TAKEN SINCE THE LAST MEETING OF CABINET

The Cabinet Member Finance reported that he had taken a decision on Individual Framework Contracts for Reactive Maintenance of domestic and non-domestic properties owned by Cheltenham Borough Council.

Chairman

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Cheltenham Borough Council

Cabinet – 12 January 2016

Overview and Scrutiny Committee, Walking and Cycling Task Group - Cabinet Member Response

Accountable member	Cabinet Member Development and Safety, Councillor Andrew McKinley
Accountable officer	Wilf Tomaney (Townscape Manager)
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	In November 2015, Cabinet received the report from the Overview and Scrutiny Committee into its considerations on Walking and Cycling within the Borough. It contained 12 recommendations. This report sets out the Cabinet Member's (Development and Safety) response to the recommendations.
Recommendations	<ol style="list-style-type: none"> 1. That Cabinet endorses the direction of travel in the Walking and Cycling Task Group's recommendations and agrees the Cabinet Responses identified at Appendix 2. 2. That, in respect of the responses at Appendix 2: <ol style="list-style-type: none"> 2.1. a Delivery Programme is submitted to Cabinet in Summer 2016, the Programme to identify resource and budgetary implications and a timeline for implementation. 2.2. implementation can commence in advance of the Delivery Programme where the impact of a recommendation is consistent with current work-streams and policies and is deliverable within existing staff and budgetary resources; 2.3. implementation can commence in advance of the Delivery Programme in respect of the cycling and walking champion; and 2.4. implementation can commence in advance of the Delivery Programme in respect of the Cheltenham Cycling and Walking Advisory Group – terms of reference at Appendix 3.
Financial implications	<p>None directly arising from this report. The budgetary implications of the report to be submitted to Cabinet in Summer 2016 will need to be considered as part of the budget for 2017/18.</p> <p>Contact officer: Nina Philippidis, nina.philippidis@cheltenham.gov.uk, 01242 264121</p>

Legal implications	Legal implications will be considered as part of the detailed development of the recommendations e.g. planning policy formulation. It is important to note that some of the proposed actions, such as setting new speed limits, will require due process to be undertaken by the County Council as highway authority. Contact officer: peter.lewis@tewkesbury.gov.uk, 01684 272012
HR implications (including learning and organisational development)	None directly arising from this report. Contact officer: Julie.mccarthy@cheltenham.gov.uk 01242 264355
Key risks	See Risk Assessment
Corporate and community plan Implications	<ul style="list-style-type: none"> Cheltenham's environmental quality and heritage is protected, maintained and enhanced; People live in strong, safe and healthy communities. We will work to promote healthy lifestyles across all communities in Cheltenham.
Environmental and climate change implications	Walking and Cycling can make a significant contribution to reducing the impact of carbon from traffic. A strategy to increase levels of walking and cycling will contribute to initiatives aimed at addressing climate change and contribute to air quality strategy objectives.
Property/Asset Implications	No direct implications currently identified from his report. Contact officer: David Roberts@cheltenham.gov.uk

1. Background

- 1.1. A Cycling & Walking Scrutiny Task Group was initiated in September 2014 in order to identify opportunities for improving provision for cycling and walking in Cheltenham and to make recommendations which would facilitate these improvements. It reported to Overview and Scrutiny Committee in October and Cabinet received its recommendations in November. This report sets out the Cabinet Member Development and Safety's response to the recommendations. The recommendations are summarised at Appendix 2, with a Cabinet Member response to each.

2. Reasons for recommendations

- 2.1. The value of walking and cycling in a compact urban area such as Cheltenham is acknowledged - both modes can make a valuable contribution to addressing climate change, tackling air pollution, easing traffic flows and promoting healthy lifestyles.
- 2.2. The direction of travel in the Task Group's recommendations is endorsed. It is suggested that recommendations are addressed through a Delivery Programme, to be submitted to Cabinet in Summer 2016. The Delivery Programme will identify resource and budgetary implications and a timeline for implementation.
- 2.3. Nevertheless, a number of the recommendations can be delivered immediately and need not wait for the Delivery Programme. This will apply in the following circumstances:
 - a. where the impact of the recommendation is consistent with current work-streams and

policies and is deliverable within existing staff or budgetary resources;

- b. in respect of the cycling and walking champion; and
- c. in respect of the cycling and walking group – a suggested terms of reference is at App 3.

3. Responsibility and staffing

- 3.1. As discussed, many of the recommendations need additional work to establish a more accurate assessment of timescale, delivery options, funding requirements and staffing implications. The responsibilities fall predominantly within the Director of Planning's area, where there is already a heavy workload. Some recommendations will require input from The Cheltenham Trust, other Borough Council divisions, the County Council or others.
- 3.2. The Planning Directorate has 1 FTE post aimed at delivering transport related work - currently 0.4 of that post is committed to Shopmobility; leaving 0.6 of the post available for transport projects. However, Cabinet has requested Shopmobility enter a commissioning process and this may free the remainder of the post for transport work including cycling and walking. This should greatly assist in work on a programme and on delivery.
- 3.3. Additionally, many of the likely outputs from the recommendations will coincide with the objectives and rationale of various projects on which the Directorate is working – particularly design-related Cheltenham Development Task Force projects, policy-related Cheltenham Plan, transport projects and ad hoc improvements to infrastructure associated with planning applications.

