



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Cabinet

Tuesday, 14 June 2016
6.00 pm

Municipal Offices, Promenade, Cheltenham, GL50 9SA

Membership	
Councillors:	Steve Jordan, Flo Clucas, Chris Coleman, Rowena Hay, Peter Jeffries, Andrew McKinlay and Roger Whyborn

Agenda

	SECTION 1 : PROCEDURAL MATTERS	
1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Minutes of the meeting held on 19 April.	(Pages 3 - 6)
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.	AMENDMENTS TO LICENSING POLICY, GUIDANCE AND CONDITIONS FOR PRIVATE HIRE AND TAXIS	(Pages 7 - 32)

		OPERATING WITHIN THE BOROUGH OF CHELTENHAM Report of the Cabinet Member Development and Safety	
6.		LICENSING PRE-APPLICATION FEES Report of the Cabinet Member Development and Safety	(Pages 33 - 40)
7.		FOOD SAFETY SERVICE PLAN Report of the Cabinet Member Development and Safety	(Pages 41 - 64)
8.		PEDESTRIAN WAYFINDING PROJECT PHASE 2 Report of the Cabinet Member Development and Safety	(Pages 65 - 70)
9.		PRIVATE RENTED SECTOR HMO SURVEY Report of the Cabinet Member Housing	(Pages 71 - 80)
10.		CEMETERY LODGE Report of the Cabinet Member Finance	(Pages 81 - 86)
11.		CABINET APPOINTMENT TO OUTSIDE BODIES Report of the Leader	(Pages 87 - 94)
12.		COMMISSIONING OF SUPPORT FOR CHELTENHAM'S VCS ORGANISATIONS Report of the Cabinet Member Healthy Lifestyles	(Pages 95 - 100)
13.		BRIEFING FROM CABINET MEMBERS	
		SECTION 6 : BRIEFING SESSION <ul style="list-style-type: none"> • Leader and 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	
		SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS	
		Section 10: BRIEFING NOTES Health and Safety Plan	

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

Cabinet

Tuesday, 19th April, 2016

6.00 - 6.15 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Healthy Lifestyles), Andrew McKinlay (Cabinet Member Development and Safety), Jon Walklett (Cabinet Member Corporate Services) and Chris Coleman (Cabinet Member Clean and Green Environment)
Also in attendance:	Councillor Matt Babbage

Minutes

1. APOLOGIES

Councillor Peter Jeffries.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 29 March 2016 were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

There were none.

5. COUNTER FRAUD AND ANTI-CORRUPTION POLICY

The Cabinet Member Corporate Services introduced the report and explained that the policy required updating to reflect the changes to the counter fraud arrangements at the Council, since the 1 April 2015, with the development of a new counter fraud unit within Internal Audit.

He explained that the draft Counter Fraud and Anti-Corruption Policy had been developed to conform to latest legislation and to reflect the changes brought about by the creation of the Single Fraud Investigation Services (operated by the Department for Work and Pensions) which subsumed the Council's responsibilities for investigating Housing Benefit Fraud.

The draft policy had been developed in consultation with other Gloucestershire authorities and West Oxfordshire District Council to provide a platform for the operation of the counter fraud unit.

The Cabinet Member reported that the draft policy was considered by Cheltenham Borough Council's Audit Committee on the 13 January 2016.

RESOLVED THAT

- 1. the Counter Fraud and Anti-Corruption Policy (appendix 2) be approved.**
- 2. Internal Audit be authorised, in consultation with the Section 151 Officer, to update the Policy with any additional comments resulting from the on-going counter fraud project.**

6. COUNTER FRAUD PROJECT UPDATE

The Cabinet Member Corporate Services introduced the report which had been circulated with the agenda. He explained that in February 2015, Cabinet approved an evolutionary approach for the establishment of a Counter Fraud Team, to be managed by Audit Cotswolds. This included the creation of a Counter Fraud Officer post within phase 1 of the project.

The 1 FTE post was to be funded by contributions from Cheltenham Borough Homes Ltd and some of the residual benefits administration grant for 2015/2016 with review to be undertaken during the financial year.

In addition, the Director of Resources was authorised to enter in to such documentation as necessary to enable the establishment of the Counter Fraud Team. This included agreements with Cotswold District Council as the host authority for Audit Cotswolds and the successful DCLG Counter Fraud Bid.

The Cabinet Member was pleased to report that the project was progressing and referred to the achievements to date which were listed in Appendix 2.

He reported that the review of the Counter Fraud Officer post and the funding of the counter fraud project had been undertaken.

Members welcomed the report and recognised that as nationally and locally the risk of fraud was growing, measures to counter this needed to become more sophisticated. The amounts lost to fraud at the council were not insignificant so came at a great loss to the Council. They thanked the Cabinet Member Corporate Services and officers involved for the considerable work they were undertaking in this respect.

RESOLVED THAT

- 1. the financial arrangements for the Counter Fraud Project funding of £55,600 to cover the period from April 2015 to March 2020 be approved.**

7. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Healthy Lifestyles reminded Members that both the Positive Activities Fund and the Community Pride Fund were open for bids.

The Cabinet Member Corporate Services reported to Members that further to the discussion at the last Council meeting with regard to the diary, he had undertaken to look closely at the issues raised in terms of the timing of Council

and meetings in school holidays. To this end he was proposing to ask neighbouring councils if they had experienced similar issues with timings of meetings and see what action they had taken, if any. This exercise would be completed prior to the consultation on the 17/18 diary. He also referred to the issue of webcasting which had been raised and informed Members that a local organisation would be presenting their business solutions for this to the 2020 partner councils in June to which all Members would be invited.

The Leader clarified that voting on the BID would close at 5pm on 28 April and the announcement of the result was expected on the Friday morning (29 April).

The Leader also informed Members that the report regarding the County Council's request to join Ubico did not form part of this meeting's agenda as the County was not due to take its decision on whether to join until the following day. Therefore it was proposed that a Cabinet or Cabinet member decision be taken in due course.

On behalf of the Cabinet the Leader wished to thank the Head of Paid Service and all relevant officers for their support of Cabinet. He also wished to thank in particular the Cabinet Member Finance, Councillor John Rawson, for his significant contributions to the Council.

8. CABINET MEMBER DECISIONS SINCE THE LAST MEETING

The following decisions were reported to Cabinet:

Cabinet Member Finance	Allocation of £4,400 Grant from Cheltenham Environment Fund to Connect Regen to support the implementation of upgrade works to Bath Terrace/Commercial Street car parks.	30/03/16
Cabinet Member Development and Safety	Agreed Council's response to DCLG consultation-Technical Consultation on Implementation of Planning Changes	14/04/16

Chairman

This page is intentionally left blank

Cheltenham Borough Council

Cabinet – 14 June 2016

Amendments to Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham

Accountable member	Councillor Andy McKinlay, Cabinet Member Development & Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>The council has a statutory duty to ensure all of its licensed hackney carriage and private hire drivers and operators are, and remain, fit and proper people.</p> <p>The council is committed to keeping its policies under review to ensure they continue to be effective and comply with the latest guidance and national best practice.</p> <p>Consultation with the licensed trade has been undertaken proposing minor technical changes to the council's convictions policy and to introduce mandatory safeguarding training for licensed drivers.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Approve the amendments to Appendix J of the council's adopted "Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators" policy as set out in Appendix 2 of this report; 2. Approve an amendment to the council's adopted Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham to introduce a new mandatory requirement for all new and licensed drivers to undertake safeguarding training; 3. Subject to resolution 2, that the Director of Environment (in consultation with the Cabinet Member for Development & Safety) be delegated authority to take the necessary steps to implement the training and the date when the new mandatory policy requirement is to come into effect.

Financial implications	<p>There is a financial implication associated with the training provision in paragraph 2.14, estimated at approximately £5,000. This cost is intended to be covered by funds already collected from the Late Night Levy in 2015/16, which are sufficient to cover this cost, and potentially the Police and Crime Commissioner's Victim Fund may contribute towards the cost.</p> <p>Contact officer: Myn.Cotterill@cheltenham.gov.uk, 01242 774958</p>
Legal implications	<p>As outlined in the report.</p> <p>Contact officer: Vikki.Fennell@teWKesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications in this report.</p> <p>Contact officer: Carmel.Togher@cheltenham.gov.uk, 01242 775215</p>
Key risks	As identified in Appendix 1
Corporate and community plan Implications	People live in strong, safe and healthy communities
Environmental and climate change implications	None
Property/Asset Implications	<p>None</p> <p>Contact officer: David Roberts@cheltenham.gov.uk</p>

1. Background

- 1.1 The council has a statutory duty to ensure all of its licensed hackney carriage and private hire drivers and operators are, and remain, fit and proper people.
- 1.2 The council's policy sets out assessment criteria for assessing applicants' fitness. These include, amongst others:
 - i) Enhanced criminal records checks;
 - ii) Enhanced medical checks;
 - iii) Satisfactory knowledge of law, conditions and local geography; and
 - iv) Mandatory NVQ training.
- 1.3 The council is committed to keep its policies under review to ensure they continue to be effective and comply with the latest guidance and national best practice.
- 1.4 Recently, a lot of national licensing focus has been on the Louise Casey report into Child Sexual Exploitation (CSE) in Rotherham that identified, amongst others, a variety of licence holders as key culprits in the scandal. Since the report a number of other councils have come under the spotlight for poor practice and policies to robustly protect the public.
- 1.5 As a consequence, officers have taken the opportunity to review local policy and practice to ensure that these continue to be sufficiently robust to maintain a high standard of public safety in line with national best practice.
- 1.6 On the whole officers are satisfied that Cheltenham continues to set a high standard of fitness for all its licensed drivers and operators compared to acceptable national standards and best practice guidance.
- 1.7 It has however been identified that the council's conviction policy can be strengthened.
- 1.8 Furthermore, officers consider it appropriate that all licence holders receive mandatory safeguarding training.

2. Consultation

- 2.1 In September 2015 Cabinet approved consultation on the proposals set out below.
- 2.2 Consultation with the local licensed trade was undertaken between October and November 2015 on a number of proposals. These were:
 - i) Proposed changes to the council's adopted relevance of convictions policy;
 - ii) Proposal to introduce mandatory safeguarding training for licensed drivers; and
 - iii) Proposed new style and design licences.
- 2.3 Consultation responses are included in the background papers to this report.

Revised relevance of convictions policy

- 2.4 The council's current "Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators" policy sets out the council's assessment of the suitability of an applicant to be licensed, in terms of their criminal and driving records.

Specifically, it is to be applied where an applicant for a driver or operator's licence has received a relevant conviction, caution or fixed penalty.

- 2.5 In addition, it is also relevant and referred to where a relevant conviction, caution or fixed penalty has been received during the period of a driver or operator's licence, and used to help inform any decision as to the licensed driver's continuing fitness to hold a licence.
- 2.6 The current policy is largely based on DfT Circular 2/92 which gives advice to local authorities on the procedures to adopt for checking criminal convictions for private hire and hackney carriage drivers.
- 2.7 This is an important policy for the council to safeguard the public against unfit licence holders and therefore it is important that it is sufficiently robust to properly vet applicants and licensed drivers. The above mentioned DfT circular has not been updated since 1992 when it was first published.
- 2.8 The proposed changes to the policy that officers consider appropriate to maintain high standards of fitness are set out in **Appendix 2** for approval and adoption.

Mandatory safeguarding training for licensed drivers

- 2.9 The council does not currently require licensed drivers or operators to undertake any form of training relating to their safeguarding responsibilities and conduct when conveying passengers.
- 2.10 It is proposed that all licensed drivers be required to undertake appropriate safeguarding training which will form part of the council's conditions of fitness for all licensed drivers.
- 2.11 The proposed training will broadly cover safeguarding in general but with a focus on child sexual exploitation ("CSE"). It is important to note that the training will not merely focus on inappropriate behaviour by licensed drivers but will also include more widely the role the licensed trade can play in promoting good safeguarding practices and preventing CSE (i.e. identification of types of abuse, signs and symptoms, children with disabilities, internet safety, CSE, "vulnerability", how to respond and report etc.).
- 2.12 It is proposed that the safeguarding training be made a mandatory requirement for all licensed drivers both existing and new.
- 2.13 To facilitate the new mandatory requirement on drivers, a twelve month transitional period is also proposed during which time training will be offered to licensed drivers. In practice this means that should Cabinet approve this resolution (2), the new mandatory requirement will be implemented on all licensed drivers at an appropriate date twelve months from the Cabinet decision date.
- 2.14 The training offered during the transitional period will be free to drivers, be externally supplied and take no more than 2 hours of their time.

New style and design licences

- 2.15 From the consultation feedback officers have decided not to move ahead with the third proposal for new style licences.

3. Reasons for recommendations

- 3.1 To comply with the council's commitment to keep its policies under review to ensure they continue to be effective and comply with the latest guidance, national best practice and protect the public.

4. Alternative options considered

4.1 To make no amendments to the policy but this is not considered appropriate for the reasons set out in the report.

5. Consultation and feedback

5.1 Consultation has been undertaken with the licensed trade. Feedback is outlined in the background papers.

6. Performance management – monitoring and review

6.1 The effectiveness of these proposed changes will be measured against the effectiveness and uptake of the training and decision making by the licensing committee against the adopted policies.

Report author	Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 264217
Appendices	1. Risk Assessment 2. Proposed new Relevance of Convictions policy
Background information	1. Consultation feedback

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 continuously review and update its taxi policy then it may not be able to adequately protect the public and risk damaging the council's reputation.	Mike Redman		3	2	6	Accept	Approve resolutions			
<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>											

Appendix 2 – Proposed changes to “Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators”

Including the consideration of the grant, suspension or revocation of hackney carriage and private hire driver’s and operator’s licences

The licensing authority must be satisfied that all those who are licensed to drive hackney carriages and / or private hire vehicles, and those who are licensed to operate under a private hire operator’s licence, are fit and proper persons. This general policy relates to the Council’s assessment of the suitability of an applicant to be licensed, in terms of their criminal and driving records. Specifically, it is to be applied where an applicant for a driver or operator’s licence has received a relevant conviction, caution or fixed penalty.

Additionally, it will be referred to where a relevant conviction, caution or fixed penalty has been received during the period of a driver or operator’s licence and used to help inform any decision as to the licence-holder’s continuing fitness to hold a licence.

These guidelines shall apply to all new applicants for, and all existing holders of, hackney carriage / private hire drivers licences and private hire operators licences.

General Policy

Each case will be decided on its own merits. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.

When the relevant required information has been returned, the application will be considered in the light of the information provided. The information will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage.

A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, may lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings.

In the event that there are no relevant convictions, cautions or fixed penalties held, the applicant will be considered to be a “fit and proper person” and the matter will be determined by the issue of the licence [subject to the successful completion of all other assessments].

Applications where convictions, cautions or fixed penalties are held will be considered by a Licensing Officer who, having regard to this policy may refer the application to a Licensing

Committee for determination. This will result in either the determination of the applicant as a “fit and proper person”, indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Magistrates’ Court, such appeal to be lodged within 21 days of the decision being notified.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Fit and Proper Person

There is no absolute definition as to what constitutes a “fit and proper person”. However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Council will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Council are:

- a) Honesty and trustworthiness – licensed drivers and operators often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. For example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- b) Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- c) Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- d) Good knowledge of the area that they are working in.
- e) Good physical and mental health.
- f) Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.

Outstanding Charges or Summonses

New applicants

If the individual is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.

Existing Licence Holders

If an existing licence holder is the subject of an outstanding charge or summons, consideration will be given whether to suspend or revoke their licence until the matter is resolved. Consideration will be given to the:

- Seriousness and relevance of the offence;
- When the alleged offence(s) were committed;
- Compliance and complaints history of the licence holder;
- Circumstances of the individual concerned;
- Any other relevant matters.

Non-conviction information

The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or, in the case of an existing licence holder, a suspension or revocation of their licence. Such offences would include violent and / or sexual offences.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

1. Offences of Dishonesty

New applicants

- 1.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 1.2 Passengers may include especially vulnerable people.
- 1.3 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.
- 1.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 1.5 For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, as listed below, which are less than 4 years old, is unlikely to be considered favourably granted a licence:
 - a. Theft
 - b. Burglary

- c. Fraud
- d. Benefit fraud (~~including offences under ss.111A and 112 of the Social Security Administration Act 1992~~)
- e. Handling or receiving stolen goods
- f. Forgery
- g. Conspiracy to defraud
- h. Obtaining money or property by deception
- i. Other deception

Existing Licence Holders

- 1.6 An existing licence holder who is convicted of one or more of the above offences, is likely to have their licence revoked. ~~In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.~~

2. Violence

New applicants

- 2.1 Drivers of hackney carriage and private hire vehicle are often entrusted with the care of vulnerable persons.
- 2.2 It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 2.3 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.
- 2.4 Where the commission of an offence involved loss of life a licence will normally be refused.
- 2.5 In particular an application will normally be refused where the applicant has a conviction for violence such as those listed below, or similar offence(s):
- a. Murder
 - b. Manslaughter
 - c. Manslaughter or culpable homicide while driving
 - d. Terrorism offences
 - e. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 2.6 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 10 years old, is unlikely to be granted a licence.
- a. Arson
 - b. Malicious wounding or grievous bodily harm (~~s.20 Offences Against the Person Act 1861~~) which is racially aggravated (~~s.29(1)(a) Crime and Disorder Act 1998~~)
 - c. Actual bodily harm (~~s.47 Offences Against the Person Act 1861~~) which is racially aggravated (~~s.29(1)(b) Crime and Disorder Act 1998~~)
 - d. ~~Grievous bodily harm with intent (s.18 Offences Against the Person Act)~~
 - e. ~~Grievous bodily harm with intent (s.20 Offences Against the Person Act)~~
 - f. Robbery
 - g. Possession of firearm

- h. Riot
- i. Assault Police
- j. Racially aggravated common assault (~~s.29(1)(e) Crime and Disorder Act 1998~~)
- k. Violent disorder
- l. Resisting arrest

2.7 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 8 years old, is unlikely to be considered favourably granted a licence:

- a. Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- b. Any racially-aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

- ~~a. Racially aggravated criminal damage (s.30 Crime and Disorder Act 1998)~~
- ~~b. Racially aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)~~
- ~~c. Racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)~~
- ~~d. Racially aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)~~
- ~~e. Racially aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)~~
- ~~f. Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)~~
- ~~g. Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)~~

2.8 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 5 years old, is unlikely to be considered favourably granted a licence:

- a. Common assault
- b. Affray
- ~~c. S5 Public Order Act 1986 offence (harassment, alarm or distress)~~
- ~~d. S.4 Public Order Act 1986 offence (fear of provocation of violence)~~
- ~~e. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)~~
- f. Obstruction
- g. Possession of offensive weapon
- h. Criminal damage

Existing Licence Holders

2.9 An existing licence holder who is convicted of one or more of the below offences, is likely to have his or her licence revoked. In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.

