



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Cabinet

Tuesday, 7 November 2017
6.00 pm
Pittville Room - Municipal Offices

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 10 October 2017	(Pages 5 - 14)
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.		COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY Report of the Cabinet Member Corporate Services	(Pages 15 - 30)

6.		BUDGET MONITORING REPORT TO 30 SEPTEMBER 2017 Report of the Cabinet Member Finance	(Pages 31 - 46)
7.		LEASE FOR GRANGE FIELD WALK PLAYING FIELD Report of the Cabinet Member Finance	(Pages 47 - 56)
8.		DISPOSAL OF PUBLIC OPEN SPACE (FUNCTION ROOM AT NAUNTON PARK PAVILION) Report of the Cabinet Member Finance	(Pages 57 - 64)
9.		FLEXIBLE HOMELESSNESS SUPPORT GRANT Report of the Cabinet Member Housing	(Pages 65 - 86)
		SECTION 6 : BRIEFING SESSION • Leader and Cabinet Members	
10.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	
		SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS	
11.		LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS The Cabinet is recommended to approve the following resolution:- “That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely: Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information) Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
12.		EXEMPT MINUTES Exempt Minutes of the meeting held on 10 October 2017	(Pages 87 - 88)

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Cabinet

**Tuesday, 10th October, 2017
6.00 - 6.45 pm**

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Flo Clucas (Cabinet Member Healthy Lifestyles), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety) and Roger Whyborn (Cabinet Member Corporate Services)

Minutes

- 1. APOLOGIES**
None.

- 2. DECLARATIONS OF INTEREST**
Councillor Jeffries declared an interest in agenda item 7 as a direct employee of Gloucester Road Primary School.

- 3. MINUTES OF THE LAST MEETING**
The minutes of the last meeting were approved and signed as a correct record.

- 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**
There were none.

- 5. ABANDONED TROLLEYS**
The Cabinet Member Development and Safety introduced the report which was a consequence of the supported Council motion to engage with retailers to discuss informal or contractual solutions to the significant nuisance abandoned trolleys were causing in some parts of the town. The motion requested Cabinet to commence the process necessary to adopt the discretionary powers available to it pursuant to section 99 of the Environmental Protection Act 1990. Given the formal requirements to adopt the discretionary powers and associated timescales, it was proposed that the process to adopt these powers was progressed in parallel to voluntary discussions and negotiations with retailers in town. It was hoped that negotiations would achieve a cost effective solution to the problem, which, if adhered to, would negate the need for the Council to use formal powers.

RESOLVED THAT

- 1. A formal period of consultation be initiated, as required by Section 99 of the Environmental Protection Act 1990, regarding the**

possibility of applying Schedule 4 to control abandoned shopping trolleys in the Cheltenham area.

- 2. As part of this formal consultation, feedback be requested from consultees as to possible alternative solutions to the use of formal legal powers that would be cost neutral to the Council.**
- 3. A further report be prepared detailing the outcome of the consultation and setting out proposals as appropriate. These would include any proposed charging regime and associated financial implications.**

6. APPROVAL FOR AN EASEMENT FOR ELECTRICITY CABLES TO BE CONTAINED UNDERGROUND AND THE TRANSFER OF LAND FOR THE PURPOSES OF A SUBSTATION ON PRIORS FARM TO PROVIDE POWER TO THE NEW CREMATORIUM

The Cabinet Member Finance introduced the report and explained that the proposed crematorium to the rear of the current site at Bouncers Lane required electricity. Wilmot Dixon, Project Manager had worked closely with Western Power and the council to find the best way to facilitate power to the proposed Crematorium. She explained that as a new track would be built to facilitate a one way traffic system for the crematorium on Priors Farm, it was deemed that ducting and power cables could be laid into this track and therefore provide the least disruptive option to the current operation of the Cemetery and Crematorium. She referred Members to the plan showing the proposed Easement for the electricity cable at appendix 2.