4. Budgets

- 4.1. Currently there is no specific budget for cycling or walking projects and there is no specific allocation in the 2016-17 budget. As mentioned, there are funded projects on-going which are delivering cycling and walking benefits – particularly CDTF projects and a variety of County Council projects which Borough officers are supporting. Additionally, a £5,000 street maintenance budget is available for street benches and cycle stand provision as well as repair of street-nameplates – though each year this is largely committed to reactive work.
- 4.2. In order to deliver some of the work recommended in the Task Group report, it seems likely that a small base budget provision would be beneficial. It would give the Council leverage in partner projects, enable it to bid for match funding or allow an increase in small scale projects. When the Delivery Programme is presented to Cabinet in the summer 2016, it will give a clearer indication of what level of additional budgetary provision would be appropriate and this could form the basis of a future funding bid.

5. Alternative options considered

- 5.1. None

6. Consultation and feedback

- 6.1. The Overview and Scrutiny Task Group included a wide range of stakeholders.

7. Performance management –monitoring and review

- 7.1. Monitoring and review criteria will form part of the delivery programme.

Report author	Contact officer: Wilf Tomaney, wilf.tomaney@cheltenham.gov.uk, 01242 264145
Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Cabinet Member response to Task Group recommendations.3. Draft Terms of Reference and Membership for Cheltenham Cycling and Walking Advisory Group
Background information	<ol style="list-style-type: none">1. Overview and Scrutiny Committee 26 October 2015

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 opportunities are not taken to address the issues raised by the O&S Task Group, then active travel initiatives will be more difficult to implement to the detriment of air quality and healthy lifestyles.	Wilf Tomaney	12 Jan 2016	3	4	12	Reduce	Prepare delivery programme as recommended; implement with immediate effect where recommendation is consistent with policy, work streams and resourcing.	Sept 2016	WT	Divisional
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Overview & Scrutiny Task Group Report		Suggested Cabinet Response
Recommendation	Commentary	
<p>Rec 1: Identify opportunities for improving cycle route permeability and cycle parking in areas outside the town centre.</p>	<p>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.</p>	<p>Agree</p> <ul style="list-style-type: none"> • An exercise to identify route opportunities could be undertaken using existing staff resources; the CTCC “wish-list” would be a good starting point. • Cabinet endorsement would then establish a basis for seeking implementation on an ad hoc basis through a variety of projects. • Implementation could be via: <ul style="list-style-type: none"> ○ CBC funded projects (e.g. task force, parks, townscape projects) ○ support for projects funded by other bodies (e.g. GCC Highways, railway station) ○ planning applications (S106, CIL, integrated design as part of applications) ○ bids to external bodies
<p>Rec 1a: An equivalent exercise should be undertaken for walking</p>	<p>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.</p>	<p>Agree</p> <ul style="list-style-type: none"> • Route identification is not as advanced for walking as it is for cycling and the lobby group less active locally. • An exercise to identify route opportunities could be undertaken using existing staff resources. • Cabinet endorsement would then establish a basis for seeking implementation on an ad hoc basis through a variety of projects. • Implementation could be via: <ul style="list-style-type: none"> ○ CBC funded projects (e.g. task force, parks, townscape projects) ○ support for projects funded by other bodies (e.g. GCC Highways, railway station) ○ planning applications (S106, CIL, integrated design as part of applications) ○ bids to external bodies

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<p>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.</p>	<p>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</p>	<p>Agree – subject to consultation on public appetite for 20mph zones.</p> <ul style="list-style-type: none"> • Council carried a motion at its 20th December 2015 meeting to “include provision for a consultation exercise in the 2016/17 corporate work plan to establish where there is appetite for 20 mile per hour limits in Cheltenham and that the Council use its best endeavours in conjunction with Gloucestershire County Council to work towards trials in suitable areas where public support exists.” • Ultimately a decision for the County Council. CBC would need to work with others to lobby for 20mph limits. • CBC will need to work with GCC to undertake further work to consider impacts, opportunities, extent of implementation etc. • Implementation would need broad based political and community consensus. • Timescale, budget and staff resource – unclear at present. Level of work required is dependent on level of support within GCC.
<p>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.</p>		<ul style="list-style-type: none"> • Agree. • Guard rail removal and street declutter is an integral element in the design considerations for most street based projects (task force, GCC maintenance, GCC capital and safety schemes). <p>This work is being considered as a low-cost, quick win through CDTF projects where funding is available</p>
<p>Rec 4: Benches should be strategically positioned along routes to allow people to rest – on inclines, at attractive viewpoints, at nodal points on the street and transport network (bus stops in particular</p>	<p>Benches are an important part of any walking strategy, for elderly and disabled people in particular. They need to be well maintained and comfortable.</p>	<p>Agree.</p> <ul style="list-style-type: none"> • A small budget exists for street bench repair, but is shared amongst other functions and focussed on repair. It is insufficient to launch a proactive strategy.
<p>Rec 5: Cheltenham Borough Council should work with the Cheltenham Trust and Gloucestershire County Council to promote cycling and walking</p>	<ol style="list-style-type: none"> Images of cycling and walking in Cheltenham Borough Council and Cheltenham Trust promotional material should depict them as attractive and normal activities for everybody. The Cheltenham.gov.uk page: <i>Walking in Cheltenham</i> should be improved to promote walking within the 	<p>Agree.</p> <ul style="list-style-type: none"> • Need to agree approach on walking with the Trust, which currently holds information on leisure walking. Subject to agreement of input from Trust.

within Cheltenham, especially once Thinktravel loses its LSTF funding in 2016.	borough. Cheltenham Borough Council should work with Cheltenham Trust to create maps of walking routes within the town.	
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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.