- a. Murder
- b. Manslaughter
- ~~c. Causing death by reckless, dangerous or careless driving, including:~~
- ~~d. Causing death by reckless driving when unfit through drugs:~~
- ~~e. Causing death by careless driving when unfit through drink~~
- ~~f. Causing death by careless driving with alcohol level above the limit~~

- ~~g. Causing death by careless driving then failing to supply a specimen for analysis~~
- ~~h. Manslaughter or culpable homicide while driving a vehicle~~
- ~~i. Causing death by dangerous driving~~
- j. Arson
- ~~k. Malicious wounding or grievous bodily harm which is racially aggravated~~
- ~~l. Actual bodily harm which is racially aggravated~~
- m. Grievous bodily harm with intent
- n. Robbery
- ~~o. Racially aggravated criminal damage~~
- ~~p. Racially aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)~~
- ~~q. Racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)~~
- ~~r. Racially aggravated harassment~~
- ~~s. Racially aggravated fear of violence~~

Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)

Any racially-aggravated offence against a person or property.

Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

~~2.10 An existing licence holder who is convicted of one or more of the below offences, is likely to have his or her licence revoked.~~

- a. Common assault
- b. Common assault which is racially-aggravated
- c. Assault occasioning actual bodily harm
- d. Assault on the police
- e. Affray
- f. Riot
- g. Obstruction
- h. Possession of offensive weapon
- i. Possession of firearm
- j. Criminal damage
- k. Violent disorder
- l. Resisting arrest

3. Drugs

New applicants

3.1 If any applicant has previous convictions related to drugs and was an addict at the time of the offences, they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment before a licence will be granted. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on drugs.

Supply of drugs

3.2 An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 years prior to the date of application.

- ~~3.3 If an applicant has a conviction for an offence related to the supply of drugs which is more than 5 years old, but less than 10 years old, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.~~

Possession of drugs

- 3.4 An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the convictions are less than ~~5~~ 10 years prior to the date of the application.
- 3.5 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last ~~3~~ 5 years will require careful consideration of the facts.

Existing Licence Holders

- ~~3.6 A hackney carriage/private hire driver or operator~~ An existing licence holder found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately by the Licensing Services Manager in consultation with head of Legal Services under delegated powers. This decision may be appealed directly to the Magistrates' Court
- 3.7 At least 5 years should elapse from conviction before a new application by that person will be considered and a specialist medical examination will be required with negative urine screen for drugs or abuse (if applicable).

4. Sexual/Indecency Offences

New applicants

- ~~4.1 As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions or cautions for any sexual offence, should expect their application to be rejected until they can show a substantial period (usually between 7 and 12 years, depending on the nature of the offence — see below) free from any such conviction.~~

As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)

- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

Existing Licence Holders

4.2 Any existing licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked immediately. will have their licences reviewed by officers under delegated authority. Officers may depending on the nature of the conviction:

- ~~Refer the licence holder to the Licensing Committee~~
- ~~Revoke the licence~~
- ~~Issue a written warning~~

4.3 If a licence holder is referred to the Licensing Committee it could, depending on the nature of the conviction:

- ~~Take no further action~~
- ~~Issue a written warning~~
- ~~Suspend the Licence~~
- ~~Revoke the licence~~
- ~~Refuse to renew the licence (if such an application is being considered)~~

New Applicants and Existing Drivers (Both)

4.4 The following guidelines illustrate the council's stance on rehabilitation periods after an applicant or existing driver has been convicted of a sexual/indecency offence. An applicant or existing licence holder should presume that for:

- ~~**Rape** – Licence will be revoked / refused until a minimum period of 12 years conviction free after conviction has elapsed.~~
- ~~**Indecent Assault** – Licence will be revoked / refused until a period of 10 years conviction free after conviction has elapsed.~~
- ~~**Gross Indecency with a Female** – Licence will be revoked / refused until a period 8 years conviction free after conviction has elapsed.~~
- ~~**Gross Indecency with a Male** – Licence will be revoked / refuse until a period of 8 years conviction free after conviction has elapsed.~~
- ~~**Indecent Assault on a Child** – Licence should be revoked / refused. (Where a conviction contained within schedule 4 of the Criminal Justice and Court Services Act 2000 (Offences against children or where the individual appears on the Protection of Vulnerable Adults list, the licence will also be revoked / refused).~~
- ~~**Buggery** – Licence should be revoked/until a period of 8 years conviction free after conviction has elapsed.~~

5. Drunkenness

New applicants

- 5.1 If any applicant has previous convictions related to drunkenness and was an alcoholic at the time of the offences, then they will normally be required to show evidence that 5 years has elapsed after completion of detoxification treatment. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on alcohol.

With a motor vehicle (no disqualification)

- 5.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol.
- 5.3 An application will normally be refused where the applicant has a conviction for such an offence, which did not result in a driving disqualification, within 2 years of the date of the application.
- 5.2 More than one conviction for this type of offence within the last 5 years of the date of conviction, is likely to result in refusal.

With a motor vehicle (disqualification)

- 5.3 Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

Not with a motor vehicle

- 5.4 An isolated conviction for drunkenness need not exclude an applicant from gaining a licence. In some cases, a warning may be appropriate.
- 5.5 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

Existing Licence Holders

With a motor vehicle

- 5.6 Any existing licence holder found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis should expect to have their licence revoked immediately. ~~will be required to hand in his hackney carriage/private hire licence immediately. The Licensing services Manager in consultation with head of Legal Services has delegated powers to revoke the licence with immediate effect. This decision may be appealed directly to the magistrates Court. A new application will not normally be considered until a period of 5 years has elapsed after the restoration of the driving licence following a drink drive conviction has elapsed after restoration of the DVLA licence.~~
- 5.7 A licensed driver found guilty of offences relating to drink driving, but not when driving for hire or reward should expect to have their licence revoked immediately. ~~will be required to hand in their hackney carriage/private hire licence immediately. The Licensing services Manager in consultation with head of Legal Services has delegated powers to revoke the licence with immediate effect. This decision may be appealed directly to the magistrates Court. A new application will not normally be considered~~

until a period of 2 years has elapsed after the restoration of the driving licence following a drink drive conviction. ~~after restoration of the DVLA licence.~~

Existing Licence Holders

Not with a motor vehicle

- 5.8 An isolated conviction for drunkenness not associated with a motor vehicle by a licensed driver will not necessarily result in any action being taken. An existing licence holder who committed one of these offences will have their licence reviewed by the Licensing Committee who may:-
- a. Take no further action
 - b. Issue a written warning
 - c. Suspend the Licence
 - d. Revoke the licence
 - e. Refuse to renew the licence (if such an application is being considered)
- 5.12 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and revocation or suspension of a licence.
- 5.13 Where there has been more than one conviction for drunkenss, the Council may require a medical report prior to determining any review of an existing licence.

6. Motoring Convictions

New applicants

Major Traffic Offences (see annex A for list of offences)

- 6.1 An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 1 year prior to the date of the application the application will normally be refused.
- 6.2 More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

Minor Traffic Offences (see annex A for list of offences)

- 6.3 Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.
- 6.4 In particular, an application will normally be refused where the applicant has received 12 or more penalty points on his DVLA licence in the five years prior to the application being made (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

Hybrid Traffic Offences (see annex A for list of offences)

- 6.5 Hybrid offences will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or fewer penalty points for the offence.

Disqualification

- 6.6 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.
- 6.7 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 2 years free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.8 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

Existing Licence Holders

- 6.9 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences could show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.
- 6.10 Convictions for traffic offences may not automatically prevent a person from proceeding with a renewal of their licence, or from keeping their licence.
- 6.11 An existing licence holder who has 7 penalty points or more on his or her driving licence due to multiple offences, or 6 penalty points or more for one isolated offence, will be required to appear before the Licensing Committee to explain their convictions. The Committee then have the option to:
- a. Take no further action
 - b. Give a written warning
 - c. Require the driver to pass a DSA private hire/hackney drivers test, at the driver's own expense, within 2 months of their decision
 - d. Suspend the Licence upon conditions or for a period of time
 - e. Revoke the licence.
 - f. Refuse to renew the licence (if such an application is being considered)

7. Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

New applicants

- 7.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when

deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

- 7.2 In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

Existing Licence Holders

- 7.3 Where an existing licence holder is convicted of an offence under, or has failed to comply with, the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, a application for review of their licence will normally be referred to a Licensing Committee who will consider whether to take any steps in relation to the licence.

- 7.4 The Committee will then have regard to all the circumstances including:-

- a. The seriousness of the offence (including the sentence imposed)
- b. Whether the offence was committed whilst acting as a hackney carriage or private hire driver
- c. Any previous convictions, cautions or fixed penalties received
- d. The licence holder's previous compliance record
- e. Evidence of previous good character
- f. Any mitigating factors involved in the commission of the offence

- 7.5 The Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-

- a. Take no further action
- b. Issue a written warning
- c. Suspend the Licence
- d. Revoke the licence
- e. Refuse to renew the licence (if such an application is being considered)

ANNEX A

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for alcohol analysis

- CD80 Causing death by careless, or inconsiderate, driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD10 Causing serious injury by dangerous driving
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DD90 Furious driving
- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR61 Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
- IN 10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver etc
- UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

MINOR TRAFFIC OFFENCES

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MW10 Contravention of special roads regulations (excluding speed limits)
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/warden

- TS50 Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

HYBRID TRAFFIC OFFENCES

- CU10 Using a vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Breach of requirements as to control of the vehicle, mobile telephone etc
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Background paper – Consultation Feedback

As a taxi driver in Cheltenham for the last 30+ years I cannot understand why the council would ever want to consider giving the private information of a taxi driver in the town, displaying this information on a drivers license has got to be in contravention of my Human , Civil and Data protection rights, having said information displayed on my license (home address and phone number) , leaves my family vulnerable to burglary or attack, while I'm working, also with some of the undesirable people I have to deal with on a daily basis, I would not display this information, in fact I refuse outright, I strongly object to this issue, when it comes to consultation I wish this email from me to be used as my objection to this issue.



CHELTENHAM
BOROUGH COUNCIL

Consultation on Technical and Policy Amendments for Taxi and Private Hire Licences

Your Details

Name: Enter your name.

Address: Enter your full address.

Plate or badge number: Enter your badge or plate number.

Organisation: Enter name of organisation (if applicable).

Firstly objection to the drivers badge,
I object to the proposed Taxi Driver Badge on
personal safety to me and my family,
And as far as I'm informed by a Security
operative under the 1974 Data protection Act,
also against my Human Rights.

Second
I object on personal safety to the Safeguarding
course and implementation of said proposal.

How to respond : I should not be used as a gross
and as above may cause a threat
In writing by returning this consultation document to: to me or my family's
well being

Licensing Section
Cheltenham Borough Council
Municipal Offices
Promenade
GL50 9SA

Electronic copies can be emailed to licensing@cheltenham.gov.uk

If you need further information, please contact the licensing section on 01242 77 5200.

Consultation responses must be received no later than Monday 9 November 2015.

2. Safeguarding training for licence holders

The council is proposing a new policy requirement that all licence holders be required to undertake safe guarding training. The introduction of the training will form part of the council's fitness assurance for licence holders.

The proposed training will:

- be free for taxi and private hire licence holders;
- be scheduled to take place around the county (including Cheltenham) with both afternoon and morning sessions;
- be delivered by the Gloucestershire Safeguarding Children Board and Gloucestershire Constabulary; and
- only have to be undertaken once.

The proposed mandatory training will generally deal with the signs of CSE, trafficking and other safeguarding issues and how licensed drivers can identify these activities and the means of reporting this to the appropriate authorities.

It is also intended to ensure licensed drivers are themselves equipped to guard against false and misleading safeguarding related allegations.

There will be an exemption clause for licensed drivers who have already undertaken comparable training by a recognised training provider.

Do you have any comments to make about the proposed new policy requirement?

Click here to enter your response.

WITH SO MANY LICENSE HOLDERS IN CHELTENHAM
WILL THERE BE ENOUGH TIME AND AVAILABILITY
TO DO THIS SAFEGUARDING TRAINING BEFORE
THESE LICENSES NEED TO BE RENEWED

Do you have any comments to make about the proposal to replace the current paper licence bundle with the new style paper licence?

Click here to enter your response.

EVERYONE I HAVE SPOKEN TO ABOUT THIS NEW STYLE OF LICENCE ARE AGAINST HAVING THEIR ADDRESS ON THE LICENSE FOR ALL TO SEE. THE DRIVERS FEEL THEY ARE VULNERABLE ENOUGH IN THEIR VEHICLES WITHOUT HAVING WHERE THEY LIVE ON DISPLAY TOO.

Do you have any comments to make about the style or design of the new style paper licence?

Click here to enter your response.

SAME AS ABOVE.

Do you have any comments to make about the style or design of the new style paper licence?

I personally disagree, with the design of the new paper licence.

- 1) Having a photo and name of the driver in the car windscreen (viewed from the road).
- 2) Having the driver's home address in the car windscreen. (Viewed from inside the car).

Both aspects of the design are very dangerous for the safety of the driver and his family at home. As thieves can then target a driver's home, when knowing full well, the driver is out working. Also, a drunk passenger can then wait, for a driver to come home and assault them. Because, they "now" know where you live !!!!!

Drunk passengers are a serious danger to the driver and his home and family!

If this is taken up by the council. I am afraid, that I will be seeking legal advice on the safety issues.

To whom it may concern,

I would if I may like to voice my support and opposition to the new proposed licence style.

The addition of photo ID and expiry date is exactly what is needed for the public and law enforcement officers. However the addition of personal address of the driver is in my opinion not something the public should be privy to. If I came into the local council offices would I see an identification badge hanging around somebodys neck with their personal address on it? If I asked to see the warrant card of a serving police officer would I see their personal address on it? NO I think is the answer! If this new style of licence is issued for me to display in my vehicle with my personal address on I will conceal it from the public. I think it would be an infringement of my civil liberties and my right to keep any aspect of my personal life private.

Please acknowledge receipt of this email of my opposition to this proposed change.

This page is intentionally left blank

Cheltenham Borough Council

Cabinet – 14 June 2016

Extensions of Licensing Pre-application Advice Scheme

Accountable member	Councillor Andy McKinlay, Cabinet Member Development & Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>In March 2013 the Cabinet adopted a discretionary pre-application advice service for licensing.</p> <p>The scheme was adopted under 'general power of competence' introduced by the Localism Act 2011 that gives local authorities the legal capacity to do anything that an individual can do that is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.</p> <p>This report seeks permission to extend the scope of the scheme and to introduce new charges.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Approve the extension of the current scheme and the new fees as outlined in the Appendix 2 to come into effect immediately.

Financial implications	<p>This proposal will potentially generate additional revenue by utilising existing resource. The amount generated will depend on customer take-up of the scheme, but is estimated to be £4,000 per year. It is intended that this amount would contribute to the REST savings target in 2017/18.</p> <p>Contact officer: Myn.Cotterill@cheltenham.gov.uk, 01242 774958</p>
Legal implications	<p>As outlined in the report.</p> <p>Contact officer: Vikki.Fennell@tewkesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications in this report.</p> <p>Contact officer: Carmel.Togher@cheltenham.gov.uk, 01242 775215</p>
Key risks	As identified in Appendix 1

<p>Corporate and community plan Implications</p>	<p>People live in strong, safe and healthy communities Sustain and grow Cheltenham's economic and cultural vitality</p>
<p>Environmental and climate change implications</p>	<p>None</p>
<p>Property/Asset Implications</p>	<p>None Contact officer: David Roberts@cheltenham.gov.uk</p>

1. Background

- 1.1 In March 2013 the Cabinet adopted a discretionary pre-application advice service for licensing.
- 1.2 The scheme was adopted under 'general power of competence' introduced by the Localism Act 2011 (the 2011 Act). It gives local authorities the legal capacity to do anything that an individual can do that is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power. This general power of competence can be exercised for the benefit of the authority, its area or persons resident or present – or otherwise. The power also allows authorities to make a charge subject to the conditions in Section 3 of the Act.
- 1.3 The Council can rely on the general power of competence conferred by Section 1 of the 2011 Act because individuals could give licensing advice and the giving of such advice is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power.
- 1.4 This report seeks to extend the current scheme to include a wider range of authorisations and introduce new charges.

2. The current scheme

- 2.1 The current scheme covers new and full variation applications made under the Licensing Act 2003. The scheme offers advice on completing application forms, appropriate conditions and operating schedule, policy issues and application submission advice.
- 2.2 The uptake of discretionary licensing pre-application advice is approximately one in every four applications submitted.
- 2.3 The scheme was predominantly set up for the following reasons:
 - 2.3.1 Prospective applicants were put off by the statutory process or dropped out due to the complexities of the process;
 - 2.3.2 Licensing officers were spending a great deal of their time advising prospective applicants, returning invalid applications and rejecting applications that were either submitted contrary to the relevant statutory regulations or advertised wrongly; and
 - 2.3.3 Less experienced operators were submitting very poorly thought through applications that resulted in very poor compliance and business operation.
- 2.4 In most cases the problems above were perceived to be negatively impacting on local economic growth, development and investment and potentially depriving local communities of amenities.

3. Proposals for extending the scheme

- 3.1 It is being proposed that:
 - 3.1.1 the types of authorisations in scope be extended;
 - 3.1.2 the current fees be amended; and
 - 3.1.3 new charges be introduced to extend the level of pre-application advice service offered.

4. Types of authorisations to be included

- 4.1 It is proposed that the following authorisations be included in the range of services eligible for discretionary licensing pre-application advice in addition to the current two (2.1):

- 4.1.1 Permission to obstruct the public highway (i.e. tables and chairs, advertising boards (where there is compliance with policy));
- 4.1.2 Application for minor variation of a premises licence;
- 4.1.3 Application for street trading consent; and
- 4.1.4 Application for a club premises certificate.

5. New charges

- 5.1 It is proposed that two additional levels of discretionary service be provided:
 - 5.1.1 **'Check and send'** – The process of applying for a premises licence under the Licensing Act 2003 is strictly defined by regulations and can often be complex. This includes strict requirements to serve applications on a number of statutory responsible authorities depending on the type of application made. Failure to properly follow the regulations is likely to have the application declared invalid. The 'check and send' service will offer applicants the opportunity to have their application validated by a licensing officer who will also distribute the application to the relevant responsible authorities taking that responsibility away from the applicant.
 - 5.1.2 **'Pre-application consultation'** – All of the applications included under the scheme, and those proposed to be included, require some form of formal consultation as an aspect of the determination process. Whilst the current scheme assists with the technicalities of the application process, it does not currently offer pre-submission consultation. This will involve distributing a prospective application to responsible authorities for comment before the formal application is submitted. This will often be helpful to applicants to get an understanding of the likelihood of their application being successful and also to understand and address weaknesses in the application that require attention to avoid objections and committee hearings.
- 5.2 The proposed new fees for the services proposed above are outlined in **Appendix 2**.

6. Current fees

- 6.1 The current scheme offers two fee categories: small scale applications and medium to large scale applications.
- 6.2 In 2013, the council was only the second authority in the country to adopt discretionary fees for licensing pre-application advice. As a consequence, there was no relevant experience to rely on when setting appropriate levels of fees. Officers now have the appropriate level of practical knowledge and experience to reconsider fees to align them more accurately with full cost recovery principles.
- 6.3 The proposed amended fees are outlined in **Appendix 2**.

7. General principles

- 7.1 None of the new proposals above have any impact on the general principles of the scheme as a whole which are:
 - 7.1.1 **Bureaucracy** - Applicants who decide not to take advantage of the proposed process will still be supplied with the relevant guidance notes and policies. It is also important to ensure that the process does not become overly bureaucratic. As a consequence, no fees will be charged for straightforward queries that can easily be dealt with over the phone and do not require significant officer time.
 - 7.1.2 **Exemptions** - will be applied in certain circumstances for educational institutes, buildings used for

religious purposes, village and community halls and non-profit making charities. These premises already qualify for an exemption from paying the statutory fees.