The Cabinet Member explained that Priors Farm had areas of scrubland and playing field as well as low grade agricultural land which was all considered Public Open Space. Laying the cables and recording it on the title for the Property, by way of an easement, legally acknowledged the right for the cables to be there and to remain undisrupted. It also provided Western Power with legal rights to access the land to resolve any issues in relation to supply. This would still require notification to the Council if any works were required and any damage to be made good. Transferring a section of land to house a substation to Western Power prevented the substation becoming the Councils responsibility and any future maintenance or disruptions to supply due to faults emanating from the substation remained the responsibility of Western Power. The substation was required to regulate the voltage being provided to the Crematorium, and was highlighted on the plan in appendix 2. Due to the substation being a small above ground structure and to simplify legalities, the land would be transferred to them. The Cabinet Member added that the land was big enough to house the substation, but not large enough to allow other development to occur.

The Cabinet Member went on further to say that as the easement had to be recorded against the property title and as permanent rights were being granted to Western Power, an easement was considered a disposal of public open

space which set in motion Section 123 of the Local Government Act 1979. It had therefore been advertised for two consecutive weeks in a Local Newspaper to allow people to comment or object.

Alternative options considered were set out in section 3 of the report.

The Leader confirmed that there had been no objections.

RESOLVED THAT

- 1. Authority be delegated to the Head of Property in consultation with the Cabinet Member Finance to dispose of the land required by Western Power in consultation with the Project sponsor for the Crematorium Project upon such 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**

7. FACILITATING THE LONG TERM PROVISION OF A SCHOOL PLAYING FIELD FOR GLOUCESTER ROAD PRIMARY SCHOOL.

Having declared an interest in this item Councillor Jeffries left the room and did not participate in the debate.

The Cabinet Member Finance introduced the report and said that if Members wished to discuss anything in the exempt Background Paper, then Cabinet would need to go in to closed session. She explained that in October 1956 the Council conveyed land to Clifton Diocese. The conveyance imposed a restriction on the Diocese "not to use the land for any building other than for religious worship". On the 21st December 2001 this Council entered into a legally binding agreement with the County Council to provide a school playing field for Gloucester Road primary school. The reason that CBC entered into this agreement was to facilitate and bring forward the Waitrose Development. The main driver for the proposed agreement was for CBC to provide the school with a playing field. The land owned by CBC at Collett's Drive was considered to be unsuitable for the purpose. The Council had still to fulfil its obligations under this agreement. In the meantime Gloucester Road Primary School had been using a sports ground at Alstone Croft on a short term lease, half of Alstone Croft Playing field was owned by Clifton Diocese, and the remaining half owned by Gloucester Diocese.

Clifton Diocese had indicated that it was willing to provide a 125 year lease to the county council, which would be sufficient to meet the playing field requirements under the 2001 Agreement, provided CBC released the restriction set out in paragraph 1.1. The county could then offer Gloucester Road School a playing field at Alstone Lane on a more permanent basis; in return this council would require its obligations under the 2001 Agreement to be deemed satisfied.

The Cabinet Member Finance added that CBC was effectively acting as a

broker between the diocese and the county council. Finally, she wished to put on record her thanks to Abigail Marshall, Estates Surveyor for her considerable work in bringing forward this proposal. The Leader added his thanks and acknowledged that it had been a long and complicated process.

RESOLVED THAT

- 1. The release of the restrictive covenant described in the report on the land owned by Clifton Diocese described in the Background paper be approved in order to secure a long lease of land at Alstone Croft Playing Field for Gloucester Road Primary school as consideration for the release of certain requirements for the provision of a playing field contained in an Agreement dated 21 December 2001 with Gloucestershire County Council**
- 2. Authority be delegated to the Head of Property and Asset Management, in consultation with the Cabinet Member Finance and the Borough Solicitor to negotiate and conclude such documents as may be necessary or advisable to put into effect the transaction described in recommendation 1.**

8. REVISED SAFEGUARDING POLICY

The Cabinet Member Housing introduced the report and explained that the council's current Safeguarding Policy was due for renewal. To ensure consistency and best practice across the districts, the Gloucestershire District Safeguarding Network proposed that a template county-wide safeguarding policy be developed that could then be adapted to meet the council's specific needs

Taking input from lead Cabinet Members, the Senior Leadership Team and service managers, the new policy reflected the aspirations of the Council to effectively embed safeguarding practice across the council. The policy incorporated both safeguarding children and vulnerable adults into the new document. The Cabinet Member highlighted the wide ranging topics covered as outlined on page 1 of the policy. He explained that the aim of the policy was to raise overall awareness of safeguarding, the signs of abuse and information on what to do if any form of abuse was identified or suspected; protect children and vulnerable adults from harm while using services that Council was responsible for by ensuring services have safe working practices in place and to ensure that employees, casual workers, volunteers and elected Members associated with CBC were able to report any safeguarding concerns appropriately. He was pleased how CBC and its partners operated safeguarding which he believed was 'everyone's business'.