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

- 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.

The Cheltenham Plan will consider the inclusion of

Agree.

- Planning policy already aware and incorporating into relevant plans. Though there is no need to repeat the JCS hierarchy statement in the Cheltenham Plan
- Need to continue to raise awareness in development management and as part of projects. Some process adjustments already made.
- These are policy and project process issues and should not, in themselves have cost implications.

	separate walking and cycling policies	
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<p>Rec 7: A cycling and walking working group should be created to provide input into projects.</p>	<p>This could operate in a similar way to the access working group with Wilf Tomaney as the facilitator.</p>	<ul style="list-style-type: none"> • Agree. • Implement on a 6 monthly meeting cycle. • Composition as per O&S Task Group. • To act as advisory group only in respect of various projects as appropriate. • Cycle and Walking Champion (see below) to chair. • Governance arrangements subject to advice by Democratic Services. • Chair to be the cycling and walking champion.
<p>Rec 8: Cheltenham Borough Council should endorse the Gloucestershire County Council Cycling Strategy and draw up its own walking strategy.</p>	<p>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.</p>	<p>Agree</p> <ul style="list-style-type: none"> • Cycle Strategy – <ul style="list-style-type: none"> ○ CBC should consider endorsing the GCC cycling strategy, which the Task Group broadly su ○ Report required to Cabinet. • Walking strategy – <ul style="list-style-type: none"> ○ Likely to have benefits, but this would be a major piece of work. ○ Strategy preparation would need to cover routing plus a gamut of issues including joint working and corporate buy-in, health and others. ○ Insufficient staff resource or skills. Likely to require consultancy advice. ○ Report on feasibility required to Cabinet. ○

<p>Rec 9: Cheltenham Borough Council should select a cycling and walking champion from its members.</p>	<p>This member could represent CBC on the GCC Cycle Forum.</p>	<ul style="list-style-type: none"> • Agree – resolve to establish Cycling Champion. • A Member “champion” would drive the walking cycling agenda; report to cabinet; be available as a point of contact to consider project development.
<p>Rec 10: Cheltenham Borough Council should lead by example by devising and implementing its own green staff travel plan.</p>		<p>Agree</p> <ul style="list-style-type: none"> • Work in hand – completion date March 2016.
<p>Rec 11: Cheltenham Borough Council should consider the introduction of Car Free Sundays.</p>	<p>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"> • Agree to explore opportunities to implement car-free Sundays. • Officer report to Cabinet Member required. • An issue already being discussed by Cheltenham Business Partnership and Cheltenham Connect. • Champion could promote. • Needs GCC decision.
<p>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).</p>		<p>Agree.</p> <ul style="list-style-type: none"> • A cycle/walking champion would be helpful in promoting multi-disciplinary working within and organisations. Likely to affect planning, townscape, green space, property, CDT, car parks, touris

Cheltenham Cycling and Walking Advisory Group

Terms of reference and membership

The role of the group:

The group was established in January 2016 as a result of a recommendation to Cabinet from the cycling and walking scrutiny task group.

The role of the group is to provide a consultative and discussion forum who can advise on the cycling and walking aspects of various projects and initiatives that will affect the Cheltenham borough.

Membership:

Group Leaders will be invited to nominate a member from each group and a Member Champion as part of the selection process following elections every 2 years.

Other groups will have a fixed representation but organisations may choose who they send as their representative to any particular meeting.

- A member Champion from CBC who will chair the meeting
- One or more Cabinet Members from CBC
- Up to 2 additional non-Executive member of CBC
- Lead Officer from CBC
- An officer from Gloucestershire County Council Highways
- A representative from Cheltenham and Tewkesbury Cycle Campaign
- A representative from Walk 21
- A representative from Living Streets
- Ad hoc advisors who may be invited depending on the nature of the project being discussed

Accountability:

The group is not decision making and has no budget and cannot make any commitments. As it was set up as a resolution from Cabinet it will be accountable to the Cabinet Member Development and Safety.

The Lead Officer from CBC will be responsible for administering the group and ensuring their feedback is documented and forwarded to lead project officers.

Notes of the meeting will be forwarded to its members and the Lead Cabinet Member.

Working methods / ways of working:

- The Group will normally meet 6 monthly but may call a special meeting if their input is required outside of those timescales

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- Members of the group will receive papers 1 week before the meeting and agendas will be organised by the Lead Officer who will also act as/provide a secretary for the meeting
- Minutes of the meeting will be kept and agreed by the chair and circulated to the members of the group
- Members may be contacted between meetings should the need arise
- From time to time individuals may be co-opted to provide specific advice and expertise
- The group may wish to set up sub-groups to work on specific issues
- Items can be raised by any member of the Group, any Council Member or officers of the Council.