- 7.1.3 **Separation of duties** - the officer involved with pre-application assistance and advice will not have any subsequent involvement with that individual application.
- 7.1.4 **Declaration** – service will be subject to the same declaration of understanding including that the service offered ceases on application and may not give any assurances of a success.
- 7.1.5 **Policy** – officer advice and technical assistance will be to promote council policy and will not go beyond policy measures.

8. Reasons for recommendations

- 8.1 To better assist applicants to engage with the licensing process for the reasons set out in the report.
- 8.2 To enable the council to more effectively manage officer time and recover costs.

9. Alternative options considered

- 9.1 To keep the current scheme unchanged but this is not considered an appropriate option for the reasons set out in the report.

10. Consultation and feedback

- 10.1 Consultation has been undertaken with GOSS Finance and One Legal.

11. Performance management – monitoring and review

- 11.1 Performance will be assessed against the uptake of the discretionary services provided and the council’s ability to more effectively recover its costs.

Report author	Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 264217
Appendices	1. Risk Assessment 2. Proposed new authorisations and charges (for adoption)
Background information	1. Pre-application Fees for Licensing Applications, Cabinet report and decision, March 2013 2. Localism Act 2011 3. Licensing Act 2003

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 administer the discretionary service properly then it may become over bureaucratic which could have the opposite effect of putting off businesses and investment in new venues.	Licensing Team Leader	14/06/16	2	3	6	Accept				
<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>											

Appendix 2 - Extensions of Licensing Pre-application Advice Scheme

Authorisation type	Level of service	Amended fee (if applicable)	New charge (if applicable)
New premises licence	C&S	N/a (new charge)	£29.00
	PAC	N/a (new charge)	£57.00
	Full	£114.00 (large/medium) & £57.00 (small)	N/a (current fee)
Full variation of a premises licence	C&S	N/a (new charge)	£29.00
	PAC	N/a (new charge)	£57.00
	Full	£114.00 (large/medium) & £57.00 (small)	N/a (current fee)
Minor variation of a premises licence	C&S	N/a* (not in service scope due to secondary statutory requirements)	
	PAC	N/a (new charge)	£29.00
	Full	N/a (new charge)	£114.00 (large/medium) & £57.00 (small)
Street trading consent	C&S	N/a* (not in service scope due to secondary statutory requirements)	
	PAC	N/a (new charge)	£29.00
	Full	N/a (new charge)	£57.00
Permission to place objects on the highway	C&S	N/a* (not in service scope due to secondary statutory requirements)	
	PAC	N/a (new charge)	£29.00
	Full	N/a (new charge)	£57.00
Application for a club premises certificate	C&S	N/a (new charge)	£29.00
	PAC	N/a (new charge)	£57.00
	Full	N/a (new charge)	£57.00

Key

- **C&S (Check & send)** – Pre-submission validation check by licensing officer and application distribution to relevant responsible authorities (RAs).
- **PAC (Pre-application consultation)** – Submitting application for consultation pre-submission.
- **Full (Full service)** – Full level of service (i.e. technical assistance with forms, public notices, plans, pre-application consultation & check and send as relevant).

* Existing statutory obligation is on council to send application to RAs

This page is intentionally left blank

Cheltenham Borough Council

Cabinet – 14 June 2016

Food Safety Service Plan 2016 - 2017

Accountable member	Councillor Andrew McKinlay, Cabinet Member for Development & Safety
Accountable officer	Sarah Clark – Public & Environmental Health Team Leader
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The Council is required to produce a Food Safety Service Plan under the Framework Agreement with the Food Standards Agency.</p> <p>The Food Safety Service Plan is the Council’s expression of commitment to the delivery of an improving cost effective and efficient regulatory food service.</p> <p>This Food Safety Service Plan is an annual operational plan giving details of how Cheltenham is going to execute its statutory food safety functions within the Public Protection service under Mike Redman as Director of Environment.</p>
Recommendations	<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> 1. Approve the appended service plan for 2016-17.

Financial implications	<p>No financial implications</p> <p>Contact officer: Myn Cotterill, myn.cotterill@cheltenham.gov.uk, 01242 774958</p>
Legal implications	<p>A Food Safety Service Plan is required by the Food Safety Agency Framework Agreement on Official Feed and Food Law Controls by Local Authorities and may be subject to audit by the FSA. It is required to be produced on an annual basis.</p> <p>Contact officer: Iona Moseley iona.moseley@tewkesbury.gov.uk, 01452 396748</p>

<p>HR implications (including learning and organisational development)</p>	<p>The HR implications are as detailed in the report.</p> <p>Contact officer: Carmel Togher, HR Business Partner Email: carmel.togher@cheltenham.gov.uk, 01242 775215</p>
<p>Key risks</p>	<ul style="list-style-type: none"> • Please refer to appended risk assessment for full risk assessment – key risks are highlighted here • Reduced capacity whilst a senior officer phases a return to work will be managed by not participating in quarterly national and regional food sampling programmes or fully exploring commercial opportunities. This will prioritise officer resource at the food safety interventions due in 2016-17 so they are all delivered by year end in accordance with Food Law Code of Practice (FLCoP). • Failure to implement agreed measures in the audit action plan could result in legal action by the Food Standards Agency. • Reactive services will, given their inherent nature, always contain the potential for an element of risk. An unplanned event (e.g. a food poisoning outbreak) will require the diversion of resources away from scheduled plans. However, this is and will remain the essence of the service we deliver and will be tolerated and monitored throughout the plan with priority given to the appropriate control of high risk issues.

<p>Corporate and community plan Implications</p>	<p>The Corporate Strategy contains four high level outcomes for 2016-17:</p> <ul style="list-style-type: none"> • Cheltenham's environmental quality and heritage is protected, maintained and enhanced • Sustain and grow Cheltenham's economic and cultural vitality • People live in strong, safe and healthy communities • Transform our council so it can continue to enable delivery our outcomes for Cheltenham and its residents. <p>The Food Service Plan supports these outcomes by working to achieve: improved food safety and hygienic premises; high rating food businesses in the national food hygiene rating scheme (resulting in increased consumer confidence in local businesses); and the control of foodborne diseases – all of which help promote the local economy as well as protecting the health of the people who live, visit or work in Cheltenham. Advice is also given that directly improves or protects the environmental quality of the town – examples range from pests and other vectors; to the disposal of FOGs (fat or grease in drains).</p> <p>When the food safety team is back to full resource, commercial opportunities will be explored such as Primary Authority Partnerships and food hygiene training courses.</p>
<p>Environmental and climate change implications</p>	<p>None</p>
<p>Property/Asset Implications</p>	<p>None</p>

1. Background

- 1.1** The White Paper “The Food Standards Agency – A Force for Change” identified the Food Standards Agency as having a key role overseeing local authority enforcement activities. This plan is required by the Food Standards Agency (FSA) as part of their monitoring and auditing systems.
- 1.2** Service plans are seen to be an important part of the process to ensure national priorities and standards are addressed and delivered locally. Service plans also:
- ⑥ focus debate on key delivery issues;
 - ⑥ provide an essential link with financial planning;
 - ⑥ set objectives for the future, and identify major issues that cross service boundaries; and
 - ⑥ provide a means of managing performance and making performance comparisons.
- 1.3** The plan follows a standard format provided by the FSA and is required to be submitted to Members for approval. The recent Food Hygiene Rating Scheme audit by the FSA highlighted the importance of thorough service planning and resource allocation. Auditors recommended that lack of resource or other issues affecting the authority’s ability to carry out official controls should be emphasised in the service plan, because of the statutory requirement to comply with the FLCoP.

2. Reasons for recommendations

- 2.1** It is a statutory requirement to produce a Food Service Plan, and allows for the efficient planning of resource to deliver official controls required by the Food Law Code of Practice.

3. Alternative options considered

- 3.1** This plan relates to the delivery of a statutory function so no alternative options are available.

4. Consultation and feedback

- 4.1** A copy of the plan is made available on the council’s website .

5. Performance management – monitoring and review

- 5.1** Food Safety Officer performance management takes place on a monthly basis through recorded 121s with the team leader and in team meetings.
- 5.2** The Food Safety Service reports on a food service performance indicators on a quarterly basis to the Divisional Management Team. This is to grow the number of food businesses with a food hygiene rating of 3 and above. In addition, the service monitors the percentage of food businesses that are broadly compliant with food legislation. Please refer to section 3 of the service plan for details of these two performance measures and percentages of inspections achieved.
- 5.3** An annual statutory return is also produced through the Local Authority Enforcement Monitoring System (LAEMS) and monitored by the Food Standards Agency.
- 5.4** The operation of the Food Hygiene Rating Scheme is monitored by the Food Standards Agency against the Brand Standard.

Report author	Contact officer: Sarah Clark, Team Leader sarah.clark@cheltenham.gov.uk, 01242 264226
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Food Safety Service Plan 2016-17
Background information	<ol style="list-style-type: none"> 1. Food Law Code of Practice 2015 http://www.food.gov.uk/enforcement/enforcework/food-law-code-of-practice-2015 2. Food Law Practice Guidance 2015 http://www.food.gov.uk/enforcement/codes-of-practice/food-law-practice-guidance-england-2015/food-law-practice-guidance-england-2015/food-law-practice-guidance-england-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
1	If the council is unable to deliver interventions in food premises as they become due in accordance with the Food Law Code of Practice, then potential public health risk such as food poisoning outbreaks could occur (also damaging business and council reputation)	SC	18.05.16	3	1	3	A	Although the food safety service is currently at two thirds capacity whilst an officer returns to work following a long illness, the overall number of interventions due should still be achievable within existing resource. If the situation changes, resource implications will be escalated to the Director. The service will not participate in non-statutory food work until such time as it has the resource to do so (examples include participation in sampling programmes and exploration of commercial opportunities).	N/A	SC	

2	If the food safety service does not achieve the targets of the action plan following the recent FSA audit there is a risk that we will not achieve the official controls in accordance with the national FSA enforcement framework agreement. This is a risk to the delivery of two corporate strategy outcomes - economic and community	BE/YH	18.05.16	4	3	12	R	Monthly monitoring to ensure currently scheduled and overdue visits are achieved in accordance with the action plan.	31.03.17	BE/YH	
3	Emergencies –if the service suffers a lack of resource due to major emergency or food/infection related incident, then there could be a failure to carry out planned interventions or investigate food complaints/incidents.	SC	18.05.16	3	2	6	A	Likely to be short-term if risk is realised so can reduce risk with mitigation: a) mutual aid from neighbouring districts to cover high risk interventions or complaint investigation (arrangement through Glos Food Safety Liaison Group) b) notification to FSA of incident and possible impact on performance c) use of agency contract staff to backfill if necessary	In place	SC	

4	If Idox Uni-Form does not function as a stable case management system, then risk data relating to any business in Cheltenham cannot be accessed and planned interventions cannot be programmed	SC	18.05.16	2	2	4	A	Reduce risk by: a) reporting all issues to ICT and user group rep b) have now produced paper versions of inspection forms and Legal Notices etc c) reliance on paper files Access report of all due interventions has been saved in case of Uniform failure	In place	SC	

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



FOOD SAFETY SERVICE PLAN 2016-2017

1. FOOD SAFETY SERVICE AIMS AND OBJECTIVES

1.1 Background, Aims and objectives

Background

The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its *Framework Agreement on Official Feed and Food Law Controls by Local Authorities, Amendment number 5*. The FSA is an independent monitoring and advisory body that issues guidance to ensure local authorities' delivery of official controls is 'effective, risk-based, proportionate and consistent'.

Aim

The key food safety function of Cheltenham Borough Council is to ensure that the food sold, offered and stored for sale and entering the Borough is wholesome and fit for human consumption. The overarching aim is to protect public health whilst supporting food business activities.

Our objectives include:

The regular control of food premises within the Borough in accordance with the Food Law Code of Practice (FLCoP).

The investigation of the safety and fitness of food including all complaints about the operation of businesses within the Borough.

To sample foods within the Borough whilst participating in local, regional and national food sampling programmes.

To ensure we approve and register all food premises within the Borough as required by legislation.

To undertake appropriate and proportionate food safety enforcement action within the Borough.

To support food businesses in all stages of their lifecycle.

To undertake Home and Originating Authority duties within the Borough.

To promote food safety by way of advice and assistance to all food businesses, citizens and visitors of the Borough.

To administer and promote the national Food Hygiene Rating Scheme

To undertake Primary Authority Partnership arrangements

To control foodborne infectious diseases through the investigation of notifications

1.2 Links to Cheltenham Borough Council's corporate strategy for 2016-17

The Corporate Strategy contains four high level outcomes for 2016-17:

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

The Food Service Plan supports these outcomes by working to achieve: improved food safety and hygienic premises; high rating food businesses in the national food hygiene rating scheme (resulting in increased consumer confidence in local businesses); and the control of foodborne diseases – all of which help promote the local economy as well as protecting the health of the people who live, visit or work in Cheltenham. Advice is also given that directly improves or protects the environmental quality of the town – examples range from pests and other vectors; to the disposal of FOGs (fat or grease in drains).

The ethos of the service is to support and advise food businesses in the borough so that they can grow and thrive safely. There is a high rate of compliance with food law in Cheltenham which is recognised, and a graduated approach to enforcement is exercised when working with non-compliant businesses.

When the food safety team is back to full resource following a senior officer's phased return to work, commercial opportunities will be explored such as Primary Authority Partnerships, food hygiene training courses and other chargeable advisory services.

2. BACKGROUND

2.1 Profile

Cheltenham is an attractive and vibrant town serving an extensive catchment area in central and eastern Gloucestershire and the South Midlands. It is ranked in the top thirty regional shopping centres in the UK, third in the South West and has the eighteenth highest consumer expenditure in Great Britain.

The Borough is based on the town of Cheltenham and is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares and has a population of over 110,000.

Cheltenham has a wealth of restaurants and eating places. It hosts a farmers market offering a valuable opportunity to sample local produce, as well as Continental and Christmas food markets. The town offers a wide range of educational and employment opportunities, a year-round programme of festivals and events plus a strong cultural and sporting profile.

2.2 Organisational Structure

The food safety service is within the Public and Environmental Health team of the Public Protection Department, which forms part of the Environment Division under Mike Redman. The Environment Division is part of the recently appointed Director of Place and Economic Development's portfolio. The current structure is shown at the end of this plan.

2.3 Scope of the Food Service

The Council is not a Unitary Authority and therefore shares its duties under the Food Safety Act with the Trading Standards Department of Gloucestershire County Council. Cheltenham Borough Council aims to provide a full range of services within its remit offering a balanced approach between education and enforcement, in accordance with the council's graduated enforcement policy.

The Borough Council food safety service is provided by three appointed and authorised officers in accordance with the requirements of the FSA code of practice. There are two Senior Environmental Health Officers and a Senior Technical Officer. These officers are also responsible for infectious disease control along with other environmental health functions in all food premises within the Borough. The officers are also responsible for food safety advice at events and festivals in the district of Cheltenham.

Specialist services such as public analyst and food examiner are provided externally by Worcester Scientific Services, Worcester and The Public Health England Food, Water & Environmental Laboratory, Sutton Coldfield, respectively.

Also within the scope of the food service are the following functions: sampling (food, water and environmental); primary authority partnerships and the local administration and promotion of the national food hygiene rating scheme.

Demands on the Food Safety Service

The Service Delivery Point:

Address	Hours	Contact details
Cheltenham Borough Council Municipal Offices Promenade Cheltenham GL50 9SA	Mon, Tue, Thurs and Fri (09.00-17.00) Wed (09.30- 17.00)	01242 775020 env.health@cheltenham.gov.uk

There is an out of hours emergency service available which addresses the emergency closure of premises, food product withdrawal and outbreaks of food associated disease.

On 31st March 2016 there were 1031 food businesses on our database (compared to 1011 at the close of the previous financial year. The premises profile is given in the table below with figures for the previous financial year in brackets as a comparison:

	NO. OF PREMISES
PRIMARY PRODUCERS	0 (0)
MANUFACTURERS + PACKERS	5 (6)
IMPORTERS/EXPORTERS	2 (2)
DISTRIBUTORS/TRANSPORTERS	7 (8)
RETAILERS	178 (167)
RESTAURANTS AND CATERERS	839 (828)
TOTAL	1031 (1011)

As is expected for a town like Cheltenham the hospitality and catering sector predominates, the majority being small or medium sized enterprises.

With such a small team, the programmed food hygiene intervention plan for any given year can be severely disrupted by food poisoning investigations, national food alerts, food sampling and non-food related matters such as health and safety accident investigation.

2.4 Enforcement Policy and Regulatory Reform

Cheltenham Borough Council has adopted and published a corporate enforcement policy which will form the basis of all enforcement action undertaken by the Food Safety Service.

In recent years there have been a number of reviews conducted that have resulted in a change to the nature of regulation. The emphasis being that the regulatory system as a whole should use comprehensive risk assessment to concentrate resources in the areas that need them most.

In terms of food safety, this means concentrating efforts on those businesses that do not meet the minimum legislative standards, with alternative interventions in those that generally comply. This was further developed in the Regulatory Reform Act 2006 Compliance Code, which encompasses the criteria of the Enforcement Concordat of being transparent, accountable, proportionate and consistent with the additional element of being targeted only at cases in which action is needed.

There is a suite of interventions that focus on outputs and continued improvements in food safety. This allows us to choose the most appropriate action to be taken to drive up levels of compliance of food establishments with food law. In addition, we operate an Alternative Enforcement Strategy (compliant with Annex 5) which allows us to target resource at the highest risk premises.

3. SERVICE DELIVERY

3.1 Food Premises Regulation

The regulation of food premises is undertaken in accordance with the Food Safety Act 1990 Food Law Code of Practice (FLCoP). All food premises are subject to a detailed assessment based on particular criteria including types of food and method of handling, consumers at risk, level of current compliance in terms of practices, procedures including cleanliness and confidence in management.. This numerical calculation is transferred into the categorisation of premises from A to E. Category A premises are inspected a minimum of every 6 months, category B every year, category C every 18 months, category D every two years and category E premises every 3 years.

The food safety team aim to inspect all non-compliant food businesses within our area within 28 days of the due date. This includes all newly registered premises as they are deemed non-compliant until the first visit and a risk assessment has been undertaken. All non-compliant category A and B premises, i.e. those that fall significantly short of broad compliance will be visited within 28 days of the due date as required by the Food Standards Agency. Other categories of premises that are broadly compliant will be addressed by a combination of official controls and other interventions.

Further official control visits are made to premises where there are food safety concerns, in particular where the level of current compliance in food safety practices and procedures fall below satisfactory or there is little or no confidence in management. Other visits to food premises may follow a request for advice, complaint or an alleged food poisoning incident. Visits are primarily unannounced with evening/weekend inspections undertaken when required to accommodate the needs of some food businesses, e.g. those that do not open during office hours and markets and festivals held at weekends.