A Member requested that the number of the Designated Safeguarding Officer be included on the list of useful numbers on page 16 of the report in order to be easily and readily publicly available. The Cabinet Member Housing agreed to do this.

The Leader highlighted the importance of the document which would embed safeguarding practices across the council giving confidence for staff to raise issues where they arose.

RESOLVED THAT

The new Safeguarding Policy be approved.

9. 2017 CHELTENHAM LOCAL DEVELOPMENT SCHEME

The Leader introduced the report which required the approval by Cabinet of an updated Local Development Scheme due to the updating of the timescales of the Cheltenham Plan following the extended examination of the Joint Core Strategy.

RESOLVED THAT

the updated Local Development Scheme for Cheltenham Borough, attached to the report at Appendix 2, be ADOPTED and take effect immediately.

10. BUDGET STRATEGY AND PROCESS 2018/19

The Cabinet Member Finance introduced the report which proposed a broad strategy and outlined a process for setting the budget and council tax for 2018/19. It also outlined a number of principles that needed to be established at this stage to enable budget preparation to commence.

The Cabinet Member said that between 2009 and the present Government core funding for the council had been reduced from £8.8 million to £2.4 million a year. The proposed settlement for 18/19 was indicating a further reduction of just under 11.5 % or £0.364 million. Radical changes in the way services were organised had already been embraced to cope with these reductions.

There was still huge uncertainty around future funding settlements. By not including the Local Government Finance Bill in the Queen's Speech, the Government had given a very strong indication that it would not be proceeding with 100% business rates retention yet. In addition Members were reminded of the late changes to the New Homes Bonus calculation, through the introduction of a 0.4% baseline target, which had significant financial consequences for the council.

The Cabinet Member informed that a consultation paper on the 2018/19 settlement had been launched which suggested proposals for further reforms to the New Homes Bonus calculation which may include further increases to the baseline target. It was assumed that the consultation would feed into the Autumn Statement announcements on 22nd November 2017.

The Cabinet Member expressed concern that decisions relating to New Homes Bonus continued to be made only a few months before the start of the new financial year impacting on the ability for district councils to understand the impact on their budgets. This was contrary to the stated aim of 4 year settlements which was to reduce this uncertainty.

The Cabinet Member referred to the Medium Term Financial Plan for 2017 –

2020, approved in February this year which projected a funding gap of £3.961m. The projections had now been updated to reflect the best estimates of the financial pressures impacting on the Council, including an updated view on business rates income and the potential funding cuts after the Autumn Statement was announced. The updated estimate of the funding gap for 2018/19 was now £1.079m.

She explained that given the current uncertainty surrounding business rates retention, new homes bonus and pay awards for the public sector, it was prudent to defer the full publication of the MTFs to the Cabinet meeting in December 2017 as part of the interim budget proposals. This would enable the Cabinet to react positively to any changes announced in the Autumn Statement and to ensure that the MTFs was robust and fit for purpose.

In terms of closing the projected funding gap of £1.079m a proactive approach in identifying budget savings, had identified potential savings and additional income of £635k, leaving £444k to find, assuming a £5 council tax increase.

The Cabinet Member Finance believed the longer term approach closing the funding gap was fundamentally through economic growth and investment and the efficient utilisation of assets. Cabinet was continuing to work closely with the Executive Management team. A commercial strategy which would sit alongside the MTFs would be reported to Cabinet in December 2017. In addition, resources would be focussing on supporting and delivering the growth agenda including major developments in North West and West Cheltenham.

The Cabinet Member Finance stated that in order to deliver a balanced budget in 2018/19 the shortfall in funding would be met by the budget strategy (support) reserve. This would give the Council more time to deliver its long-term strategy for delivering the substantial savings required. The work of identifying budget savings would however continue up to the publication of the draft budget proposals and beyond.