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**Cheltenham Borough Council
Cabinet – 12th January 2016
Cheltenham Business Improvement District – Impacts on the
Council**

Accountable member	Councillor Steve Jordan - Leader
Accountable officer	Wilf Tomaney (Townscape Manager)
Ward(s) affected	Lansdown, St Paul's, All Saints, College
Key/Significant Decision	No
Executive summary	<p>The Cheltenham Business Partnership (CBP) has determined to support the introduction of a Business Improvement District (BID) in the town centre. A Shadow Bid Board has been established and is progressing towards a ballot of businesses in the affected area, currently scheduled for April 2016. Councillor Steve Jordan is the Council's representative on the Shadow BID Board.</p> <p>If the ballot is successful and the BID established, there will be financial and staff resource implications for the Council.</p> <p>This report is intended to seek Cabinet support for the process and outline the likely impact on the Council as a corporate body.</p>
Recommendations	<ol style="list-style-type: none"> 1. That the Cabinet supports the principle of a Business Improvement District (BID) in central Cheltenham 2. That the Cabinet delegates authority to make decisions in respect of the Council's obligations under the BID legislative process to the Managing Director Place and Economic Development in consultation with the Cabinet Member Development and Safety 3. That the Cabinet notes the current predicted financial shortfall in the BID process and requests officers identify a suitable solution to be reported to the Cabinet Member Development and Safety.

Financial implications	<p>A suitable solution to the financial shortfall for setting up the BID is to be identified to mitigate the Council's current exposure to risk.</p> <p>It is currently indicated that a loan of £35k will be received from the BID Loan Fund to contribute to the set-up costs. Should this not come to fruition the financial shortfall will increase significantly resulting in further exposure and putting the BID process at risk unless alternative funding can be sourced.</p> <p>As noted in the report, the Council has a base budget of £26,200 to part fund the Cheltenham Business Partnership. Consideration as to how this funding is used post-ballot will be required, particularly in light of the Council's annual contribution to the BID in the event of a positive outcome.</p> <p>The annual costs of managing the BID process have been considered and can be accommodated within a charge of 3% of annual BID levy income. This charge is deducted from the levy collected prior to being paid over to the BID company for delivering the BID outcomes.</p> <p>Contact officer: Nina Philippidis, nina.philippidis@cheltenham.gov.uk, 01242 264121</p>
Legal implications	<p>The legislative framework for BID areas is contained in the Part 4 of Local Government Act 2003, the Business Improvement Districts (England) Regulations 2004 (as amended) and, for property owner BIDs, the Business Rate Supplements Act 2009 and the Business Improvement Districts (Property Owners) (England) Regulations 2014 (BID legislation).</p> <p>As set out in the report, it is important to recognise the different roles and responsibilities of the local authority within this process, particularly the clear distinction of its role as a member of a larger BID Task Group, its role as the relevant local authority as set out in the BID legislation and the right to cast a bid in respect of its own hereditaments.</p> <p>A BID is a business led initiative and it is important for a legal entity to be in existence and ready to take responsibility for the BID area, if the BID Proposal is accepted and there is a successful ballot</p> <p>Contact officer: Shirin Wotherspoon, Shirin.Wotherspoon@tewkesbury.gov.uk , 01684 272017</p>
HR implications (including learning and organisational development)	<p>No direct HR implications arising from this report</p> <p>Contact officer: Julie McCarthy, Julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>That the Cheltenham Business Partnership budget – held by the Council- is in deficit at the conclusion of the project</p>
Corporate and community plan Implications	<ul style="list-style-type: none"> • Sustain and grow Cheltenham's economic and cultural vitality.
Environmental and climate change implications	<p>No implications arising directly from this report</p> <p>Contact officer: gill.morris@cheltenham.gov.uk</p>

<p>Property/Asset Implications</p>	<p>Some of the Councils assets are within the BID area. As a Business Rate payer, the Council will be eligible to vote in the BID Ballot – this will be a decision for the Cabinet Member Finance.</p> <p>Contact officer: David Roberts@cheltenham.gov.uk</p>
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1. Background

1.1. The Cheltenham Business Partnership is promoting the establishment of a Business Improvement District (BID) for the town centre (see plan at Appendix 2). A BID is an area where a levy is charged on all business rate payers in addition to the business rates bill; this levy is used to develop projects which will benefit businesses in the local area.

1.2. The Council has some responsibilities in respect of a BID, these are set out in the BID Regulations and in a Technical Note (attached at Appendix 3) and may be summarised as:

- a. Veto of BID Proposal- the Council will satisfy itself that all the details set out in the legislation has been provided before giving the go ahead to commence the ballot process; and
- b. Owner of Rateable property- The Council is also affected as a body in its own right, sitting within the BID area.

The aim of this report is to alert Cabinet to its responsibilities, agree a method by which they are discharged and, as far as is possible at the moment, identify the impacts. It does not seek an opinion on the BID proposals, which are being developed by the Shadow BID Board (see para 1.3); they are not yet published will be made in a separately submitted Business Plan.

1.3. The establishment of the BID in central Cheltenham is being promoted by the Cheltenham Business Partnership (CBP) – of which the Council is a funding partner with Councillor Steve Jordan and Andrew North sitting on the Board. The Partnership has established a Shadow BID Board to guide the process; Councillor Steve Jordan is a member along with representatives of local business drawn predominantly (though not exclusively) from the CBP board, including the Chief Executive of the Cheltenham Trust.

1.4. The Shadow BID board is required to prepare a Business Plan for the 5 year life of the BID. The Plan identifies the projects that the BID intends to implement and the levy rate that will be applied. The Plan is the critical element in the BID ballot. The Ballot is the method by which

businesses rate payers in the BID area approve or reject the establishment of the BID. The BID will be established if, through the ballot more than 50% of business rate payers voting are in favour and they represent more than 50% of the business rate value of those voting.