In line with current guidance and the necessity to target ever scarce resource at higher risk activities, we operate an alternative enforcement strategy for low risk businesses. The strategy allows for lower risk Category D and E premises to alternate between an inspection and another form of intervention such as self-assessment questionnaire.

a) Statutory Performance Monitoring

Each local authority must submit a statutory return to the FSA on their official food controls each year through the Local Authority Enforcement Monitoring System. Monitoring tables can be viewed on the FSA website: <http://www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear> although it can take some time for the latest data to be published.

b) 'Broadly Compliant' premises and the National Food Hygiene Rating Scheme

Cheltenham Borough Council participates in the national Food Hygiene Rating Scheme, which is a public interface to food hygiene standards in premises that sell food direct to the final consumer. Each food business in the scheme is given a food hygiene rating ranging between 0 (urgent improvement necessary) and 5 (very good) after it has been inspected, and the level of compliance with food safety and hygiene legislation is reflected in the rating - a rating of 3 and above indicates the premises is broadly compliant, for those businesses not excluded or exempt from having a rating. The website can be viewed at www.ratings.food.gov.uk

The service benefited from a Food Standards Agency audit on the Food Hygiene Rating Scheme in February 2016 and the findings were generally very positive in terms of the authority's compliance with the Brand Standard (see 3.2 for more detail).

The measure of how many food premises in the district are 'broadly compliant' with food safety legislation has been kept as local management performance indicator since it was discontinued as a national one.

Percentage of food businesses which are broadly compliant with food safety legislation

2008/2009 was a baseline year with less than 70% of our food premises being broadly compliant. As at 31st March 2016, 96% of rated food premises in Cheltenham in the food safety database were broadly compliant (n=990/1031 premises) which is a 2% increase from 2014-15, and 1% above the target of 95% set for the year in review. All unrated new businesses are automatically non-compliant at first, so are excluded from this calculation. A full breakdown by risk category is provided below. Officers have already addressed all but one non-compliance but are only able to change the risk rating to reflect compliance if a full or partial re-inspection, or audit is completed with the business rather than a visit to verify non-compliances have been rectified.

Profile of premises in broad compliance with food law	Broadly compliant	Total # of premises	% broadly compliant
Premise Rating - A	0	0	N/A
Premise Rating - B	66	73	90.4%
Premise Rating - C	334	341	98.0%
Premise Rating - D	315	318	99.7%
Premise Rating - E	275	276	99.6%
Totals	990	1031	96.0%

For 2016 -17, the target is to end the year with 97% of rated premises broadly compliant with food safety legislation.

c) Grow the number of food businesses with a rating of 3 or more

At year end there were 875 Cheltenham food premises with a rating of 3 or higher out of 953 food premises on the national Food Hygiene Rating Scheme website. This equates to 92% with a rating of 3 (generally satisfactory) or higher. This indicator is reported to Divisional Management Team on a quarterly basis and is also reported in the corporate plan. The figure for 2014-15 was slightly higher at 93% (n=975/953) but the number of new food businesses was also slightly lower (if a business opens without being broadly compliant with food law it will not receive a rating of 3 or more).

A **target number of interventions** is not set on an annual basis as the number of premises opening and closing or changing food liability throughout the year means such a target would not be meaningful. However, it is necessary to assess the percentage of planned interventions delivered per risk rating category in order to inform resource allocation and ensure the authority complies with its duties in accordance with the FLCoP.

The following table gives the targets and results for 2015-16 for inspections due per risk category:

Risk Category	Interventions due	Interventions achieved	Target
A	4	4 = 100%	100%
B	120	120 = 100%	100%
C	248	174 = 70.1% (100% of non-compliant Cs achieved)	100%
D*	144	84 = 58.3%	0%
E*	59	8 = 13.6%	0%
Unrated ie 'new'	142	142 = 100%	100%
TOTAL	717	532 = 74.2%	54.6%

The overall intervention rate of 74.2% against the authority's self-set target of 54.6% to adjust for one third of the team being on long term sick leave was achieved by concentrating on inspections and service requests. The service did not engage in any sampling programmes as a result.

The mobile technology business case demonstrated in the previous financial year has not yet been realised but the service remains committed to exploring improved efficiency.

The service plan for 2015-16 attempted to mitigate the impact of long term officer sickness not being backfilled by prioritising resource at interventions due in premises rated in the highest risk categories. However, this strategy posed risks itself (as was commented on by FSA auditors) as it assumed the nature and likelihood of risk of Category D and E premises had not changed despite the length of time since last intervention. This premises profile for overdue interventions contained caring premises such as nurseries, schools and residential homes as well as mobile traders with the potential to serve a wide geographical area.

The authority is not in compliance with Food Law requirements if it operates outside of the frequency of official controls, particularly without a plan in place to address such a situation. Following the auditors advice, the service was granted approval to backfill resource to undertake the interventions that were already overdue, or that were projected to be overdue on 31st March 2016.

It is imperative that the food safety service is sufficiently resourced to undertake each year's programme of official controls.

2016 - 17 Service Delivery Proposal

Inspection performance will be impacted this year whilst one of the senior officers is on a phased return to work. The inspections due as of the start of the financial year are as follows:

Official food safety controls (inspections) overdue as of 31.03.16 = 398

New premises (average of 15 per month) = 180

The inspections due can be broken down into risk categories as follows:

Risk category	Number due for intervention	Target for 2015-16
Unrated – ie new businesses	Minimum of 180	100%
A	0	
B	67	
C	182	100%
D	96	100%
E	42	100%
TOTAL	393 due + 180 new = 504	393 due and all new (unrated) = 100%

Plan for overdue inspections

A food safety officer is currently undertaking all 398 overdue inspections contracted using underspend from the salaries budget for some of the time the postholder was on sick leave in 2015-16.

Plan for due interventions

The total number of premises due intervention in 2016-17 is 504: significantly less than the 717 due in 2015-16 when one third of the team resource was not available. The total number of interventions achieved in 2015-16 was 532 which indicates current resource could deliver all interventions due over the course of the coming year although this is unlikely to stretch to include sampling programmes or business advisory visits for example. Should this situation change, the food safety service will request authorisation to acquire additional resource. There are approximately 70-100 revisits to premises each year to verify specific requirements; undertake a full revisit for non-compliance; or at the request of the food business operator under the Food Hygiene Rating Scheme.

The following table provides interventions due by risk category in each quarter. It is likely that some inspections due in quarter 2 may carry over to quarter 3 but at year end, 100% of inspections should be achieved.

	Q1	Q2	Q3	Q4	TOTAL
A	0	0	0	0	0
B	3	17	22	25	67
C	41	74	34	33	182
D	13	26	27	30	96
E	7	9	13	13	42
TOTAL	70	126	96	101	393

3.2 Food Hygiene Rating Scheme audit – Food Standards Agency action plan

The implementation of audit action plan recommendations will be led by a Senior Food Safety Officer as part of a phased return to work. Key actions relate to improved internal monitoring and consistency arrangements such as updating consistency and intervention frameworks. In addition, the team leader will accompany each food safety officer on shadowed visits to a range of premises each financial quarter as well as continuing to assess consistency and performance in 121s, peer reviews and team meetings.

3.3 Food Complaints

Food complaints are investigated in accordance with the FSA Code of Practice. The number of food complaints investigated by the food safety team in 2015-16 was 11 (20), with a further 59 (68) complaints relating to the hygiene of food premises. The number of complaints received in the previous year is shown in brackets.

Performance target: A target has not been set for the resolution of these complaints as that depends upon the most appropriate course of enforcement action for each complaint on a case by case basis. The principle is to instigate investigation or advise the complainant why no action is possible, as soon as possible (so that 'end to end times' can be demonstrably reduced) and at least within three working days. 100% of all complaints received were actioned.

3.4 Primary Authority Principle

The Council will consult at an appropriate level with the Primary Authority for any food business, in accordance with the principles laid down in The Food Safety Act 1990 Code of Practice and BRDO guidance.

3.5 Advice to Businesses

It is the policy of the Section to provide assistance to local food businesses when requested to help them comply with the legislation and to encourage the use of best practice. This is achieved through a range of activities including:

- Advice given during inspections and other visits to premises
- Provision of advisory leaflets
- Responding to service requests and enquiries
- Attendance at Event Consultative Groups to advise on food safety at public and community events.
- Advice given in response to planning and licensing applications.

Whilst the resources of the Food Safety Service will always be used in proportion to the risk to public health, every effort will be made to accommodate requests for advisory visits to food premises.

3.5 Food Sampling

The food service did not participate in Public Health England coordinated cross-regional food sampling programmes or national studies in 2015-16 due to insufficient resource but hope to recommence this as soon as practicable.

Performance: the usual target would be to participate in 100% of local, sub-regional and national sampling studies as agreed by Gloucestershire Food Safety Liaison Group and to follow up 100% of any unsatisfactory results with the respective businesses.

3.6 Control & Investigation of Outbreaks & Food Related Infectious Disease

The measures to be taken to control the spread of infectious diseases are contained in various acts of Parliament and their associated Regulations. This legislation places a duty on local authorities to control the spread of food poisoning and food and water borne diseases.

Annual notifications vary from year to year with a noticeable increase in Norovirus outbreaks in recent years. These outbreaks are often associated with closed settings which have a more vulnerable group of clients, for example care homes. Intervention in these outbreaks takes up a significant amount of officer time.

The objectives in respect of this service are:

- To administer and implement our statutory responsibilities relating to the control of infectious disease.
- Investigate all notifications of food poisoning cases and likely sources of infection whether confirmed or not at the earliest opportunity.
- Where a source is identified take appropriate action to ensure risk of spreading is controlled.
- Protect the well-being of individuals at risk by taking action to contain the spread of infection and provide advice and information regarding personal hygiene, food handling and control of infection.

- Exclude food handlers and people working with high-risk groups from work in consultation with the Consultant for Communicable Disease Control (CCDC).
- A Countywide “Outbreak Control Plan” is operated including standardised food poisoning investigation questionnaires.

Performance target: to action 100% of infectious disease notifications within two working days (with the exception of *Campylobacter* which has been put on reduced surveillance by the local health protection unit) unless the potential risk to public health requires a same day response (eg *E Coli 0157*)

183 infectious disease notifications were received in 2015-16 compared to 196 the year before, and 100% were investigated within two working days.

3.7 Food Alerts

The Food Standards Agency operates a system to alert the public and food authorities to serious problems concerning food that does not meet food safety requirements.

Food alerts vary in significance and require an appropriate response. Some are of high priority and require immediate action. This may involve contacting and/or visiting food premises and taking immediate action under powers contained in Food Legislation. Others are for information only.

All alerts are received directly from the Food Standards Agency via a secure dedicated computer network system. The Public & Environmental Health Team Leader will instigate the necessary response and provide the necessary out of hours cover for this service.

Where the Council becomes aware of a serious localised incident or a wider food safety problem, it will notify the Food Standards Agency in accordance with the Code of Practice.

It is estimated that around 100 food alerts requiring various levels of action will be received on an annual basis. It is difficult to estimate the resource required to meet this responsive element of the service as the work associated with individual alerts can vary significantly.

3.8 Liaison with Other Organisations

The Council is committed to ensuring that the enforcement approach it adopts is consistent with other enforcing authorities. This takes place through regular meetings and attendance by the manager at the Gloucestershire Food Safety Group. This group comprises of peer representatives of each of the six District and Borough Councils in the County, the County Council Trading Standards Service, the Food Standards Agency, the local FSA vet and PHE Laboratory Service.

The forum provides a mechanism for discussion of relevant food matters, the provision of training on a county-wide basis, the formulation of policy, documentation and guidance and co-ordinated responses to Government and Central Agencies.

The Council attends the Gloucestershire Public and Environmental Health Forum (previously known as the Consultant in Communicable Disease Committee). By means of this forum, which meets half yearly, members are kept informed about relevant subjects and are able to benefit from the valuable and very necessary liaison between public health and medicine.

A Divisional Veterinary Officer is part of the Forum and is able to brief the group on local and national issues regarding animal welfare, disease control and food safety.

Within the Council, the Food Service is also a consultee for the planning, building control and licensing functions.

4. RESOURCES

4.1 Financial Allocation

The Food Safety Service budget for the coming year is £171, 200 (down from £184,000 the previous year as central recharges have reduced). This budget includes staffing, travel subsistence, I.T. development, legal action and office overheads necessary as part of the food safety enforcement function. Specific Food Safety related insurances. Recharges for I.T. support, Human Resources, accountancy and audit. Corporate insurances, communications, E government and asset management.

The Council always seeks to recover costs following successful legal proceedings wherever possible.

4.2 Staffing Allocation

All food safety officers are appropriately trained and competent to work within this field. Officers are authorised according to their competency and experience. There are 3 FTEs dedicated to the delivery of the food safety service. One of these (Senior Environmental Health Officer) is on a phased return to work following long term sick leave.

The food safety service is headed by Yvonne Hope and Barbara Exley (Head of Service) and managed by Sarah Clark (Team Leader)

There are two SEHOs and one senior technical officer in the food safety team who are widely experienced in food safety. All officers have completed a competency framework assessed by the Lead Officer.

4.3 Staff Development Plan

The Council has an annual review system of staff, this process includes training needs. The food safety team holds regular meetings to review and distribute workloads in addition to monthly 1-2-1 meetings for all the team. Any training needs required for new legislation, guidance etc are discussed and actioned at these meetings.

Food safety regulators are required to achieve a minimum of 20 hours of continued professional development every year to include 10 hours specifically on food topics. The service encourages cascade training as a mechanism to disseminate new guidance and further staff development.

5. QUALITY ASSESSMENT

Local performance indicators are reviewed quarterly. Please refer to section 3.1.

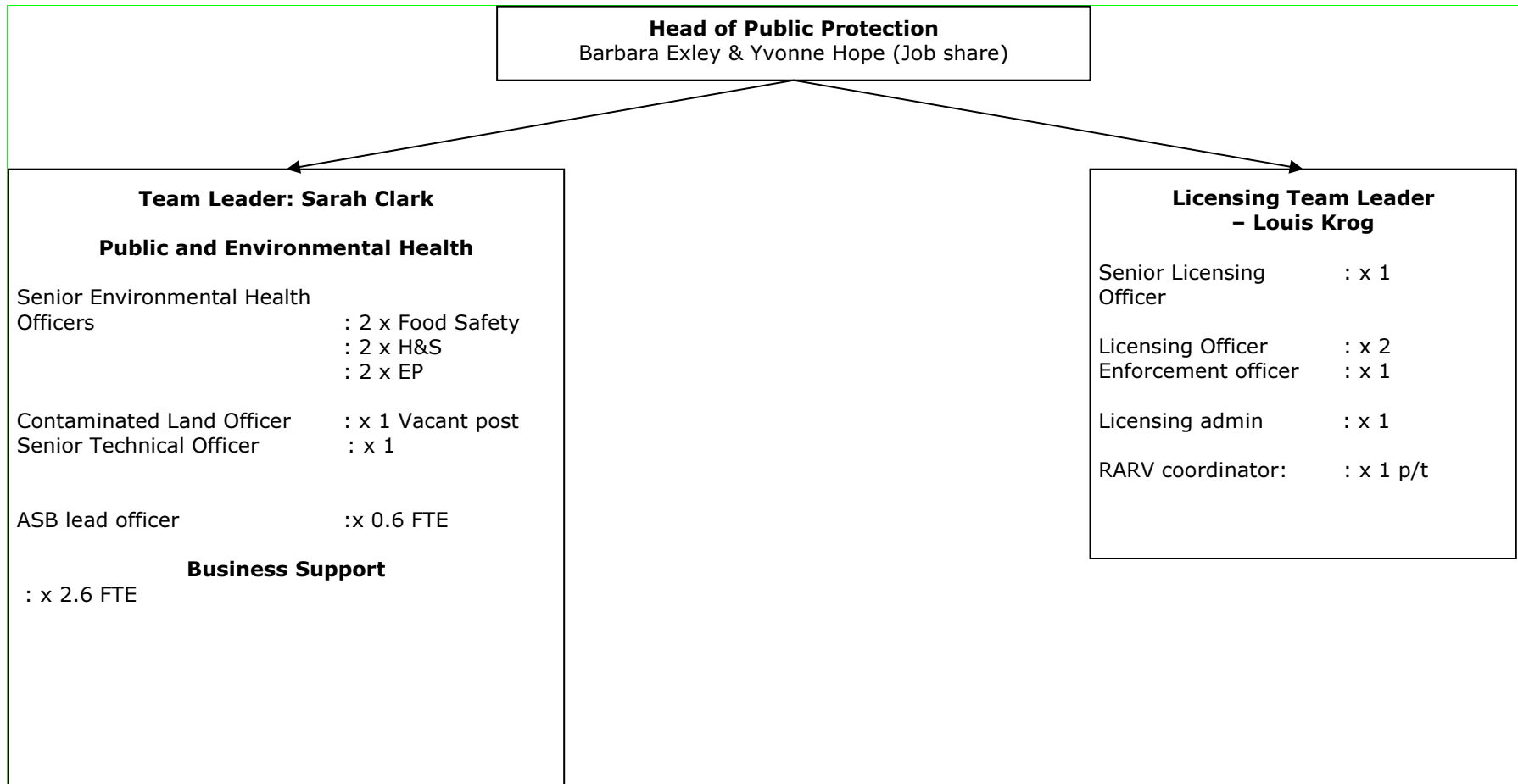
All officers use standard inspection/audit forms and have undergone consistency training.

The Uni-Form database (which also forms the Public Register of food premises) is audited on a monthly basis for data accuracy before upload to the Food Hygiene Rating Scheme portal.

6. REVIEW

Last year's progress in food safety includes:

- continuing a high standard of broadly compliant businesses included in the food hygiene rating scheme
- intervention at over 50% of premises due for inspection despite one third less resource ie official controls carried out in
- assessment of all unrated 'new' food businesses
- prioritisation of visits to non-compliant food businesses and use of alternative enforcement strategy
- 311 written warnings of non-compliance with food hygiene legislation
- one voluntary closure of a premises because of public health risk
- one Improvement Notice served to secure compliance
- official controls carried out in 532 premises
- received and actioned 183 infectious disease notifications
- Participation in FSA FHRS audit and subsequent implementation of recommendations
- Tried leaving 5 rated premises with report of visit and FHRS rating at time of inspection to reduce time and printing/postage costs.