She informed Cabinet that the anticipated level of business rates due to the Council in 2018/19, taking into account the re-developments at the Brewery, John Lewis and Jessops Avenue, was above the baseline funding target which would result in Cheltenham still being liable to a 'levy'. It was the advice of the Section 151 Officer therefore that the Council would benefit from remaining in the pool in 2018/19 as it would result in a reduction in the levy payment due to Government.

She reported that the Government had decided to proceed with expansion of the pilot programme for 100% business rates retention for 2018/19. These would run alongside the five current 100% pilots which had been in operation since 1st April 2017. The Gloucestershire Chief Financial Officers had met and discussed the modelling of how a pilot scheme may work across Gloucestershire. Whilst it suggested there were potential financial gains from becoming a pilot, the gains needed to be measured against the risks. The 2018/19 pilots programme was seeking to remove the 'no detriment' clause which meant that Gloucestershire authorities would need to 'forego' guaranteed Revenue Support Grant and Rural Services Delivery Grant for an uplift in its baseline funding targets. In return it would take on all of the risk on business rates appeals which was currently shared with Central Government.

The deadline for submitting a bid to become a pilot was 27th October 2017 and officers were undertaking further modelling and sensitivity analysis around appeals exposure and risk in order to determine whether Gloucestershire should put itself forward. Given the volatility and numbers involved, it was anticipated that a further Full Council meeting would be required to ensure appropriate permissions were in place. However, should Gloucestershire determine to submit a bid with a 'no detriment' clause, it was proposed that the existing delegations outlined in 6.2 of the report would stand on the basis that Cheltenham would be no worse off in proceeding with a bid to become a pilot for 100% business rates retention in 2018/19.

The Budget Scrutiny cross party working group would continue to support the budget process as outlined in section seven of the report. The proposed key stages in the process for setting the budget for 2018/19 were summarised in the timetable at Appendix 2.

The Cabinet Member then highlighted that in terms of pay awards in local government for interim budget modelling purposes 1% had been assumed with a contingency held in general balances for an amount equivalent to a further 1%. Reports were suggesting that Government was proposing to scrap the 1% cap on pay rises for public sector workers as part of the Autumn Statement.

Finally, the Cabinet Member stated that Cabinet was determined to ensure that Government funding cuts did not feed through into large council tax increases or service cuts. This was a huge challenge, but was one to be embraced if Cheltenham was to be a town with good services and a strong economy.

The Leader reiterated the uncertainty surrounding business rates and questioned the participation in the pilot when there was no real idea of what was coming next.

RESOLVED THAT

- 1. The budget setting timetable at Appendix 2 be approved.**
- 2. The budget strategy outlined in section 5 be approved**
- 3. The expected cut in government baseline funding of £364k for 2018/19, the estimated funding gap of £1.079m and the large amount of work done so far to close this gap be noted.**
- 4. The intention for this Council to remain in the Gloucestershire Business Rates Pool in 2018/19 as outlined in section 6 be noted and to consider the merits of applying to the Government to pilot 100% Business Rates Retention in 2018/19.**

5. The Section 151 Officer and the Cabinet Member for Finance be requested to consider suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2018/19 as outlined in section 7.

**11. FINANCING ARRANGEMENTS FOR IMPROVEMENTS TO LEISURE-AT-CHELTENHAM
ITEM WITHDRAWN**

12. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Clean and Green Environment informed Members that she had been working closely with the Cheltenham Trust over recent weeks and would bring a report to Cabinet on financing arrangement for improvements to Leisure At Cheltenham shortly. She also informed that work was underway to host a mini festival for International Womens Day next year which would have the active involvement of the council, schools and the community.

The Cabinet Member Development and Safety reminded Members that the consultation on the new taxi licensing policy had gone live and was open until 21 December. The proposals focussed on improving safety and compliance with the law.

The Cabinet Member Clean and Green Environment informed Cabinet that work had started on site at the crematorium last Monday and had received good press coverage. Local residents would have received a newsletter and the Bereavement Services Manager had also visited some local residents.

The Cabinet Member Clean and Green Environment also reminded Members that the waste and recycling service would be launched on 16 October. Residents should be aware of the changes, particularly with regard to collection dates and Members should be prepared to receive queries from their constituents..