2. Reasons for recommendations

2.1. The establishment of a BID in the town centre is likely to have positive impacts for the town's economy. There are in excess of 200 BIDs already in existence, many are moving to a second term and others a third term. In other towns and cities, BIDs are used to both improve visitor and shopper experiences and support businesses. They run projects which are over and above Councils' day-to-day work in town centres and can often enhance Councils' economic development programmes. Whilst the Cheltenham Shadow BID Board is yet to finalise its business plan, projects funded by other BIDs include:

- Marketing and promoting town centres through high quality branding and sub-regional advertising campaigns through posters, train panels etc. – both Bath and Hereford BIDs have recently been promoting in Cheltenham.
- Town centre focussed events – Bath BID has a month-long food festival which attracts more than 100,000 visitors; Worcester BID runs a number of weekend-long festivals focussed variously on cars, chocolate and food & wine.
- Public realm improvements – a number of BIDs fund their own public realm work or provide additional street cleaning regimes.
- Town centre rangers – usually in distinctive jackets undertaking a range of functions including meeting and greeting tourists, offering information on-street to visitors and shoppers, undertaking town centre janitorial functions etc.
- Supporting businesses in a variety of ways, for example using collective bargaining power to negotiate preferential rates on waste collection.

The introduction of a BID is likely to increase businesses engagement in the day-to-day operation of the town, increase the amount of funding available to be spent in the town centre and provide the ability to better promote the town centre – both within the town and beyond.

The BID is likely to contribute positively to meeting the Council's economic development and

regeneration objectives. Early day research with town centre businesses suggests a significant level of support for a BID. Nevertheless there are costs to the Council.

Legislative Responsibilities

2.2. Both the Council and the BID proposer have responsibilities under the legislation.

The Role of the BID Proposer

2.3. The BID proposer is responsible for putting together a detailed business plan setting out the projects/initiatives that, following consultation, will be delivered by the BID Body on behalf of those businesses in the BID area. The business plan also includes financial and budgetary information. This BID proposal will be presented to the Managing Director Place and Economic Development who, in consultation with the Cabinet Member Development and Safety, will decide whether to accept the BID proposal in accordance with the relevant legislation.. The Shadow BID board would work with the Council to minimise the risk of the local authority exercising its veto because the proposal conflicts with existing policies or places a disproportionate burden on particular businesses as prescribed in the BID legislation.

The Role of the Council

2.4. The Department for Communities and Local Government (DCLG) has issued a document entitled 'Business Improvement District, Technical Guide for Local Authorities', which details the core roles and responsibilities that a local authority is required to undertake in relation to the development and management of a Business Improvement District. These include:-

- a) Being familiar with the BID legislation
- b) Provision of data from the Rate Listings
- c) Provision of a statement re Baseline Services
- d) Collection of the BID Levy
- e) Ensuring the BID Ballot is operated in line with the BID legislation

2.5. The Council needs to be satisfied that the submission from the BID proposer includes a copy of the BID proposal, details of the consultation undertaken, details of the finances and financial management. This is likely to be the BID Business plan, the document on which businesses will vote.

2.6. The Council will be liable for the payment of the BID levy for any property for which it pays

business rates and is in the BID area.

Financial Impact on the Council

- 2.7. The process of establishing the BID is largely being funded from the Cheltenham Business Partnership's budget. The budget is managed as a holding account by the Council on behalf of the CBP. It accrues funds through contributions by its members and any surplus is carried forward year-on-year. The Council is the largest contributor – about £26,000 annually, which amounts to about half of the anticipated annual income. It is anticipated that the budget will be supplemented by a loan from British Bids – a government funded body. The loan is repayable by the BID Board in the event of a positive ballot; if the ballot fails, repayment is not required. The maximum loan is £50,000. The Shadow Board applied for the full £50,000; informally there has been an indication that it will receive £35,000, though there is no formal confirmation at the time of report drafting.
- 2.8. The CBP budget is currently profiled for 2016-17 anticipating a contribution from the Council (£26,000), the receipt of the BID loan (£35,000) and the receipt of promised outstanding membership contributions (£9,000) but no further contributions from members in 2016-17 are guaranteed. If spend pre- and post-ballot is at predicted levels, the budget profile anticipates a surplus of £66,000 at the point of the Ballot. If the Ballot fails, following payments to consultants, the surplus will sit at about £40,000. If the Ballot succeeds, anticipated set up costs will take the CBP budget into a deficit anticipated at around £9,900 by the time the BID is established (about 3 months after the Ballot). Currently this shortfall is not funded and the shortfall will sit within the Council's budget. This might be considered a cash-flow problem for the process – in establishing the BID there are costs incurred prior to income being received from the Levy; the BID Board, when established, may reimburse the Council, but this is not guaranteed. However, there is at present no constituted organisation to agree this in advance - the BID Board does not exist; and neither the Shadow Board nor the CBP board have a legal ability to enter such an agreement. The risk of meeting the shortfall, therefore, currently sits with the Council.
- 2.9. Costs to the Council fall into two broad areas – the cost of discharging its legislative

BID is likely to raise around £400,000 annually.