This page is intentionally left blank

**Cheltenham Borough Council
Cabinet – 14 June 2016
Pedestrian Wayfinding Phase 2
Capital Project Authorisation**

Accountable member	Cabinet Member Development and Safety, Councillor Andrew McKinley
Accountable officer	Townscape Manager, Wilf Tomaney
Ward(s) affected	All Saints, College, Lansdown, Park, Pittville, Prestbury, St Paul's, St Peter's
Key/Significant Decision	No
Executive summary	<p>Phase 1 of the pedestrian wayfinding project is now implemented. Wayfinding Ph2 is identified in the Cheltenham Development Task Force Business Plan.</p> <p>The Borough Council has money from two external funding sources specifically to assist with the implementation of Phase 2 of the Pedestrian Wayfinding project.</p> <p>It is recommended that Cabinet approves the use funds from these sources to implement Phase 2 of the Pedestrian Wayfinding project as follows:</p> <ul style="list-style-type: none"> • £25,700 Section 106 money from the Pittville Campus development (the entirety of this funding source) • £19,800 Local Sustainable Transport Fund under-spend from Phase 1 of the wayfinding project (the entirety of this residue) <p>This is a capital project under £100,000 which requires Cabinet Approval.</p>
Recommendations	<p>That Cabinet approves the spending on the Phase 2 of the Pedestrian Wayfinding Project as follows:</p> <ul style="list-style-type: none"> • £25,700 from Pittville Campus S106 funds; and • £19,800 from Local Sustainable Transport Funds

Financial implications	<p>The funding sources are as outlined in the body of the report.</p> <p>Contact officer: Nina Philippidis, nina.philippidis@cheltenham.gov.uk, 01242 264121</p>
Legal implications	<p>Any procurements arising from the recommendations will need to comply with the Contract Rules and the Public Contract Regulations 2015.</p> <p>Contact officer: peter.lewis@tewkesbury.gov.uk, 01684 272012</p>

HR implications (including learning and organisational development)	No direct HR implication arising from this report. Contact officer: Julie McCarthy julie.mccarthy@cheltenham.gov.uk, 01242 264355
Key risks	If the Council does not use the funding for pedestrian wayfinding, then it will need to be returned to the original funders. If the Council does not use this funding for phase 2 of the pedestrian wayfinding project, there is no further funding currently available and the project will not proceed.
Corporate and community plan Implications	The project meets a number of elements of the Corporate Vision Statement – enhancement of built environment, a town that welcomes visitors, provision of a range of sustainable transport options. It contributes to the Corporate Plan's <ul style="list-style-type: none"> • Environmental outcome • Economic outcome – in particular <ul style="list-style-type: none"> ○ Econ 1 (Place-making), ○ Econ 2 (Tourism), ○ Econ 4 (Cheltenham Development Task Force Business Plan) • Community outcome – in particular <ul style="list-style-type: none"> ○ COM 8 (Health and well-being) ○ COM 9 (Walking and cycling)
Environmental and climate change implications	The project is intended to assist with and encourage walking in the town. This will make a contribution to vehicular traffic reduction – easing congestion and carbon emissions.
Property/Asset Implications	Whilst the Pedestrian Wayfinding Project and other street furniture projects do not impact on the council's property assets and are therefore not under the control or management of Property Services, the general increase in street furniture through the various public realm projects will impact on the relevant Council budget which will need to be adequately funded as the ongoing maintenance liability will remain with CBC. Contact officer: David Roberts david.roberts@cheltenham.gov.uk

1. Background

- 1.1 In 2014 the Council used Local Sustainable Transport Fund (LSTF) money from a central government grant administered by Gloucestershire County Council (GCC) to implement an initial phase of its Pedestrian Wayfinding project. The project was identified in both the adopted Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document (SPD) and the Cheltenham Development Task Force (CDTF) Business Plan.
- 1.2 This initial phase covered key parts of the town centre, the railway station and Bath Road shopping street. The intention was to expand coverage as and when funding became available. Bolstering walking and cycling, particularly for short intra-urban journeys, is considered an important supplement to other CDTF projects, particularly the Cheltenham Transport Plan.
- 1.3 In addition to the SPD and CDTF Business Plan, the project is considered to support tourist movement through the town and encouraging healthy lifestyles. Future phases (beyond Phase 2) are currently unfunded, but the project could incorporate a more comprehensive approach to wayfinding in car parks.
- 1.4 The Business Improvement District Business Plan identifies wayfinding as an area for development and discussions are underway with the shadow BID board on how areas of common interest might be funded and delivered.
- 1.5 Discussions are underway with the Cheltenham Trust to develop mapping typologies based on those of the Wayfinding project which are consistent throughout the visitor experience – so that visitors are viewing consistent map styles
 - a. on the web (while planning a visit)
 - b. at arrival points (coach, rail, car parks)
 - c. on paper handouts (at the TIC, hotels and other visitor attractions)
 - d. on street (through the signage) and
 - e. on mobile devices (monolith signage has a QR code to link to the tourism website)

2. Reasons for recommendations

- 2.1 Phase 2 of the pedestrian wayfinding project remains consistent with the Civic Pride SPD and the CDTF's 2016-17 Business Plan (which is due to come to Cabinet shortly). The plan at appendix 1 shows new sign locations to be implemented through Phase 2. This phase is now ready to go to tender and Cabinet approval is required as it is a capital project valued between £10,000 and £100,000.
- 2.2 The funding sources are as follows:
 - a. GCC agreed that any underspend on Phase 1 of the pedestrian wayfinding project should be put towards a Phase 2. With the final accounts now in the process of being settled, the underspend is £19,800
 - b. A key element in addressing issues around the planning permission to redevelop parts of Pittville Campus to provide additional student accommodation was travel. A number of initiatives were included as requirements of the permission to encourage use of sustainable transport. Included was a Section 106 contribution of £25,700 towards the pedestrian wayfinding project to help students walking between Pittville and the University's various campuses and the town.

3. Alternative options considered

- 3.1 In developing phase 2, officers considered the optimum locations for developing the project – extending coverage around the town centre, completing the linkages to the railway station and addressing suitable locations emerging as a result of CTP work. The locations identified in the attached plan are considered the best fit with this.
- 3.2 The funding sources (Pittville Campus S106 and LSTF) are specifically identified for a further phase of the pedestrian wayfinding project. If monies are unspent, they will need to be returned.

4. Consultation and feedback

- 4.1 The project was initially designed and developed with a group of stakeholders prior to Phase 1. The engagement covered the project beyond the then planned initial stage. Phase 2 has been developed from those engagement discussions and in discussion with the University because of the S106 implications. Feedback on phase 1 has generally been supportive.

5. Performance management –monitoring and review

- 5.1 Lessons have been learnt from the design and implementation of phase 1 and are being taken on board in the design of Phase 2.
- 5.2 There is an opportunity through the operation of the CDTF to review the overall strategy.
- 5.3 The need for additional revenue funding for maintenance of assets emerging from CDTF and related projects has been agreed through the project assessment and budget making process. There is a modest revenue growth over the coming years that should cover anticipated increased maintenance liabilities.

Report author	Contact officer: Wilf Tomaney, Townscape Manager, wilf.tomaney@cheltenham.gov.uk, 01242 264145
Appendices	<ul style="list-style-type: none"> 1. Risk Assessment 2. Pedestrian Wayfinding Phase 2 Proposed Sign Locations
Background information	<ul style="list-style-type: none"> 1. Cheltenham Development Taskforce Business Plan 2. Cheltenham Civic Pride Urban Design Framework SPD. https://www.cheltenham.gov.uk/info/46/planning_policy/1037/supplementary_planning_documents/4

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 S106 and LSTF funding is unspent, then it will need to be returned to the funding sources, with no other significant source available specifically for this project	WT	May 2016	5	1	5	Accept	Commit funding to the Wayfinding project.	Oct 2016	WT	
	If pedestrian signage around the town is inadequate, then there may be a negative impact on pedestrian movement around the town.	WT	May 2016	4	2	8	Reduce	Commit funding to Wayfinding project	Oct 2016	WT	

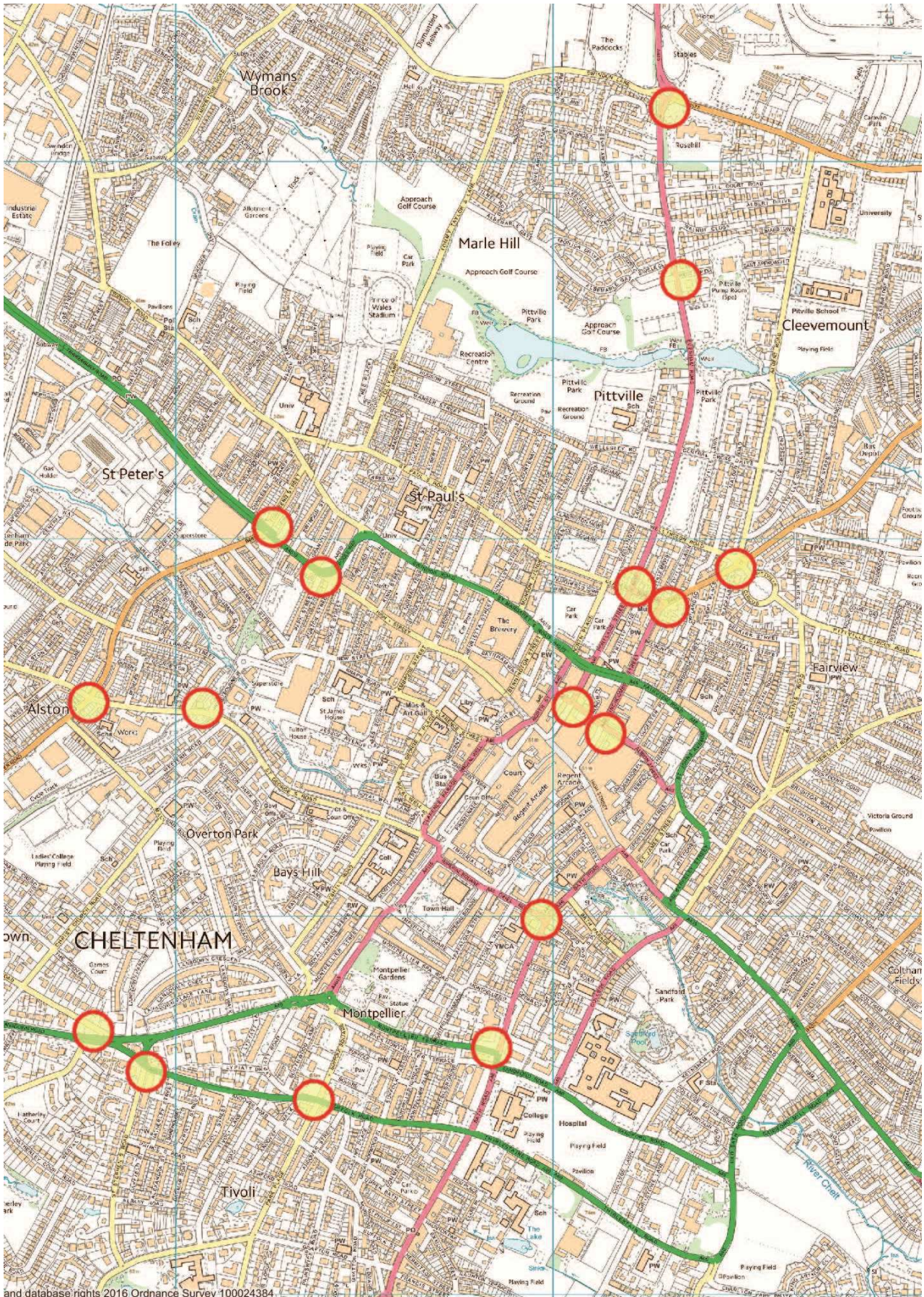
Explanatory notes

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

Pedestrian Wayfinding Phase 2 Proposed Sign Locations



and database rights 2016 Ordnance Survey 100024384

Cheltenham Borough Council Cabinet– 14 June 2016 Private Rented Sector HMO Survey

Accountable member	Cabinet Member Housing, Councillor Peter Jeffries,
Accountable officer	Enforcement Manager, Mark Nelson,
Ward(s) affected	St Paul's and All Saints
Key/Significant Decision	Yes
Executive summary	<p>On 17th March 2015, Cabinet approved a report which proposed that a house condition and management survey of the private rented stock be carried out by consultant surveyors. This was to be a first stage to identify ward areas which could benefit from the introduction of a discretionary licensing scheme under Housing Act Legislation and/or an Article 4 Direction under Planning Act legislation.</p> <p>The survey work was tendered, but the tenders received were not of the quality or price to allow officers to recommend acceptance. The Government has since introduced proposals to extend mandatory House in Multiple Occupation (HMO) licensing.</p> <p>Any extension to mandatory HMO licensing will require the identification of licensable HMO's. Depending on the scope of any extension, the introduction of a discretionary HMO licensing scheme (Additional Licensing) may be appropriate to further control standards and the management of HMO's within targeted wards.</p> <p>It is therefore proposed to recruit to a new permanent post which will be initially responsible for the surveying of HMO's within the St Paul's and All Saints wards. The post will also be responsible for any follow-on HMO survey work and for supporting officers in their HMO licensing duties. This new post will initially be funded from the Housing Survey Reserve (18 months) and then by HMO licensing fees, following an extension to mandatory licensing, or the introduction of a discretionary HMO licensing scheme.</p> <p>As HMO survey work carried out by the new post will require the support of existing enforcement staff, there will be a need to re-prioritise areas of work carried out by the enforcement team. It is therefore proposed that if the creation of the new post is approved, the availability of Health and Safety loans will be suspended, at least until the survey work is completed.</p>
Recommendation	<p>That Cabinet approves:</p> <ul style="list-style-type: none"> • re- prioritisation of areas of private sector housing work as highlighted in paragraphs 1.7 and 1.8, to enable the recruitment of a permanent member of staff to carry out HMO survey work and support enforcement officers in carrying out HMO Licensing duties following completion of the survey.

<p>Financial implications</p>	<p>There is a budget balance of £83,991 as at 31/03/2016 in the Housing Survey Reserve and £5,000 is currently added to this reserve each year.</p> <p>Initial (18 months) funding for a new post (maximum cost of £62,250) can be made available from the Housing Survey Reserve by means of a transfer from earmarked reserve authorised by the S151 officer under delegated powers. Once survey work is complete, the post is intended to be funded from additional HMO licensing fee income – on the basis changes to the HMO licensing legislation have been implemented.</p> <p>Should the legislation extension be insufficient to support the funding of the post, a restructuring exercise will need to be undertaken to re-prioritise service provision to ensure the base budget is not exceeded.</p> <p>Taking into account the cost of funding the new post for 18 months whilst the survey work is undertaken and the continued setting aside of £5,000 each year, it is anticipated that there will be sufficient funds available in the Reserve to enable a borough wide house condition survey, which is usually carried out every five years and last carried out in 2011, to be carried out in 2019/20.</p> <p>If the proposed HMO survey identifies the need for discretionary licensing and / or the introduction of an Article 4 Direction, there will be resource implications for the required public consultation necessary to determine whether the introduction of any such scheme is appropriate. The cost of this consultation could be met from the current Housing Survey Reserve, but this would further push back the date for the next borough-wide stock condition survey. This would result in a further postponement until 2021/22, unless an alternative funding source can be identified.</p> <p>The date of the borough wide house condition survey will be brought forward if, after consideration, the Housing Survey Reserve can be topped up with HMO licence income following any extension to mandatory licensing or by utilising commuted sum receipts, provided through planning agreements, to raise standards in the private rented sector.</p> <p>Contact officer: Nina Philippidis nina.philippidis@cheltenham.gov.uk, 01242 264121</p>
<p>Legal implications</p>	<p>The Council is governed by the Housing Act 2004 in relation to its management of HMO's within its area.</p> <p>The action proposed within the report is within the powers of the Council. A full risk assessment has been undertaken and is attached with the report.</p> <p>Contact officer: Vikki.fennell@tewkesbury.gov.uk, 01684 272015</p>
<p>HR implications (including learning and organisational development)</p>	<p>Finance have identified that funding is available for this new post. If Cabinet approves the recruitment of a permanent member of staff, then the post will need to be described and graded in order to commence the recruitment process.</p> <p>Contact officer: Carmel Togher, HR Business Partner carmel.togher@cheltenham.gov.uk, 01242 775215</p>
<p>Key risks</p>	<p>See Appendix 1</p>

<p>Corporate and community plan Implications</p>	<p>The recommended outcomes of this report positively contribute to the following Corporate and Community Plan objectives:-</p> <ul style="list-style-type: none"> • Cheltenham's environmental quality and heritage is protected, maintained and enhanced. • People live in strong, safe and healthy communities
<p>Property/Asset Implications</p>	<p>None</p>

1. Background

1.1 The Cabinet report of 17 March 2015 recommended going out to tender to understand the survey cost implications of each of the following survey options that would be undertaken:

- i. The costs involved in surveying all types of private rented housing in one or more of the following wards:
 - St Paul's;
 - Lansdown;
 - All Saints;
 - College;
 - Pittville; and
 - St Peters
- ii. The costs involved in surveying only HMO's in one or more of the wards, as detailed above.

1.2 The report also recommended that a further report be brought back to Cabinet to approve the tender price and selection along with a recommendation as to which of the survey options should be undertaken.

1.3 Following the tender process two tenders were received. One tender required that the council provide information that could not be provided for data protection reasons, which meant that the tender was unacceptable and not fit for purpose. The second tender was unacceptable as the data to be collected was considered insufficient for the aims of the survey, especially with regard to HMO management and anti-social behaviour issues. This tender also gave insufficient information to establish the methodology behind the identification of HMO stock.

1.4 The tender comparison cost for the second tender was:

Option 1 (Identification and inspection of private rented stock)	£147,474
Option 2 (Identification and inspection of HMO stock)	£100,189

1.5 The tenders were not of the quality or price to allow officers to recommend acceptance.

1.6 This report proposes an alternative option to the procurement of the housing survey which was to be carried out by external consultants.

1.7 The alternative option is recruitment to a newly created permanent post, paid for initially utilising the Housing Survey Reserve whilst survey work is being undertaken (18 months) and longer term by HMO licence fee income. This would require a review of services once the scope of any extension to mandatory licensing is known. This option would also require the re-prioritisation of areas of the enforcement team's existing work whilst the survey work allocated to this post is being supported.

- 1.8** Currently, the Council provides discretionary Health and Safety loans and emergency grants to owner occupiers as outlined in Appendix 2. As part of the re-prioritisation of work, in order to support the HMO survey in St Paul's and All Saints, it is proposed that the provision of Health and Safety loans is withdrawn at least until the survey is complete. Health and Safety emergency grants will still be available where the eligibility criteria are met, but those owner occupiers who wish to access a Council loan would need to make alternative loan or equity release arrangements.
- 1.9** The government grant which funded Health and Safety loans and grants ceased in 2011 and these will only be available while the remaining funds last. Current commitments mean that irrespective of any policy decision contained in this report, remaining funds would need to be prioritised in the near future to help the most vulnerable by reserving remaining funds for eligible grant applicants and not issuing further loan approvals.
- 1.10** Article 4 Directions (a planning measure which can be used to restrict the creation of new HMO's) require a clear case for their introduction and must be justified with evidence – this requires area survey work to be carried out.
- 1.11** Any method to control new HMO accommodation, including Article 4 Directions, needs to be evaluated as part of the Council's overall planning strategy. The proposed appointment to a post to survey the St Paul's and All Saints wards, together with support from the enforcement team, would be used to help inform Planning Strategy. The decision to use any such control in a specific area cannot be made in isolation of the overall planning strategy of the Council.
- 1.12** The emerging Cheltenham Plan provides an opportunity to frame new planning policies and strategies that could help improve the quality of HMOs. Opportunities to work with Gloucestershire University and its growing student population will be important for the Council's overall HMO strategy.
- 1.13** In November 2015, the Department of Communities and Local Government (DCLG) introduced a technical discussion document entitled "Extending Mandatory Licensing of HMO's and related reforms". Provisions in the recent Planning and Housing Bill also contain powers which will allow better identification of HMO stock. The identification process was a main aim of the tendered survey and the new post, with the support of the enforcement team, will allow the identification of stock that is and will be subject to Mandatory licensing.
- 1.14** DCLG plans to introduce an extension to mandatory HMO licensing this year (2016) to include, subject to consultation, HMO's with 5 or more persons in two or more storey accommodation. Currently, mandatory licensing is restricted to HMO's containing 5 or more persons of three or more storeys in height. This would increase HMO's subject to mandatory licensing from 279 currently to an estimated 1,000 across the Borough. Whether licensing is extended to all HMO's with 5 or more persons is being debated, as is the threshold for the number of occupants. If the number is reduced from 5 or more persons, this could substantially increase the number of HMO's subject to mandatory licensing. The identification of stock is a key part of the licensing process.
- 1.15** An extension to mandatory licensing may replace the need to look at 'Additional licensing' within the All Saints and St Pauls wards. The introduction of an Additional licensing scheme in these ward areas will require evidence gathering by the proposed survey work and additionally a consultation exercise with local residents before designation.
- 1.16** The need for and budgetary implications for any Additional Licensing scheme will be evaluated following the completed survey work. In addition to collecting evidence to show any need for Additional Licensing or an Article 4 Direction, the proposed survey work will also identify stock subject to any extension to mandatory licensing and will help inform the Council as to whether any extension to mandatory licensing will be sufficient to address problems highlighted by the survey work.