13. CABINET MEMBER DECISIONS TAKEN SINCE THE LAST MEETING

Cabinet Member Finance	Appointment of Vision Accendo Ltd for emergency lighting and electrical infrastructure contract
Leader	Nomination of Cllr Willingham to fill current vacancy on Board of Trustees of Cleeve Conservators

**14. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS
RESOLVED THAT**

in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

15. A PROPERTY MATTER

The Cabinet Member Finance introduced the exempt report and explained the background to the issue. Members were asked to consider the recommendations as amended and

RESOLVED THAT

The recommendations be approved.

Chairman

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Cheltenham Borough Council

Cabinet – 7 November 2017

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

Accountable member	Cabinet Member Corporate Services, Councillor Roger Whyborn
Accountable officer	Paul Jones, Chief Finance Officer
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>This Policy has been drafted on behalf of Revenues and Benefits Teams within a number of the Gloucestershire Authorities and replaces the Housing and Council Tax Benefit Sanctions Policy dated March 2010.</p> <p>The Policy reflects the position following the introduction of the Council Tax Reduction Scheme which replaced Council Tax Benefit in 2013. In addition the Policy outlines 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.</p> <p>The Policy sets out the options available to the Local Authority in relation to falsely claimed Council Tax exemptions and discounts.</p> <p>The Policy provides legislative guidance and will assist with decision making in the application of appropriate sanctions and provide a uniform basis for action across the County.</p>
Recommendations	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Approves and adopts the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy. 2. Authorises the Chief Finance Officer to approve future minor amendments to the Policy in consultation with appropriate Officers, Cabinet Member Corporate Services and One Legal.
Financial implications	<p>The adoption of this policy will help to support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the council.</p> <p>The Policy generates fines for further prevention work to be undertaken.</p> <p>Contact officer: Paul Jones, S151 Officer, Cheltenham BC</p> <p>Paul.Jones@cheltenham.gov.uk</p>

<p>Legal implications</p>	<p>The council must comply with all legislative requirements, as set out within the Policy. The legislation to be utilised by Revenues and Benefits staff and the Counter Fraud Unit are identified within it.</p> <p>In general terms, the existence and application of an effective fraud risk management regime assists the council in effective financial governance which is less susceptible to legal challenge.</p> <p>Contact officer: Vikki Fennell, One Legal</p> <p>Vikki.Fennell@teWKesbury.gov.uk</p>
<p>HR implications (including learning and organisational development)</p>	<p>There are no direct HR implications.</p> <p>Contact officer: Julie McCarthy, Strategic HR Manager</p> <p>Julie.McCarthy@cheltenham.gov.uk 01242 264355</p>
<p>Key risks</p>	<p>If the council does not have effective counter fraud and corruption controls it risks both assets and reputation.</p> <p>The council requires a Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy to ensure legislative powers and regulations are applied fairly and in accordance with the law.</p>
<p>Corporate and community plan Implications</p>	<p>In administering its responsibilities; this council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the council such as another organisation, a resident, an employee or Councillor.</p> <p>The council is committed to an effective counter fraud and corruption culture, by promoting high ethical standards and encouraging the prevention and detection of fraudulent activities using robust enforcement techniques, thus supporting corporate and community plans.</p>
<p>Environmental and climate change implications</p>	<p>None directly arising from the report.</p>
<p>Property/Asset Implications</p>	<p>None directly arising from the report.</p> <p>Contact officer: David Roberts, Head of Property Services</p> <p>david.roberts@cheltenham.gov.uk</p>

1. Background

- 1.1. The Counter Fraud Unit are undertaking a review of a number of Policies and Procedures, in support of each service area, to enable criminal investigations to be legally undertaken and appropriate sanctions to be applied. This Policy has been requested for use within the Revenues and Benefits Teams, and is attached at **Appendix 2**.
- 1.2. The Council Tax Reduction Scheme was introduced in 2013 to replace Council Tax Benefit which was abolished. The scheme is locally agreed with some set parameters and the responsibility to enforce any fraud or abuse of the scheme rests with the Local Authority.
- 1.3. The Policy also outlines 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.