2.13. Secondly, the future of the CBP beyond establishment of the BID is unclear, there is some discussion of it continuing, possibly in a different format, but this is far from certain at the moment and it may disband. Nevertheless, this could release the current allocation of £26,000 which is in the Council's base budget as a contribution to the CBP.

Impact on Staff

2.14. Work on the BID project is currently being undertaken by existing staff in Business Rates, Planning and Accountancy. Implementation of new computer software to run the Levy collection process in Business Rates is likely to be 4 to 6 weeks work for one member of staff. The impact of on-going collection arrangements is unclear and dependent on levels of non-payment; it is anticipated that once set up the collection system would be equivalent of 0.5- to 1-staff day per week. It is anticipated that all work will be undertaken within existing resources.

3. Alternative options considered

3.1. The decision to propose a BID was taken by the CBP; the BID should be business led and so a business/company which can take the BID forward without further funding from the Council would be an alternative option. If a BID proposal is presented to the Council it must determine it in accordance with the relevant legislative provisions.

4. Consultation and feedback

4.1. A sample of 100 businesses in the town centre was tested as part of an investigation stage in the process. More than 80% were in favour of establishing a BID.

5. Performance management –monitoring and review

5.1. The BID will report annually and is required to submit to a re-ballot every five years.

Report author	Contact officer: Wilf Tomaney, wilf.tomaney@cheltenham.gov.uk, 01242 264145
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. BID Ballot Boundary 3. Business Improvement Districts - Technical Note for Local Authorities DCLG March 2015
Background information	<ol style="list-style-type: none"> 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
	Any risks associated with equality impact										
	Any environmental risks										
	CBP holding budget is in deficit at the conclusion of the project	Wilf Tomaney-Townscape Manager	September 2015	3	5	15	Reduce	Seek supplementary funding to offset.	Summer 2016	Wilf Tomaney – Townscape Officer	Divisional

Explanatory notes

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

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

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

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Guidance

Types of risks could include the following:

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

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

Risk ref

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

Risk Description

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

Risk owner

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

Risk score

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

Control

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

Action

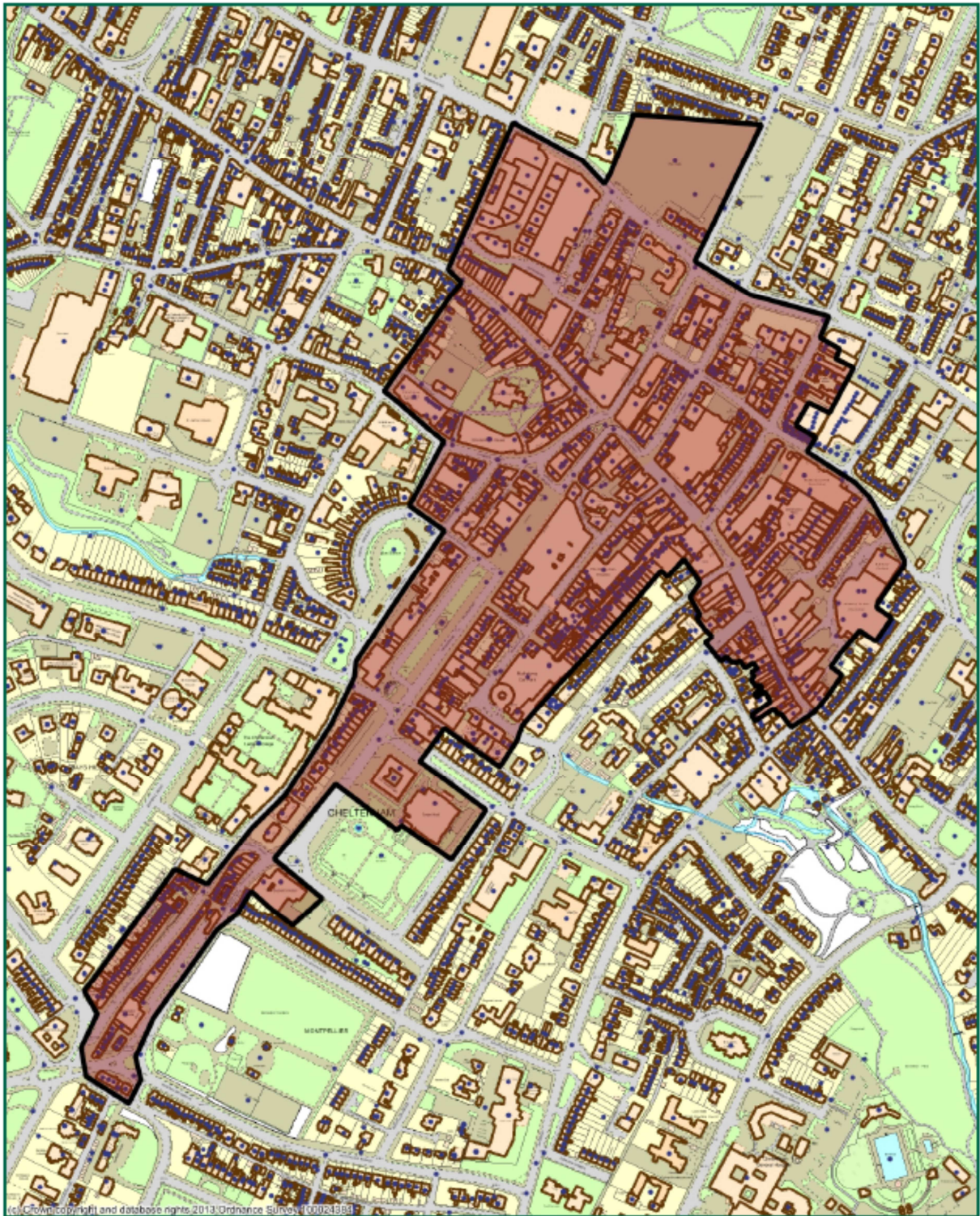
There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.
For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