2. Reasons for recommendations

2.1 To gather the required evidence to inform the Council on the use of its statutory powers in relation to the control of the numbers, safety and management of HMO's.

3. Alternative options considered

3.1 Tendered House Condition Survey as described in the report, but this did not identify a suitable contractor capable of undertaking the work.

3.2 The recruitment to a fixed term post for 18 months to carry out the survey work. This option was rejected based on the uncertainty of recruitment other than through recruitment agencies, associated cost grounds (this would be a more expensive option) and the need to develop the service long term, in preparation for any extension to HMO licensing.

4. Consultation and feedback

4.1 Tender submissions, local residents and the representations of Council Members.

5. Performance management –monitoring and review

5.1 The results of the survey work will be used to inform the future use of Council powers.

Report author	Contact officer: Mark Nelson mark.nelson@cheltenham.gov.uk, 01242 264165
Appendices	1. Risk Assessment 2. Health and Safety Loans and Grants Outline
Background information	

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										
	If loans are no longer available, there is a risk that some vulnerable householders may not be able to address health and safety issues within their properties.	Mike Redman		3	1	3	Accept	<p>Only been two health and safety loans have been taken up over the past two years and the impact of their suspension is considered low.</p> <p>Health and Safety grants will still be available to eligible owner occupiers to address circumstances where there is an imminent risk to health and safety.</p>		Mark Nelson	
	General risks										
	If the survey is not completed within the target timeframe, the introduction of extended licensing arrangements may be delayed, exposing tenants to unsatisfactory housing conditions for longer than would otherwise be the case.	Mike Redman		3	2	6	Reduce	Re-prioritise work within the enforcement team to accelerate survey completion.		Mark Nelson	
	If serious hazards	Mike		5	2	10	Reduce	Where officers consider		Mark	

	are identified during the survey work, the Council has a duty to take action, which could slow down progress with the survey.	Redman						there is an imminent risk associated with the hazard identified, or where there is likelihood of injury within a short period of time, action will be taken as a matter of priority. This may result in survey work and other lower priority enforcement work being delayed.		Nelson	
	If the Council is unable to recruit to the proposed new post, or there is a delay in recruitment while a suitable candidate is found, the completion of the survey may be delayed.	Mike Redman		3	4	12	Accept	The use of existing enforcement staff will accelerate the start of the survey work, but completion may be delayed if the planned boost to resourcing is unsuccessful.		Mark Nelson	
	If the Housing Reserve Fund being used to finance the new post is not topped up from anticipated income, implementation of the private sector condition survey may be delayed.	Mike Redman		1	2	2	Accept	Carry out a borough wide survey when available staffing resourcing permits. A private stock condition survey has typically been carried out every five years. Potentially there could be a challenge that the condition of all of the housing stock had not been reviewed, but the survey does review the stock as part of a staged approach and there is no set time		Mark Nelson	

								period over which reviews should take place.			
--	--	--	--	--	--	--	--	----------------------------------------------	--	--	--

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

Health and Safety Loan/ Grant

Appendix 2

Purpose

Where funding remains available, to facilitate the improvement of houses for those most in need in the Borough, where repairs are essential to protect the health and safety of the occupant(s).

Health and Safety loan

The Health and Safety loan is available to cover the cost of eligible works up to £20,000. Eligible works will include those works necessary to rectify category 1 hazards, as assessed under the Health and Safety Rating System (HHSRS), provided that the carrying out of works is the most appropriate course of action when following such assessment.

The Health and Safety loan will cover the cost of eligible works, administration costs and related professional fees. The loan is subject to a maximum of £20,000 in any 7 year period, at the discretion of the Council. The loan is interest free.

The loan will become a legal charge on the property repayable to the Council on the sale of the property or vacation of the property for a period of 6 months in any 12 month period or on death of the applicant or the last of those persons named in the loan agreement provided that immediately prior to death they were occupying the property as their main or principal dwelling.

Eligibility

Eligible applicants include those persons who have been owner occupiers of the house subject of the applications for a period of more than one year and who are classified as 'financially' vulnerable as defined by Department for Communities and Local Government "A Decent Home: Definition and guidance for implementation June 2006 - Update". Applicants have to be in receipt of a relevant means tested benefit set out in the definition. As stated in the guidance, this definition may be subject to change and the Council's policy will be amended accordingly.

Other relevant factors

In determining whether the giving of a Decent Home loan is appropriate to the case in question regard will be had to the following factors:

- The property must be within Council tax bands A to D (inclusive);
- whether any category 1 health and safety risks (assessed under HHSRS) will remain on completion of the proposed works subject of the loan. Loans will not normally be given in cases where such risks will remain on completion of proposed works. There is a statutory duty for the Council to take action in respect of such health risks;
- the outcome of any neighbourhood renewal assessment;
- whether Housing Act or other enforcement action has been instigated or is being considered in respect of the property;
- whether the applicant is considered able to remain living in the property without additional support from the statutory agencies and, if additional support is needed, whether that can be provided or facilitated at an acceptable cost;
- the wishes of the occupier;
- the equity the applicant has in the property. A Health and Safety loan will only be given, subject to Council's discretion, if there is sufficient equity to secure the loan;
- whether the applicant or any occupier wishes to be re-housed and whether re-housing of the applicant in supported or other suitable accommodation is likely or desirable;
- how fully the property is occupied; and
- where the value of applications for loan assistance exceeds the available discretionary budget, the assessed priority of the application when compared to other applications received.

Where a loan is refused on the basis of eligibility of the applicant or of the proposed works, then the applicant may appeal to the Private Sector Housing Manager. The Private Sector Housing Manager will take account of exceptional circumstances, and may refer the case to the relevant cabinet member for a final decision where this is deemed appropriate or necessary.

Emergency Health and Safety Grant

Purpose

Where funding remains available to facilitate the improvement of houses (or mobile homes) for those in most need in the Borough, where repairs are essential and pose an imminent risk to the health and safety of the occupant(s).

- This emergency health and safety grant will cover the cost of eligible works and related professional fees up to, but not exceeding £5000.
- An emergency health and safety grant cannot be given more than once to an applicant (including the applicants' family) in any 2 year period or exceed £5000 in any 5 year period with respect to an individual property. For this purpose 'families' has the same definition as that contained in section 113 Housing Act 1985.
- The grant is only given to rectify those hazards which pose an imminent risk of serious harm to the occupants.

Eligibility

Eligible applicants include those persons who have been owner occupiers of the house or owns and occupies a mobile home on a registered site subject of the applications for a period of more than one year and who are classified as 'financially' vulnerable as defined by Department for Communities and Local Government "A Decent Home: Definition and guidance for implementation June 2006 - Update". Applicants have to be in receipt of a relevant means tested benefit set out in the definition which, as stated in the guidance, may be subject to change and the Council's policy will be amended accordingly. In addition, the applicant must be ineligible to apply for a Health and Safety loan to qualify for the grant.

Only works to properties falling within Category 1 under the government's housing health and safety rating system and which pose an imminent risk of serious harm to the occupant will qualify for an emergency health and safety grant.

Other relevant factors

In determining whether the giving of an Emergency Health & Safety grant is appropriate to the case in question, regard will be had to the following factors:

- the wishes of the occupier;
- whether the applicant is considered able to remain in the property without additional support from statutory agencies and, if additional support is needed, whether that can be provided or facilitated at an acceptable cost;
- in the case of mobile homes, the consent of the site licence holder is required;
- whether Housing Act or other enforcement action has been instigated or is being considered in respect of the property;
- whether the applicant wishes to be re-housed and whether re-housing of the applicant in supported or other suitable accommodation is likely or desirable;
- the circumstances of any other joint owners of the property;
- where the value of applications for grant assistance exceeds the available discretionary budget, the assessed priority of the application when compared to other applications received;
- how fully the property is occupied; and
- the property must be within Council tax bands A to D (inclusive).

**Cheltenham Borough Council
Cabinet – 14 June 2016
Cemetery Lodge, Bouncer’s Lane, Cheltenham.**

Accountable member	Cabinet Member for Finance, Councillor Rowena Hay
Accountable officer	Head of Asset & Property Management, David Reports
Ward(s) affected	Oakley
Key/Significant Decision	Yes
Executive summary	<p>Cemetery lodge at the entrance of the cemetery has remained empty for nearly seven years, during which time the structural and internal condition of the lodge has deteriorated. The building is surplus to operational requirements. Asset Management Working Group (AMWG) agreed to the disposal of the property at the 25th June 2015 meeting. The property has been marketed by Peter Ball & Co. at a guide price of £300,000, and an offer has been received.</p> <p>The report has come to Cabinet as the disposal exceeds £250,000 and therefore requires a Cabinet decision.</p>
Recommendations	<p>That Cabinet RESOLVES that:</p> <ol style="list-style-type: none"> 1. Authority be delegated to the Head of Property and Asset Management in consultation with the Cabinet Member Finance to accept an offer which, in his opinion and following advice from the marketing agents, represents best consideration in respect of the property, and upon such other terms as he considers necessary or desirable to protect the council’s interests; 2. The Borough Solicitor be authorised to conclude such documents reflecting the agreement reached by the Head of Property and Asset Management as she considers appropriate

Financial implications	<p>The disposal of the asset will generate a capital receipt which could be ring-fenced for investment in the cemetery and new crematorium which could potentially reduce the level of prudential borrowing required to finance the project. Alternatively the Cabinet may wish to consider other proposals for its use which could include new capital schemes or flexible use of capital receipts – the latter would enable their use to fund revenue costs arising from transformational change, provided the costs meet the criteria for qualifying expenditure.</p> <p>Contact officer: Paul Jones, paul.jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>The property has already been appropriated from cemetery use to general use, in anticipation of the disposal.</p> <p>The Council has a statutory obligation under s123 of the Local Government Act 1972 to secure the best consideration reasonably obtainable in respect of freehold disposals.</p> <p>Contact officer: Rose Gemmell, rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
HR implications (including learning and organisational development)	Not applicable
Key risks	Should Cabinet not proceed with the disposal, there is a possibility that the lodge could remain on the market for sale for some time which may result in further deterioration of the property and therefore an additional reduction in price to encourage a purchaser.
Corporate and community plan Implications	Selling the lodge will relieve the council from a substantial repairs liability and release a sizeable receipt..
Environmental and climate change implications	The lodge is grade II listed, any further delays in disposing of this asset will lead to further deterioration, become vulnerable to vandalism and also reflect badly on the council's inability to act.
Property/Asset Implications	<p>As detailed in this report.</p> <p>Contact officer: David Roberts@cheltenham.gov.uk</p>

1. Background

1.1 The lodge has remained empty and unused for nearly seven years and is deemed surplus to operational requirements. Disposal of the lodge was agreed at AMWG on the 25th June 2015 (see attached report) and later a Members Decision was taken on the 17th November 2015 to effect appropriation to general use (see attached report). Local estate agents, Peter Ball & Co. were initially instructed to sell the property by informal tender and subsequently instructed to market the property by private treaty, at a guide price of £300,000.

2. Reasons for recommendations

2.1 Some interest has been shown in the property, and offers received in the region of the guide price (although the ability of an interested party to make good his offer within a reasonable time scale also has to be taken into account, including any conditions that may be attached to an offer). In order for a prospective sale to be progressed quickly, it is necessary to delegate authority to accept an offer. It is suggested that the delegation be to the Head of Property and Asset Management, in consultation with the Cabinet Member Finance.

3. Alternative options considered

3.1 The property is deemed surplus to operational requirements.

4. Consultation and feedback

4.1 AMWG agreed to the disposal of the lodge on the 25th June 2015

4.2 The Cabinet Member’s Decision appropriating the property from cemetery use to general use on the 17th November 2015.

5. Performance management –monitoring and review

5.1 Asset & Property Management in consultation with the Borough solicitor will execute the disposal of the lodge.

Report author	Contact officer: simon.hodges@cheltenham.gov.uk, 01242-775148
Appendices	1. Risk Assessment 2. Location Plan
Background information	1. Cabinet Member’s Decision 17 November 2015

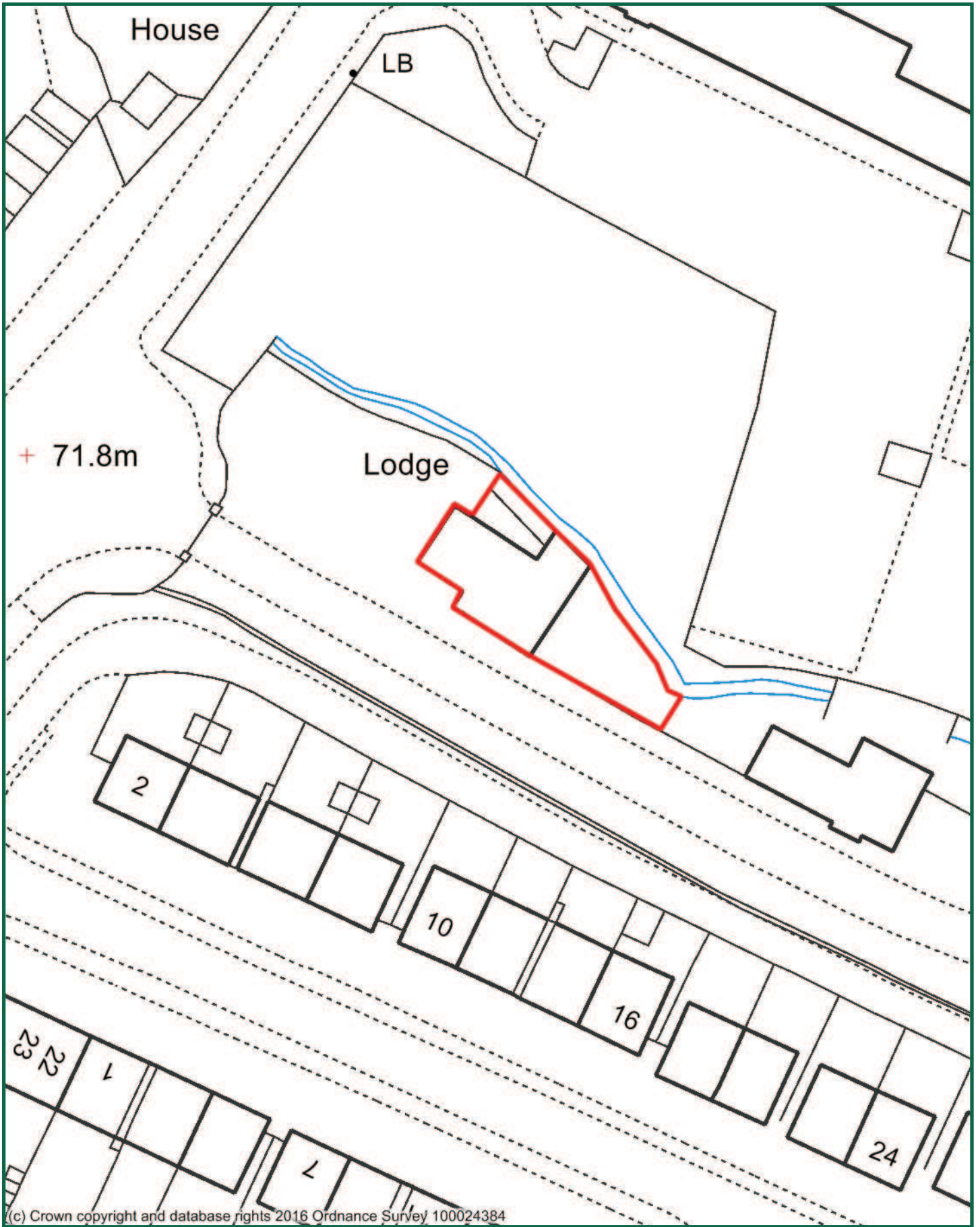
The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the disposal is not progressed, the lodge could remain empty for some considerable time and fall into further disrepair and this would reflect badly on the council.	Simon Hodges	01/06/16	2	2	4	Accept	Accept offer.	01/06/16	Simon Hodges	

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



This page is intentionally left blank

**Cheltenham Borough Council
Cabinet – 14 June 2016
Council – 18 July 2016 (if necessary)
Nominations to Outside Bodies**

Accountable member	Leader, Councillor Steve Jordan
Accountable officer	Head of Paid Service, Pat Pratley
Accountable scrutiny committee	O&S
Ward(s) affected	All
Key Decision	No
Executive summary	<p>Following each Selection Council, and at other times when vacancies arise, the Leader/Cabinet takes the opportunity to nominate and, in limited cases, appoint persons to various roles within bodies external to the Council. The opportunity is also taken to appoint persons to other bodies such as joint committees and internal and external advisory/consultative groups such as the Cheltenham Development Task Force. The current list of such bodies and nominations is set out in the attached Appendix A.</p>
Recommendations	<p>1. To make nominations/appointments to the outside bodies, joint committees and internal and external advisory/consultative groups in Appendix A in accordance with the following principles:</p> <ul style="list-style-type: none"> • all nominations are made on the basis that the nominee/appointee is a representative of Cheltenham Borough Council (insofar as that is compatible with any overriding legal duty to an outside body); and • the appointor reserves the right at any time to withdraw/terminate a nomination/appointment which it has made • a nomination/appointment to an outside body is referred to Council for determination where consensus on that nomination/appointment cannot be achieved between the political Group Leaders

<p>Financial implications</p>	<p>There are no financial implications associated with this report.</p> <p>Contact officer: Mark Sheldon E-mail: mark.sheldon@cheltenham.gov.uk Tel no: 01242 264123</p>
<p>Legal implications</p>	<p>See body of the report.</p> <p>Two general powers are relevant to nomination/appointment to outside bodies, these being the general power of competence found in the Localism Act 2011 and the power of an authority to do anything conducive, incidental to or facilitative of the discharge of any of their functions found in the Local Government Act 1972.</p> <p>Contact officer: Peter Lewis E-mail: peter.lewis@teWKesbury.gov.uk Tel no: 01684 272012</p>
<p>HR implications (including learning and organisational development)</p>	<p>None</p> <p>Contact officer: Julie McCarthy , HR Operations Manager julie.mccarthy@cheltenham.gov.uk, 01242 26 4355</p>
<p>Key risks</p>	<p>Members appointed should be aware of their roles and responsibilities.</p>
<p>Corporate and community plan Implications</p>	<p>Supports all the community priorities and supports community engagement.</p>
<p>Environmental and climate change implications</p>	<p>None</p>

1. Background

- 1.1 The outside bodies to which nominations/appointments are made comprise a variety of organisations and groups. A traditional distinction can be drawn between incorporated and unincorporated bodies; the former being distinct legal entities such as companies, having a legal personality and a framework imposing obligations upon those who become involved by appointment; the latter being bodies which, albeit without formal legal foundation, play an important role in representing interests within the local community. Involvement in these unincorporated organisations will often carry few or no legal obligations on those appointed.
- 1.2 In the majority of cases Cheltenham Borough Council decides who to nominate to the outside body concerned and it is then for that body to decide on whether to accept the nomination and make the appointment. There are some limited exceptions to this, such as Cheltenham Borough Homes Gloucestershire Airport and the Cheltenham Trust where the Council is entitled to make the appointments to the boards of directors.
- 1.3 In addition to outside bodies, the Leader/Cabinet may make appointments to joint committees (exercising executive functions) and internal or external advisory/consultative groups.