- 1.4. The council has a responsibility to ensure Council Tax is billed correctly and that there is no abuse of exemptions and discounts. The Policy asks to set out the action that the council may take in relation to fraud or misinformation in relation to this.
- 1.5. The Policy is being introduced and it replaces the Housing and Council Tax Benefit Sanctions Policy dated March 2010, **Appendix 3**. The recommended Policy has been drafted for all participants in the Counter Fraud Unit and will provide consistency to the application of penalties and prosecution across the county.
- 1.6. It should be noted that legislation outlines that to incur a Civil Penalty for a Housing Benefit overpayment, the value needs to exceed £250 however the draft Policy attached details that for decisions at Cheltenham Borough Council, this figure will be £1000. It can be amended in line with local decision making.

2. Consultation

- 2.1. The Policy has been prepared and drafted by the Counter Fraud Unit and was compiled from a review of all policies across the region and current legislation.
- 2.2. Following the initial drafting of the policy, the document was then circulated to Senior Managers within the Revenues and Benefits Teams at all partner sites (Gloucestershire Districts and West Oxfordshire District Council) for review.
- 2.3. The draft Policy was subject to consultation with One Legal and the Senior Leadership Team.
- 2.4. Audit Committee considered the original policy on 20 September 2017 and requested that section 6.26 be revised. The original section read as follows, the sentence under scrutiny is underlined:

'If a customer is not satisfied with the decision to impose a civil penalty in relation to Housing Benefit or Council Tax Support, they can write to the Council within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The reconsideration will be carried out by a Senior Manager within the Local Authority. The outcome of the reconsideration is final and there is no further appeal process. The customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.'

- 2.5. The Policy has been updated and section 6.26 now reads:

'If a customer is not satisfied with the decision to impose a civil penalty in relation to Housing Benefit or Council Tax Support, they can write to the Council within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The reconsideration request may be made to a Statutory Officer, who is not in the direct line of management of those who are responsible for the original decision, or to the Chief Executive Office. The outcome of the reconsideration is final and there is no further appeal process. The customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.

- 2.6. This may need to be monitored depending on the number of reconsideration decisions received. Considering the low value of the fines and the fact that the penalties should only be applied where there has been clear wrongdoing on the part of the person claiming the Housing Benefit or Council Tax Support, the need for escalation should be minimal.
- 2.7. Cabinet is asked to consider the Policy and to approve and adopt the same.

Report author	Emma Cathcart, Counter Fraud Manager Emma.Cathcart@cotswold.gov.uk 01285 623356
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Appendices

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1. Risk asses
 2. Council Tax, Council Tax Benefit and Council Tax Support Penalty and Prosecution Policy
 3. Housing and Council Tax Benefit Policy

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	
1	If an appropriate Policy is not in place the Counter Fraud Unit and other Council Departments are unable to take effective and efficient measures to counter fraud, potentially resulting in authority suffering material losses due to fraud	Chief Finance Officer	11/12/14	3	3	9	Reduce	Introduce a suitable policy that enables effective and efficient mitigation of fraud risk.	Ongoing	Counter Fraud 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>												

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Appendix 2

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

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Council Tax, Housing Benefit and Council Tax Support Page 22 Penalty and Prosecution Policy

1. INTRODUCTION

- 1.1. The Council is committed to the detection of fraud and has a responsibility to ensure that Housing Benefit and Council Tax Support are paid correctly. Council Tax Support is also referred to as the Council Tax Reduction Scheme or Local Council Tax Support Scheme. For the purpose of this Policy it is referred to as Council Tax Support only. Council Tax Support replaced Council Tax Benefit from 1 April 2013.
- 1.2. The Council is also charged with ensuring that Council Tax is billed correctly and that discounts and exemptions are not claimed incorrectly.
- 1.3. This policy sets out the Council's approach to prosecution and other sanctions in cases of fraud or misinformation in respect of Council Tax Support, Council Tax and Housing Benefit.
- 1.4. It has been revised in the light of the transfer of Housing Benefit fraud investigation to the Department of Work and Pensions (DWP) in 2015.
- 1.5. This policy does not include specific reference to National Non-Domestic Rates (NNDR) although the Local Authority has the power to obtain particulars of persons interested in land as set out under Section 16 of the Local Government Act 1976. Pursuant to Section 16(2), if a person fails to comply with such requests, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level five on the standard scale.