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



BID Ballot Boundary FINAL

1:4000

30 September 2015



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Business Improvement Districts - Technical Note for Local Authorities
DCLG
March 2015

See

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415990/BIDs_Technical_Guidance.pdf

Cheltenham Borough Council

Cabinet

Disposal of Sports Pavilion and Playing Fields at King George V Playing Fields, Brooklyn Road, St Marks

Accountable member	Cabinet Member for Finance
Accountable officer	David Roberts (Head of Asset & Property Management)
Ward(s) affected	St Mark's
Key/Significant Decision	No
Executive summary	An offer has been made to the council to undertake renovation of a burned out and derelict sports pavilion at King George V Playing Field, Brooklyn Road, to provide a sporting facility for Rowanfield Rovers AFC: a youth sports club., in return for a 10 year lease of the pavilion and junior sports pitch. The land is identified as Open Space and has been advertised in accordance with S123(2A) Local Government Act 1972 (and it is confirmed that no objections to the disposal were received).
Recommendation	<p>That Cabinet Resolves:</p> <ol style="list-style-type: none"> 1. That, there having been no objections to the S123 notice inserting in the Public Notice section of the Gloucestershire Echo and published 29th October 2015 and 5th November 2015, Cabinet approves the leasehold disposal of the land and building shown edged red on the plan which accompanies this report
Financial implications	<p>A new rental stream of £3k pa will be received for 10 years as a result of this arrangement. The cost of repairing and maintaining the building for the duration of the lease will be borne by the tenant.</p> <p>Contact officer: nina.philippidis@cheltenham.gov.uk</p> <p>01242 264121</p>

Legal implications	<p>Section 123(2A) of the Local Government Act 1972 requires a local authority to advertise its intention to dispose of public open space by placing notice in the local paper for two consecutive weeks and consider any objections to the proposed disposals. The Notices were placed as set out in paragraph 1.6 and no objections were received.</p> <p>The Constitution requires that the decision to dispose of public open space (including leasehold disposals) is made by Cabinet.</p> <p>Contact officer: Rose Gemmell, rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
HR implications (including learning and organisational development)	<p>None arising from this report</p> <p>Contact officer: Julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>None, as there have not been any objections to the advertisement.</p> <p>There will not be any future building insurance risks as the property will sit on the Councils block policy.</p>
Corporate and community plan Implications	<p>Renovation and use of the site will encourage sporting activities for the youth in the local area..</p>
Environmental and climate change implications	
Property/Asset Implications	<p>As detailed within the report.</p> <p>The previous tenants occupied by means of a ground lease and erected the building themselves, unfortunately they did not take out any building insurance. As a result of a fire the tenants abandoned the property and as a consequence the property including the building has now become the responsibility of CBC.</p> <p>It is the intention that at the grant of the new lease that the building insurance cover will sit on the Councils block policy, and the premium recovered from the tenant. However should the tenant wish to arrange the insurance cover then property services will obtain proof from the tenant that up to date and adequate cover is in place.</p> <p>Contact officer: david.roberts@cheltenham.gov.uk</p> <p>01242 264151</p>

1. Background

- 1.1 The pavilion at St Mark's Playing Field was subjected to an arson attack in late 2014. The premises roof was burned out along with the interior, which resulted in the building becoming unusable.
- 1.2 The premises was leased to an amateur organisation which was unable to repair the premises and subsequently surrendered the premises at the end of the lease in August 2015
- 1.3 The building and associated junior football pitch was marketed by a local commercial property

agent as a local sporting opportunity. Rowanfield Juniors AFC is prepared to carry out remedial works to the building and operate as a junior football club by way of a lease of the building and land.

- 1.4** A public notice, copies of which are contained within appendix 1, was placed in the Gloucestershire Echo during the weeks of 29 October 2015 and 5 November 2015 and no comments were received by the end date for representations.

2. Reasons for recommendation

- 2.1** Rowanfield Juniors AFC is willing to undertake works that will see the pavilion refurbished for use as a junior club-house.
- 2.2** The club is keen to develop junior football teams and this venue will provide an opportunity for it to do so.
- 2.3** There having been no objections to the public notice published in the Gloucestershire Echo it is recommended that Cabinet approves the aforesaid disposal of open space.

3. Alternative options considered

- 3.1** The building is in a poor state of repair and the council could consider demolition of the building as an alternative. This would deprive the area of a potential club-house and less accommodation for organisations to operate from.