2. Legal issues

- 2.1 With regard to outside bodies whilst nominations/appointments are made on the general basis that the nominee/appointee is the Council's representative on the outside body, it is important to note that in many cases the overriding duty is to the outside body. For example, a company director has a primary duty of care towards the company and to act in the best interests of the company as a whole and a trustee must act in accordance with the trust deed and uphold the trust's objectives.
- 2.2 The Council is able to indemnify members (and officers) in the course of their activities on outside bodies provided they are acting within the scope of their authority as Council representatives. Outside bodies, such as companies, that are legal entities in their own right must have their own appropriate insurance arrangements in place. It is important that members (and officers) clarify the position in each particular case.
- 2.3 Under the council's Constitution, the Leader (or Cabinet if so referred by the Leader) has the power to make appointments to outside bodies where they relate to an executive function provided there is Group Leader agreement to the appointments. If there is no consensus, then the nomination/appointment is referred to Council for approval.
- 2.4 The Leader exercised these powers and has already taken decisions on certain appointments where the nomination is normally the Cabinet Member with the appropriate portfolio. These are included in Appendix A for completeness, shaded in blue (grey on printed copy) but are not the subject of the decision in this report.

3. Nomination/appointment of external persons

- 3.1 Historically Cheltenham Borough Council has nominated/appointed external persons to some outside bodies. On 29th June 2006 Council specifically agreed that 'All nominees are elected Members of Cheltenham Borough Council unless there are exceptional reasons justifying the appointment of a non Member'. Relevant examples of outside bodies to whom external persons have been appointed are; Gloucestershire Airport, Pate's Grammar School Foundation. The reasons for these appointments have been the specialist knowledge skills and experience that have been brought to the outside body and/or the lack of Member nomination to that body.
- 3.2 External persons are not, of course, subject to the Code of Members' Conduct nor are they under any general obligation to act in the best interests of the Council or the broader public interest.

Also, they are not covered by the Council's insurance. Whilst these factors do not prevent the nomination of external persons they should be borne in mind when considering whether to make such nominations/appointments.

4. Reasons for recommendations

4.1 It is in the interests of the council to ensure representation on all these bodies.

5. Alternative options considered

5.1 None

6. Consultation and feedback

6.1 Appendix A was circulated to Group Leaders on 17 May 2016 with a request for nominations by Friday 27 May 2016.

Report author	Rosalind Reeves, Democratic Services Manager, 01242 774937 Rosalind.reeves@cheltenham.gov.uk
Appendices	1. Risk Assessment 2. List of Bodies
Background information	1. Constitution Part 5G

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 elected members are not aware of their roles and responsibilities they may compromise their position		14 July 2016	3	2	6	Control	Ensure members are aware of guidance set out in Constitution Ensure members understand their role on the outside body and have a copy of relevant constitution or terms of reference of the body concerned		Democratic Services Manager	
<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>											

This page is intentionally left blank

Title	Nominee
Brizen Young People's Centre	Councillor Chris Ryder
Cheltenham Arts Council	Councillor Diggory Seacome Councillor Jon Walklett Councillor Rowena Hay
Cheltenham Borough Homes	Councillor Chris Mason Councillor Suzanne Williams
Cheltenham Business Improvement District Board	Councillor Steve Jordan
Cheltenham Development Task Force	Councillor Andrew McKinlay Councillor Paul Baker
Cheltenham in Bloom	Councillor Diggory Seacome Councillor Wendy Flynn
Cheltenham Pensioners Forum	Jacky Fletcher Councillor Helena McCloskey
Cheltenham Theatre & Arts Club (Playhouse)	Councillor Diggory Seacome
Cheltenham Trust	Councillor Colin Hay Councillor Karl Hopley
Cheltenham West End Partnership Ltd	Councillor David Willingham
Cleeve Common Board of Conservators	Councillor Pat Thornton Councillor Simon Wheeler vacancy
Community Connexions (previously Third Sector Services)	Councillor Tim Harman
Cotswold Conservation Board	Councillor Simon Wheeler
District Councils' Network	Councillor Steve Jordan
Everyman Theatre	Councillor Garth Barnes
Friends of Leckhampton Hill	Councillor Chris Nelson Councillor Paul Baker
Gloucestershire Airport Consultative Committee	Councillor Chris Mason
Gloucestershire Airport Ltd	Councillor Malcolm Stennett Mr David Lawrence
Gloucestershire Economic Growth Joint Committee	Councillor Steve Jordan
Gloucestershire Joint Waste Committee	Councillor Chris Coleman Councillor Helena McCloskey
Gloucestershire Playing Fields Association	Councillor Simon Wheeler
Hesters Way Partnership Ltd	Councillor Wendy Flynn Councillor Peter Jeffries
Higgs and Cooper (and Relief in Need)	Councillor Helena McCloskey Councillor Matt Babbage
Leadership Gloucestershire	Councillor Steve Jordan Councillor Chris Coleman
Oakley Neighbourhood Project	Councillor Colin Hay
Oakley Regeneration Partnership Ltd	Councillor Rowena Hay

Title	Nominee
Parklands Community Association	Councillor Colin Hay
Positive Lives Partnership	Councillor Flo Clucas
Positive Participation Partnership	Councillor Flo Clucas
Prestbury United Charities	Councillor Pat Thornton
South West Councils' Employers Panel	Councillor Roger Whyborn
South West Councils	Councillor Steve Jordan Councillor Chris Coleman
St Margarets Hall User Group	Councillor Andrew McKinlay
St Marks & Hesters Way Community Association	Councillor Chris Coleman Councillor Simon Wheeler
Strategic Leadership Group	Councillor Steve Jordan
Supporting People Partnership	Councillor Peter Jeffries
UBICO	Councillor Roger Whyborn
Victory Trust	Councillor Tim Harman

Cheltenham Borough Council

Cabinet 14 June 2016

Commissioning of support for Cheltenham's VCS organisations

Accountable member	Councillor Flo Clucas, Cabinet Member Healthy Lifestyles
Accountable officer	Richard Gibson, Strategy and Engagement Manager
Ward(s) affected	All
Key Decision	No
Executive summary	<p>Cheltenham Borough Council has had a long standing relationship with Gloucestershire Association for Voluntary and Community Action (GAVCA). Over the past five years, the council had allocated a £34,000 grant per annum into GAVCA through a Community Investment Grant so that it was able to provide support for Voluntary and Community Sector (VCS) organisations in Cheltenham.</p> <p>Since the Trustees of GAVCA announced their decision to cease operations from 31 May 2016 onwards, the council set about finding a suitably-placed host organisation in order that the support to Cheltenham's VCS organisations can be sustained.</p> <p>Following a grant application process, a delegated decision was made on 5th May to award a 4 month grant to Gloucestershire Rural Community Council. This report brings forward the decision to allocate the remaining funds.</p>
Recommendations	To allocate a grant of £24,058 to Gloucestershire Rural Community Council in order that it can provide support to Cheltenham's VCS organisations.
Financial implications	<p>An allocation of £34,000 for the financial year 2016-17 is available to the Council to support Cheltenham's VCS organisations.</p> <p>Contact officer: Sarah Didcote GO Business Partner Manager (West) Telephone: 01242 264125 Mobile: 07769243179 Email: Sarah.Didcote@Cheltenham.gov.uk</p>
Legal implications	<p>The recipient of this grant will be required to enter into a Community Giving Grant agreement with the borough council prior to payment being made.</p> <p>Contact officer: Shirin Wotherspoon Head of Law (Commercial) – One Legal Shirin.wotherspoon@tewkesbury.gov.uk 01684 272017</p>

HR implications (including learning and organisational development)	None identified
Key risks	If funding is allocated to an organisation that subsequently goes onto use the funding for unintended purposes. This risk is held on the Commissioning Division Risk Register.
Corporate and community plan Implications	The grant to provide support to Cheltenham's VCS organisations will help deliver the council's corporate outcome <ul style="list-style-type: none"> • People live in strong, safe and healthy communities
Environmental and climate change implications	None identified

1. Background

- 1.1 The Trustees of Gloucestershire Association for Voluntary and Community Action (GAVCA) recently announced their decision to cease operations from 31 May 2016 onwards.
- 1.2 Cheltenham Borough Council has had a long standing relationship with GAVCA. Over the past five years, the council has allocated a £34,000 grant per annum into GAVCA through a Community Investment Grant so that it was able to provide support for Voluntary and Community Sector (VCS) organisations in Cheltenham.
- 1.3 A review of the organisation was carried out by the Council's Overview and Scrutiny Committee in January 2016. Members publicly acknowledged the excellent work of GAVCA, commending their Cheltenham officer in particular and proposed that the Council continues to support the VCS.
- 1.4 On 5th April 2016, the council promoted a grant that it would provide to a suitably-placed host organisation in order that the support to Cheltenham's VCS organisations can be sustained.
- 1.5 "Suitably-placed" means an organisation that has the right constitution to deliver borough-wide support whilst also upholding the principle of independence and impartiality in the delivery of support to VCS organisations.
- 1.6 The closing date for the applications was Tuesday 3rd May and three applications were received.

2. What we were looking to commission

- 2.1 A review of GAVCA was carried out by the Council's Overview and Scrutiny Committee in January 2016. As part of this review, the council undertook a survey of local VCS organisations that has helped us be clear about what we want to commission:

What do you see are your organisation's main challenges for the future?	Most common references were: <ul style="list-style-type: none"> • Access to fundraising (52%) • Access to volunteers (16%) • Coping with demand / growth (12%) • Harnessing the benefits of collaborative working (8%)
What external support do you	Most common references were:

feel you need to address these challenges?	<ul style="list-style-type: none"> • Access to fundraising skills and resources (52%) • Access to communications and marketing skills (16%) • Harnessing the benefits of collaborative working (12%) • Harnessing the benefits of innovation (8%) • Access to volunteers (8%)
What external support would you look to CBC to commission via a grant?	<p>Most common references were:</p> <ul style="list-style-type: none"> • Access to fundraising skills and resources (50%) • Harnessing the benefits of collaborative working (19%) • Continue with GAVCA funding (19%)

2.2 We have therefore defined the outcomes the Council wishes to achieve from the grant as follows:

Overall outcome: Cheltenham has a thriving and vibrant VCS

Supporting outcomes	Key areas of interest
Building resilience within the sector	<ul style="list-style-type: none"> • Supporting VCS groups with fund-raising activities • Supporting VCS groups with marketing and promotion efforts • Developing skills with the sector • Making links between the sector and businesses • Promoting and supporting good governance
Tapping into other resources and capacity	<ul style="list-style-type: none"> • Getting organisations ready to use volunteers
Helping the sector work well together	<ul style="list-style-type: none"> • Organising and hosting quarterly VCS forum meetings • Issuing regular email bulletins
Working with commissioners, partners and stakeholders to support them identify key needs and deliver collective outcomes	<ul style="list-style-type: none"> • Organising the quarterly CBC round table meeting • Organising Cheltenham Partnerships VCS representatives • Facilitating collaborative working opportunities • Ensuring that the sector is able to respond to commissioning opportunities • Supporting CBC with the delivery of its community-based projects particularly in regard to fund-raising

3. Reasons for recommendations

3.1 Following an assessment of the three applications, it was agreed to award a grant to Gloucestershire Rural Community Council (GRCC). Their application was felt to be a strong application that coupled a good working knowledge of Cheltenham's VCS, with the added value of being able to link local work in Cheltenham with GRCC's experience of working within county-wide structures and organisations. GRCC was the only applicant that picked up on our particular interest in fund-raising which local VCS organisations told us was very important in the survey.

3.2 As financial allocations over £10,000 are reserved for Cabinet, the Cabinet Member Healthy Lifestyles agreed to make a delegated decision to award a grant £9,942 to ensure that the transition from GAVCA to GRCC could commence and that the support would continue beyond 31st May.

3.3 The transition is underway and a grant agreement is in place covering the £9,942.

3.4 Cabinet are now asked to make a decision to award the remainder of the £34,000 to GRCC (£24,058) to ensure that the support will be delivered for the full year; May 2016 to May 2017. This will then be subject to a further grant agreement.

4. Consultation and feedback

4.1 A review of the organisation was carried out by the Council's Overview and Scrutiny Committee in January 2016. Members publicly acknowledged the excellent work of GAVCA, commending their Cheltenham officer in particular and proposed that the Council continues to support the VCS. The officer concerned has since TUPE'd across to GRCC to do the same role but clearly there has been continuity on service despite this change of contact.

5. Performance management – monitoring and review

5.1 A review of progress being made against the outcomes will be held at two points in the year. In addition, a project monitoring report, summarising project achievements, outcomes and lessons learnt will be submitted to the council by Gloucestershire Rural Community Council on completion of the project.

6. Future arrangements

6.1 Discussions will be held between CBC commissioners and relevant Cabinet members to explore opportunities for joint commissioning across various council grant schemes.

Report author	Contact officer: Richard Gibson Strategy and Engagement Manager richard.gibson@cheltenham.gov.uk, 01242 235 354
Appendices	1. Risk Assessment
Background information	1. A review of the Community Investment Grant given to Gloucestershire Association for Voluntary and Community Action (GAVCA), Report to Overview and Scrutiny, 25 January 2016. 2. Commissioning of support for Cheltenham's VCS organisations – a delegated decision taken by cabinet Member Healthy Lifestyles on 5 May 2016.

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
CD.17-	If division does not put proper controls in place for the management of small grants funds, then we run the risk of funds not being used for the purposes for which the grant allocation was intended	Strategy and Engagement Manager	Feb 2015	3	2	6	Reduce	implement and monitor small grants protocol	ongoing	Strategy and Engagement Manager	Commissioning Division
<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>											

This page is intentionally left blank

Briefing Note: Health & Safety Service annual performance

Committee name: Cabinet

Date: 14th June 2016

Responsible officer: Sarah Clark

To: All Councillors and Senior Leadership Team

1. Background

On 14th July 2015, Cabinet approved the [Health and safety service plan 2015-2018](#) for the next 3 years and agreed that an annual performance and work plan refresh should be communicated to Members and Senior Leadership Team via a Briefing Note each year. This briefing note sets out performance for the year in review and provides a plan for proactive work for the year ahead.

2. Service planning

The Health and Safety (H&S) service is delivered in accordance with recently reviewed Advice/Guidance to Local Authorities on Targeting Interventions (now on revision 5 and due to be published on www.hse.gov.uk). This guidance gives national priorities for both proactive and reactive intervention and must be considered alongside national guidance that local authorities must reduce and justify proactive inspections. As a result, the emphasis is much more on topic-based inspections according to risk and at only visiting premises when there is a genuine reason to do so. As part of central government's red tape challenge, regulators must comply with a National Code for enforcement which is a risk based approach for targeting health and safety interventions and recognises the respective roles of business and the regulator in the management of risk. The Code is available from the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

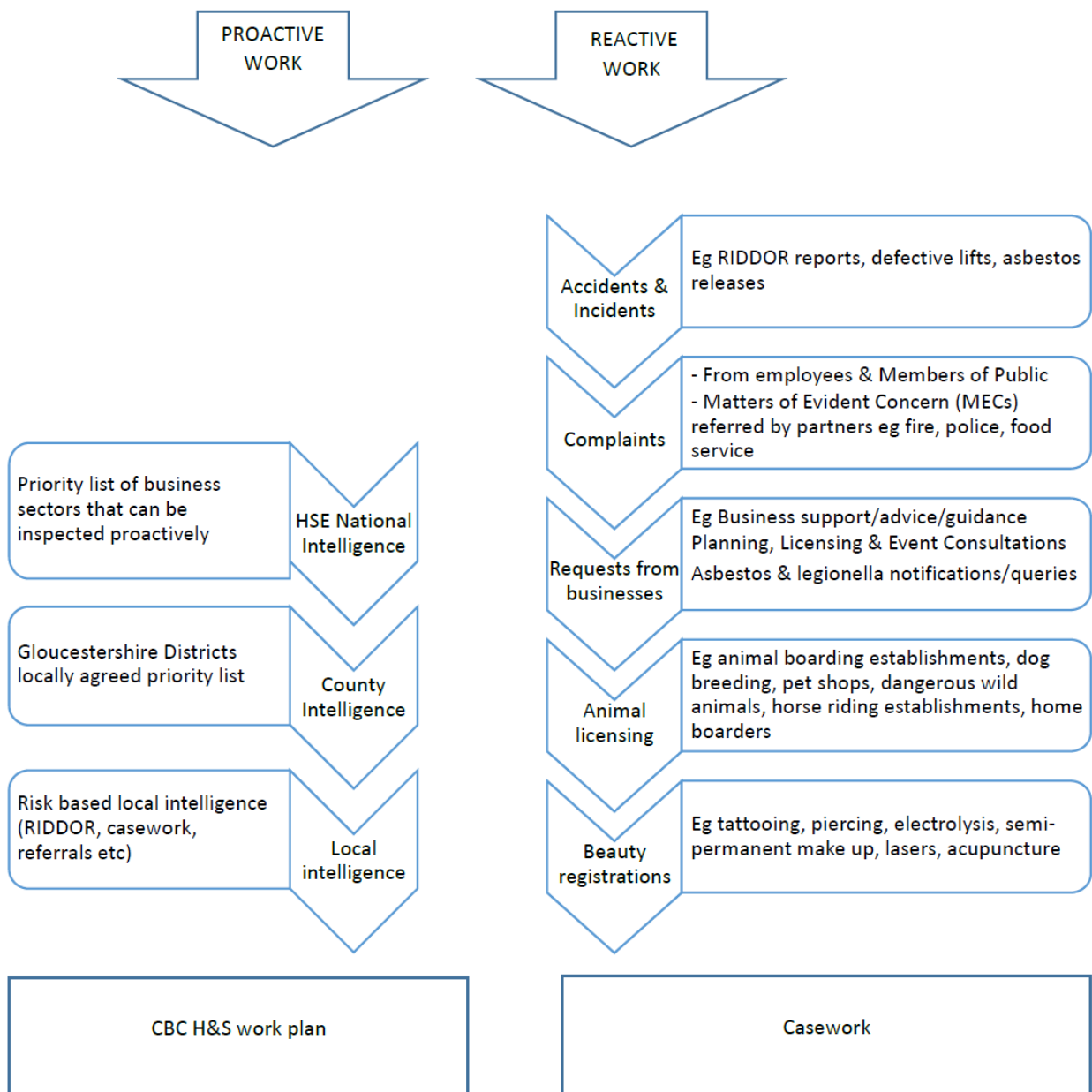
The Health & Safety Executive (HSE) produces an annual list of higher risk activities and sectors suitable for targeting proactive inspection by local authorities. H&S services are only permitted to proactively inspect outside of the list if there is sufficient local intelligence to warrant intervention, and the relevant guidance is followed (ie LAC 67/2 (5) and the Regulators' Code). This list is reproduced as Appendix 1.