2. BACKGROUND

- 2.1 This policy is governed by legislation and DWP guidance including The Local Government Act 1972, The Local Government Finance Act 1992, Welfare Reform Act 2012, Police and Criminal Evidence Act 1984, Social Security Administration Act 1992 and The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.
- 2.2 This policy has been agreed by the Council and will be reviewed as required in response to changes in legislation or government guidance.

3. PURPOSE

- 3.1 The purpose of the Penalty and Prosecution Policy is to set out the action which the Council may take in cases of fraud or misinformation in relation to;
 - a) Claims, or attempted claims, for Housing Benefit.
 - b) Claims, or attempted claims, for Council Tax Support.
 - c) Council Tax Discounts and Exemptions.
- 3.2 The Policy provides guidelines that will be followed where applicable and clarifies which areas are the responsibilities of the Council and those which are the responsibility of the DWP.

4. AREAS OF RESPONSIBILITY

- 4.1 Responsibility for investigation and the application of sanctions lies as follows:
- 4.2 Housing Benefit (and Council Tax Benefit for offences relating to the period prior to April 2013) where there is evidence of fraud:

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

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- a) Investigation is the responsibility of the DWP's Single Fraud Investigation Service and cases will be referred to the DWP in accordance with DWP guidance accordingly.
- b) Cautions no longer apply to these cases.
- c) The Council has retained the delegated power to offer an Administrative Penalty following a recommendation from the DWP.
- d) Prosecution of cases is the responsibility of the DWP.

4.3 Housing Benefit where there is no evidence of fraud:

- a) The Council will make enquiries in respect of cases of misinformation or error made by the customer where the overpayment is incurred wholly after 1 October 2012 and the value of any overpayment exceeds £1,000.
- b) A civil penalty of £50 may be applied by the Council in line with regulations.

4.4 Council Tax Support:

- a) The Council has retained the responsibility to investigate and sanction allegations of fraud and abuse in relation to Council Tax Support claims.
- b) A Caution, Penalty or Prosecution may be considered where there is evidence of fraud.
- c) A civil penalty of £70 may be applied where there is no evidence of fraud.
- d) An Authorised Officer within the Local Authority has the power to obtain information as set out under Regulations 4 and 5 of The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013. Pursuant to Regulation 6, if a person refuses or neglects to produce any documentation when required to do so, they will be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.
Where a person is convicted of an offence and the refusal or failure continues after conviction, the person shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

4.5 Council Tax:

- a) The Council has responsibility for investigating incorrectly claimed Council Tax exemptions and discounts.
- b) A civil penalty of £70 and an additional civil penalty of £280 may be applied where appropriate – see Table of Civil Penalties on page 6.

5. GENERAL PRINCIPLES

5.1 In deciding what action to take, designated Officers within the Council will consider the following:

- Each case will be considered on its own merits;
- There must be sufficient, reliable evidence to justify the action taken;
- The action taken must be in the public interest;
- Any mitigating circumstances;
- The decision to prosecute an individual is a serious step and has serious implications for all involved. Decisions to prosecute should always be fair, proportionate and consistent;
- In exceptional circumstances, an alternative to prosecution (Caution or Penalty) may be considered without regard to the amount of the overpayment.

6. SANCTIONS AVAILABLE FOR OFFENCES RELATING TO COUNCIL TAX SUPPORT

6.1 The three sanctions available where a criminal investigation has been undertaken are a Caution, a Penalty or Prosecution.

6.2 In cases of error or misinformation, a Civil Penalty may be applied.

6.3 LOCAL AUTHORITY CAUTION

6.4 A Caution is an oral warning given in certain, less serious circumstances as an alternative to prosecution to a person who has committed an offence. It is intended to be a meaningful penalty and deterrent where other actions are not appropriate. The Caution may be a verbal warning but both parties sign the Caution Certificate and a record is kept by the Local Authority.

6.5 If a person declines the offer of a caution the case will be recommended for prosecution.

6.6 A caution will usually be considered where the amount of the recoverable Council Tax Support is less than £1,000 where the evidence indicates that:

- a) It was a first offence, or
- b) There was no planning involved, or
- c) There was no other person involved in the fraud, and
- d) The person's circumstances and demeanour towards the offence indicates that a Caution would be the most appropriate action and
- e) The person has admitted the offence in an Interview under Caution.