4. Consultation and feedback

- 4.1** Ward Members have been consulted and have been supportive of the proposals
- 4.2** Rowanfield AFC has also had support from Cheltenham Connect, and Gloucestershire Constabulary -neighbourhood policing

5. Performance management –monitoring and review

- 5.1** None

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

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	None associated with this report										

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

Public Notices

CHELTENHAM BOROUGH COUNCIL
LOCAL GOVERNMENT ACT 1972
SECTION 123(1), 2A
Land at King George Playing Fields,
St Marks, Cheltenham

NOTICE IS HEREBY GIVEN that Cheltenham Borough Council (the Council) is giving consideration to granting a lease of premises comprising a Club House having an approximate area of 104.68 square metres and adjoining Playing Fields having an approximate area of 6460 square metres forming part of public open space situate off Brooklyn Road, Cheltenham.

The proposed disposal is to be by way of a ten year lease and is for continuation of the use of the Club House as a sports changing room and for the continuation of the use of the land as a sports field.

A plan which identifies the land may be examined at the address shown below on weekdays between 9.30 am and 5.00 pm (not including bank holidays). Any person wishing to object to the intended disposal should do so in writing to Sara Freckleton at the address shown below specifying the grounds on which their objection is made by no later than the 12th November 2015.

Any objections received will be referred to the Council's Cabinet for consideration before it makes its decision whether or not to proceed with the disposal. Dated this twenty-ninth day of October 2015.

Sara Freckleton - Borough Solicitor & Monitoring Officer
 Cheltenham Borough Council, Municipal Offices,
 Promenade, Cheltenham, Glos. GL50 9SA. (Ref: HW/19985)

CHELTENHAM BOROUGH COUNCIL
LOCAL GOVERNMENT ACT 1972
SECTION 123(1), 2A
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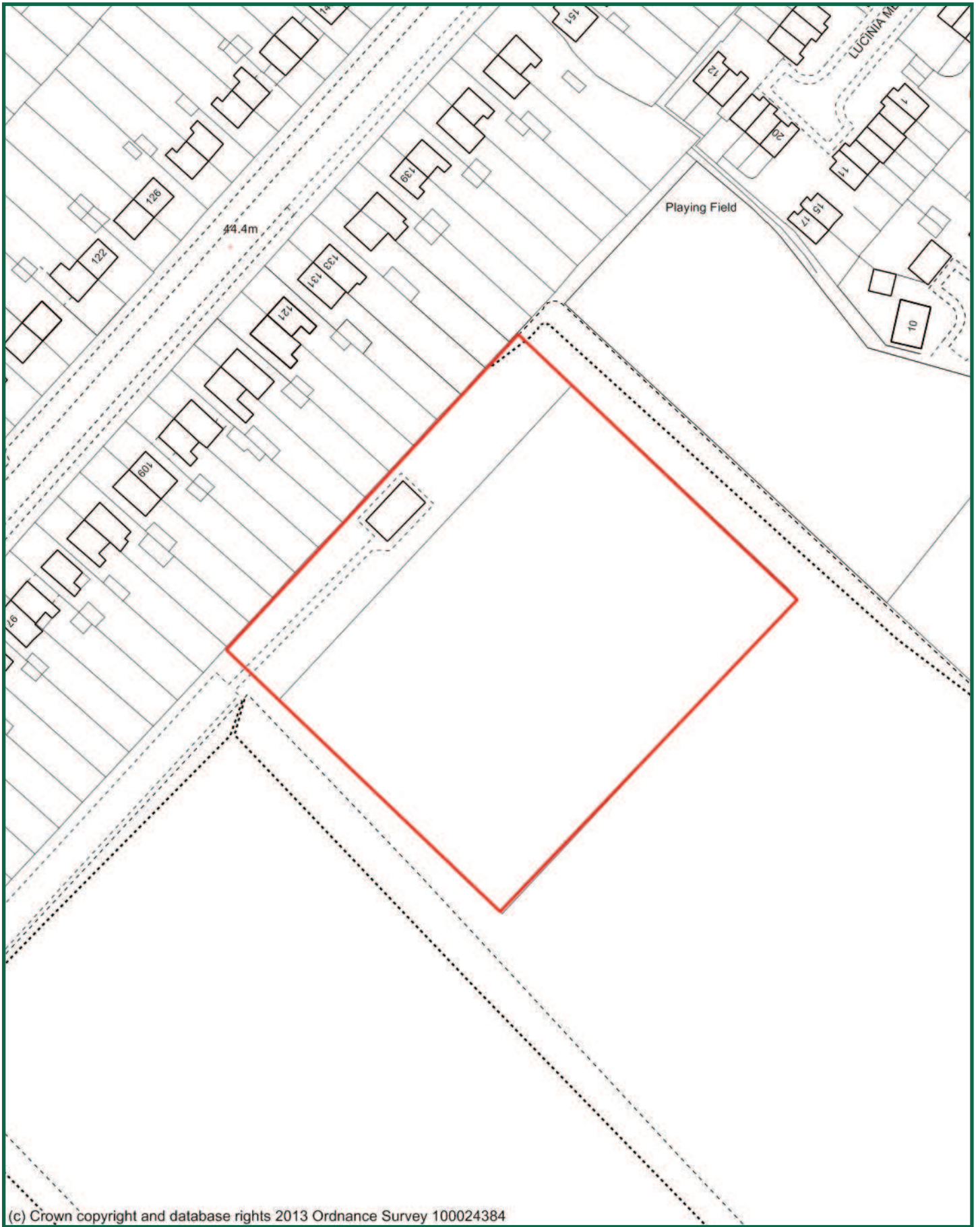
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**Land at St Mark's Playing Field
Brooklyn Road
Cheltenham**

1:1250

18 September 2015



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