Cheltenham's profile of local authority enforced workplaces predominantly comprises the hospitality, catering and retail sectors. This means the opportunity for proactive inspection in HSE priority areas is extremely limited (as Appendix 1 demonstrates). The HSE allows for consideration of local intelligence when planning proactive inspections. In Gloucestershire

this is delivered through the service managers' County Health and Safety Technical Liaison Group and agreement of local priorities.

The County has been working collaboratively on its most at risk workplaces for a number of years now, so the options of further joint working are somewhat restricted by the differing numbers and types of suitable premises in each district's business profile. This year (2016-17) the County Group has agreed a suggested list of local priorities (Appendix 2) that are linked to national and local intelligence as far as possible whilst recognising that justification for each intervention will vary further still within each district.

The following schematic depicts how proactive and reactive workstreams are formed:



CBC’s work plan is a suggested inspection plan drawn from the HSE national priority list and Gloucestershire locally agreed priorities, in compliance with statutory guidance for regulators. Please see appendix 3 for the 2016-17 work plan.

Reviews

The work plan will be reviewed regularly in response to intelligence gathered. These are some suggested scenarios which may result in the plan being amended (eg projects extended, delayed or deferred):

- If an initial feasibility exercise does not justify the proposed intervention
- If the first proactive inspections do not evidence the need for further interventions
- If initial proactive inspections require more intensive regulatory support (and/or enforcement) due to risks identified
- If capacity in the team is affected by complex or major investigations or legal work, or by officer sickness
- If the service focuses on developing commercial interests eg Primary Authority Partnerships, chargeable expert advice, training courses

Reactive work

The service operates a duty officer system to undertake the reactive work as detailed in the diagram above.

3. Annual performance review

a) Statutory reporting to Health & Safety Executive (HSE) through LAE1 return

The service submits an annual statutory return to the HSE which reports against proactive and reactive intervention categories. The return for 2015-16 is shown alongside the figures for the year before.

CBC Statutory Return (LAE1) 2015-16

FINANCIAL YEAR	Intervention									Enforcement activity			
	Proactive Inspections Risk Category A (A1)	Proactive Inspections - Risk Category B1 (A2)	Proactive Inspections - Risk Category B2 and C (A3)	Other visits/face to face contacts (B)	Any other targeted contact (not face to face) (C.)	Visits to investigate health and safety related incidents (D)	Visits to investigate health and safety complaints (E.)	Visits following requests for health and safety service from businesses (F)	Revisits following earlier intervention (G)	(a) Improvement Notices	(b) Deferred Prohibition Notices	(c) Immediate Prohibition Notices	(d) Simple cautions
2015-16	0	0	0	0	47	9	4	31	3	0	0	0	0
2014-15	0	0	0	0	6	68	11	10	23	5	2	0	0

Data for the previous year is given for comparison.

Prosecutions are collated separately by the HSE so are not included in the ‘enforcement’ part of the LAE1. The service took one (successful) prosecution in 2015-16 for health and safety offences.

b) Review of 2015-16 service delivery

The following table is based on previous year’s internal reporting format and gives an overview of the volume and type of reactive work received (only certain elements of this are reported in the LAE1 hence figures vary between this table and the one in para 3a above).

Note: The Health & Safety Executive has set incident selection criteria to govern the investigation of accidents, incidents and complaints. The Council is only able to investigate cases where the criteria are met, which should be taken into consideration when reviewing performance.

Performance outcomes and targets for 2015 – 16

Intervention	Targets	Performance 2015-16
Reactive complaint investigations	Initial investigation within 3 working days for 95% of actionable complaints/requests for service	100% - 43 received, 4 visited
RIDDOR accident investigations	98% actioned within 2 working days of notification where investigation criteria are met	67 received, 6 visited (100% in timescale)
Event safety advice	100% attendance at relevant Event Consultative Groups 100% of requests for advice actioned within 3 working days Safety Awareness Day for event and festival organisers (dependent on County resource)	100% 100% - 45 event plans received and reviewed Not taken forward on county plan
Legionella notifications & requests for advice	95% actioned within 3 working days	100% achieved – 2 received
Beauty Sector Strategy	Action 95% of reactive work within 3 working days	27 personal and 11 premises registrations issued (100% in timescale)
Animal licensing	Action 95% of reactive work within 3 working days	18 animal boarding establishments & 4 pet shop renewals (100% in timescale)
Asbestos	Action 100% of all ASB5 notifications (for asbestos removal) within 3 working days or before the 10 day notification period begins (whichever is soonest) Action 98% of Duty to Manage Asbestos service requests (DTM) within 3 working days	100% (1 received) None received
Gas safety in commercial premises	100% of MECs to be investigated within 3 working days	None received

4. Resources and Risks

The Health and Safety function is delivered within the Public Protection Department and includes two FTE Senior Environmental Health Officers dedicated to H&S regulation and licensing and registrations with a health and safety and/or public safety element (these include animal licensing and beauty sector registrations).

There are no key risks specific to the delivery of the health and safety work plan that need to be highlighted to Members. Risks to service delivery will be regularly reviewed and added to the divisional risk register as appropriate. The most likely emerging risks would be resource related, for example, a complex case could divert capacity from the work plan, or in the event of officer illness.

5. Appendices

Appendix 1: HSE list of activities/sectors for proactive inspection by LAs (May 2016)

Appendix 2: Gloucestershire H&S technical liaison group locally agreed priorities 2016-17

Appendix 3: CBC H&S work plan 2016-17

Contact Officer: Sarah Clark

Tel No: 01242 264226

Email: sarah.clark@cheltenham.gov.uk

This page is intentionally left blank

List of activities/sectors for proactive inspection by LAs ¹ – only these activities falling within these sectors or types of organisation should be subject to proactive inspection			
No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures
2	Explosion caused by leaking LPG	Premises (including caravan parks) with buried metal LPG pipework	Buried metal LPG pipe work (For caravan parks to communal/amenity blocks only)
3	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions ²	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume ³ Warehousing/Distribution	Workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Workplace transport/work at height/cutting machinery /lifting equipment
6	Industrial diseases (occupational deafness/cancer/ respiratory diseases)	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants/ in-store/craft bakeries ⁴ , stone wholesalers'	Noise (steel stockholders), use of loose flour(in-store/craft bakeries ⁴), exposure to respirable crystalline silica (outlets cutting/shaping their own stone)
7	Falls from height	High volume ³ Warehousing/Distribution	Work at height
8	Crowd control & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
9	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
10	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality ⁵) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign

¹ See LAC 67/2 (rev5) for guidance on the application to certificated petroleum and licensed explosives storage sites.

² Animal visitor attractions may include situations where it is the animal that visits e.g. animal demonstrations at a nursery

³ Typically larger warehousing/distribution centres with frequent transport movements/work at height activity

⁴ Premises where loose flour is used and exposure inhalation to flour dust is likely to frequently occur during baking i.e., not baking pre-made products

⁵ Pubs, clubs, nightclubs and similar elements of the night time economy

This page is intentionally left blank

Targeting Local authority interventions: supplementary list of activities/sectors for proactive inspection, or priority for advisory intervention, by LAs in Gloucestershire and West Oxfordshire. (Ref: LAC 67/2 (rev4.1 Annex B))				
No	Hazards	Local Intelligence (Proactive Inspection v advisory)	High Risk Sectors – National (from priority list) & Local (eg WWG or district evidence)	High Risk Activities
L.1	Legionella infection	Historical local outbreaks. Survey carried out in 2008. (Proactive) CBC evidence: Everyman Theatre& Grevill House care home cases in past 12 months highlight lack of local control in some high risk sectors.	National: High risk premises with cooling towers/evaporative condensors Local examples: (including care homes; hotels and leisure facilities) with complex hot and cold water systems; spa pools or water features.	Lack of suitable legionella control measures
L.2	Fatalities/injuries in swimming pools and infections due to poor water quality.	Anecdotal evidence of lack of management control and water treatment. (Proactive) CBC evidence: none –so not participating in this intervention	National: not a priority Local: Public swimming pools (including those in hotels and leisure facilities)	Pool supervision; water treatment (emergency procedures)
L.3	Infections; burns; asthma and dermatitis in the beauty sector from specialist treatments	Growth industry locally. Predominantly micro business and self employed. (Proactive)(or reactive to registration?) CBC evidence: no evidence to suggest separate interventions required other than regulatory compliance visits for new registrations. However, a watching brief is kept on novel treatments	National: not a priority Local: Beauty therapists, tanning salons and skin piercing establishments.	Skin piercing (excluding acupuncture); tanning; laser skin treatment; micro-dermabrasion; minor cosmetic procedures (e.g. botox).

L.4	Fatalities/injuries resulting from falls/burns/electrocution/carbon monoxide poisoning	Local intelligence from food safety inspections. (Proactive? – combine with food hygiene inspection where possible) CBC: not supported by MECs referral in past 12 months (2 max) but 17/74 accidents reported to CBC in 2015-16 related to slips and trips in catering & retail premises (23%) with 13/17 occurring in public or customer areas.	National: not a priority Local: Catering industry.	Storage of materials at high level; slip and trip hazards near hot equipment; electrical equipment in wet areas; gas cooking range safety.
L.5	Fatalities/injuries resulting from being struck by vehicles; storage of materials at high level (falls/struck by).	Intelligence gathering exercise. (Advisory visits only ie ‘non-inspection interventions)	National: high volumeUse of two-post vehicle lifts warehousing/distribution Workplace transport Local: Tyre and Exhaust fitters and MVR associated with car sales (not national chains)	Workplace/customer transport. Storage of materials at high level.
L.6	Industrial diseases (asbestosis)	Previous projects in the County have revealed significant levels of non-compliance with asbestos management requirements. (Proactive)?	All workplaces where significant use of ACMs can be anticipated.	Management of asbestos in buildings.
L.7	Improving risk management in new businesses	Jobs and growth is a key priority for all LAs. (Advisory visits only ie ‘non-inspection interventions’)	National: not a priority Local: All new and start-up businesses in LA enforced sector. Survey new commercial/industrial estates.	Supporting business in identifying and controlling their highest risks. Engage with “Better Business for All” initiative.

L8	Industrial diseases (occupational deafness/cancer/respiratory diseases)	<p>Local intel from premises profile to determine each district's proactive list (eg highest risk activities, premises without an intervention for some years, local accident reports, public health data)</p> <p>Local evidence: Gloucestershire has higher than average incidence of malignant melanoma which would support interventions in sunbed facilities</p> <p>Proactive inspections (possible advisory survey first to prioritise premises for inspection)</p>	<p>National: industrial retail/wholesale premises eg steel stockholders, builders/timber merchants/in-store/craft bakeries, stone wholesalers</p> <p>Local: each district to choose highest risk local sector</p>	Noise (steel stockholders), use of loose flour (in-store/craft bakeries), exposure to respirable crystalline silica (outlets cutting/shaping their own stone)
----	-------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------

This page is intentionally left blank

Targeting Local authority interventions: priority list of activities/sectors for proactive inspection, or priority for non-inspection intervention by Cheltenham Borough Council 2016-17. (Ref: LAC 67/2 (rev4.1 Annex B))								
No	Hazards	Intelligence: National or Local	High Risk Sectors	High Risk Activities	Dates	Roles	Measures	Coding notes
QUARTER 2 JULY – SEPTEMBER 2016								
N1	Legionella infection	<p>National priority for proactive inspection</p> <p>County priority</p> <p>Recent local issues with a theatre and care home demonstrate lack of adequate controls.</p>	<p>National: High risk premises with cooling towers/evaporative condensors</p> <p>Local examples: (care homes; hotels and leisure facilities) with complex hot and cold water systems; spa pools or water features.</p>	<p>Lack of suitable legionella control measures</p>	<p>1st July – 30th Sept 2016</p> <p>Project plan/documents to be produced by 27th June 2016</p> <p>List to be given to team by 27th June 2016 (SC)</p>	<p>Sara Ball – lead officer (design & cascade intervention inc p/work)</p> <p>Sadie Hawson – support officer (receive & undertake inspections)</p>	<p>2 proactive inspections and follow up per officer per month (x 3 months) = 12 inspections</p> <p>Outcomes: systems under appropriate management & reduced levels of legionella sp (if sampled)</p>	A1
L1	Injuries & fatalities from glazing accidents	<p>Local intelligence (other visits/face to face contact) that this could be an issue due to the age & type of workplaces in district eg planning list</p>	<p>Local: Period properties converted to workplaces – whole of town centre is a conservation area</p>	<p>In-house maintenance of LA enforced workplaces</p> <p>Use of windows with aged cords</p>	<p>1st July – 30th Sept 2016</p> <p>Project plan/documents by 27th June 2016</p> <p>List given to team by 27th June (SC)</p>	<p>Sadie Hawson – lead officer</p> <p>Sara Ball – support officer</p>	<p>2 visits to educate/advise/engage dutyholders per officer per month (x 3 months) = 12 visits</p> <p>Outcomes: Risk assessment & controls in place to prevent hazards</p>	B2

QUARTER 3 OCTOBER – DECEMBER 2016								
N 6	Industrial diseases (occupational deafness/cancer/respiratory diseases)	<p>National intelligence (proactive inspections) if pick from lists on right</p> <p>Local intel eg highest risk activities, premises not visited for years, RIDDOR, PH data</p>	<p>National: industrial retail/wholesale premises eg steel stockholders, builders/timber merchants/in-store/craft bakeries, stone wholesalers</p> <p>Local: local premises profile contains builders/merchants (eg occ noise, dust) but few of the other national examples</p>	Noise (steel stockholders), use of loose flour (in-store/craft bakeries), exposure to respirable crystalline silica (outlets cutting/shaping their own stone)	<p>1st Oct – 31st Dec 2016</p> <p>Project plan/documentation by 26th Sept 2016</p> <p>List of premises to be given to team by 26th Sept 2016 (SC)</p>	<p>Sadie Hawson – lead officer</p> <p>Sara Ball – support officer</p> <p>Training</p>	<p>2 proactive inspections and follow up per officer per month (x 3 months) = 12 inspections</p> <p>Outcomes: Risk assessment & controls in place to prevent hazards</p>	A1 or A2
L2	Hazards associated with workplace cellars (eg falls from height)	<p>Local intelligence</p> <p>Recent prosecution of a theatre</p> <p>Lack of SMS in similar cases?</p>	<p>Local: many town centre workplaces are in converted Period buildings with cellars eg hospitality and catering, retail</p>	Deliveries are a particular source of risk	<p>1st Oct – 31st Dec 2016</p> <p>Project plan/documents by 26th Sept 2016</p> <p>List to team by 26th Sept 2016 (SC)</p>	<p>Sara Ball – lead officer</p> <p>Sadie Hawson – support officer</p>	<p>2 proactive inspections and follow up per officer per month (x 3 months) = 12 inspections</p> <p>Outcomes: Risk assessment & controls in place to prevent hazards</p>	B2

QUARTER 4 JANUARY – MARCH 2017								
L3	Improving risk management in new businesses	Local intel (other visits/face to face contacts): Jobs and growth is a key priority for Glos. (Advisory visits & interventions only) County priority	Local: New and start-up businesses in LA enforced sector identified through planning list etc	Supporting business in identifying and controlling their highest risks.	1st Jan – 31st March 2017 Project plan/documentation by 19 th Dec 2016 List of commercial/industrial estates to be given to team by 19 th Dec 2016 (SC)	Sadie Hawson – lead officer Sara Ball – support officer	Engagement with “Better Business for All” initiative for all new businesses who take up advisory visit Updated survey of commercial/industrial estates to inform 2017-18 service plan Explore charging for advisory visits	B2
N 2	Explosion caused by leaking LPG	National intel (proactive inspection)	Caravan parks with buried metal LPG pipework	Buried metal LPG pipework	1st Jan – 31st March 2017 Project plan/documentation by 19 th Dec. List of sites given to team by 19 th Dec (SC)	Sara Ball – lead officer Sadie Hawson – support officer	2 visits to educate/advise/engage dutyholders per officer per month (x 3 months) = 12 visits Outcomes: Controls in place to prevent hazards	A1

Review:

Team meetings and 121s will be used to review CBC’s workplan against other possible proactive inspections from the current HSE list for LAs. Where work is ahead of schedule or local evidence suggests a need for intervention, more high risk activities and sectors will be added to CBC’s workplan informed by HSE proactive inspection list, county workplan or analysis of local stats eg RIDDOR

REACTIVE WORK				
Risk sector/activity	Intelligence	Risk sector/activity	Measures	Coding
Beauty sector registration and Tattoo Hygiene Rating Scheme	<p>Growth industry locally. Predominantly micro business and self employed.</p> <p>Reactive response to applications and enquiries including compliance visits.</p>	<p>Local: Skin piercing, electrolysis, tattooing, and beauty therapy businesses such as laser skin treatment and micro-dermabrasion require regulation in order to prevent accident or disease to public and employees</p>	<p>100% of registration and THRS applications processed</p> <p>Reduction in 'end to end' times from receipt to registration</p> <p>Feasibility of licensing scheme SB lead officer</p> <p>Standard process and documentation in place through REST SB lead officer – by 31st March 2017</p> <p>Standard process and documentation in place through REST SB lead officer - by 31st March 17</p> <p>Facilitate resolution of industry concerns re THRS SB lead officer – by 31st March 2017</p>	<p>Visits C3</p> <p>Advice only – not recorded on LAE1 unless targeted intervention</p>
Animal licensing	<p>New conditions/standards being implemented locally</p> <p>Reactive response to applications and enquiries including compliance visits</p>	<p>Local: dog breeders, home boarders, pet shops, zoos, riding establishments, dangerous wild animals – all pose a risk to occupational and public health and safety if not appropriately regulated.</p>	<p>100% of licence applications processed</p> <p>Reduction in 'end to end' times from receipt to registration</p> <p>Standard process and documentation in place through REST SH lead officer – by 31st March 2017</p>	<p>Visits C3</p> <p>Advice only – not recorded on LAE1 unless targeted intervention</p>

Service requests	Complaints, accident notifications and requests for service	Local: lift reports, whistle-blowing, Matters of Evident Concern from food team/fire service/QCC and other partners require investigation in order to manage risks	Duty officer system	C1 – C3
Consistency exercise	Improves consistency & fairness		SB to suggest exercises post-county event , by 30 th June 2016 Improved consistency monitored in 121s	

Notes on coding for LAE1 categories:

A1 – Proactive inspection – Targeted using National Intelligence

A2 – Proactive inspection – Targeted using Local Intelligence

B1 – Non-inspection interventions – Other visits/face to face contacts

B2 – Non-inspection interventions – Other contact interventions

C1 –Reactive visits – Visits to investigate health & Safety related incidents

C2 –Reactive visits - Visits to investigate H&S complaints

C3 –Reactive visits - Visits following requests for H&S service from businesses

LAE1 also includes D- revisits following earlier intervention but this is not relevant to the work plan.

Detailed guidance on coding will be issued by team leader/business support.

Guidance:

[LAC 67/2 \(5\) and operating guidance](#)

[HSE list of activities/sectors for proactive inspection by LAs \(May 2016\)](#)

[Gloucestershire H&S technical liaison group locally agreed priorities 2016-17](#)

Regulators Code: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

This page is intentionally left blank