6.7 In these circumstances the Council will issue an official Local Authority Caution and require full repayment of the recoverable Council Tax Support.

6.8 A Caution is not applicable where the offence is an attempt and there is therefore no financial loss to the Authority or gain to an individual.

6.9 PENALTY

6.10 A Penalty is a financial penalty offered as an alternative to prosecution, usually in circumstances not deemed serious enough to warrant prosecution.

6.11 If a person refuses a Penalty the case will be recommended for prosecution.

6.12 A Penalty will be considered where the evidence indicates that:

- a) It was a first offence, or
- b) The person failed to attend an interview under caution, or
- c) The person has previously been cautioned within the last 5 years for a similar offence but the offence was minor and the current offence is minor; and
- d) There was no planning involved, or
- e) The person has not admitted the offence at an Interview under Caution, and
- f) There was no other person involved, and
- g) The person's circumstances and demeanour towards the offence indicates that a Penalty would be the most appropriate action.

Council Tax, Housing Benefit and Council Tax Support Page 25 Penalty and Prosecution Policy

- 6.13 In such circumstances the Council will make an offer of a Penalty in addition to requiring full repayment of the recoverable Council Tax Support.
- 6.14 The penalty will be a minimum of £100, or 50% of the recoverable amount of Council Tax Support up to a maximum of £1,000.
- 6.15 **PROSECUTION**
- 6.16 Prosecution proceedings will usually be instigated only after the evidential and public interest tests as detailed in the Code for Crown Prosecutors are satisfied, and in line with the Council's own Corporate Enforcement Policy. Prosecution will be considered where:
- a) It was not a first offence, or
 - b) The fraud has been deliberate and calculated, or
 - c) The fraud had continued over a long period; or
 - d) The value of the overpayment or financial gain is significant; or
 - e) The person has failed to attend an interview under caution; or
 - f) There were other persons involved in the fraud and collusion has been investigated, or
 - g) The person has declined the offer of a Penalty or withdrawn agreement to pay and Penalty; or
 - h) The person has declined the offer of a Caution
- 6.17 The decision to prosecute is a serious step and has implications for all concerned. The Council will ensure that decisions to prosecute are made in a fair, consistent and equitable manner.
- 6.18 The Council will also consider the following:
- a) Offender's physical and mental condition such as illness, disability, age etc.
 - b) Social factors such as domestic violence, career or employment impact, child care etc.
 - c) Voluntary disclosure where the individual makes a full and frank admission without prompting.
 - d) Procedural difficulties, delays, failures in the investigation or administrative process.
- 6.19 **SANCTION RECOMMENDATIONS**
- 6.20 The recommendation to apply any sanction will be made in the first instance by the Investigating Officer after consultation with an appropriate Senior Officer.
- 6.21 Recommendations for criminal sanctions will then be referred to the appropriate Legal Department.
- 6.22 An appropriate Senior Officer will administer Cautions and Administrative Penalties on behalf of the Revenues or Benefits Department.
- 6.23 **CIVIL PENALTIES**
- 6.24 A civil penalty is a financial penalty that that can be imposed where a person has negligently supplied incorrect information or failed to supply information that affects;

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

- a) The amount of Housing Benefit or Council Tax Support they have been paid or would have been paid or
- b) The amount of Council Tax they have been billed or would have been billed.

6.25 CIVIL PENALTIES APPEAL PROCESS

- 6.26 If a customer is not satisfied with the decision to impose a civil penalty in relation to Housing Benefit or Council Tax Support, they can write to the Council within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The reconsideration request may be made to a Statutory Officer, who is not in the direct line of management of those who are responsible for the original decision, or to the Chief Executive Office. The outcome of the reconsideration is final and there is no further appeal process. The customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.
- 6.27 If a customer is not satisfied with the decision to impose a civil penalty in relation to Council Tax, they can write to the Council within one calendar month of the date of their letter in which the civil penalty is issued, and ask for a reconsideration of the decision. The reconsideration will be carried out by a Senior Manager within the Local Authority. If the appeal is not successful, the customer may appeal to the Valuation Tribunal. The customer will need to state and provide evidence where appropriate, why they feel the decision is wrong.

TABLE OF CIVIL PENALTIES			
Service	Amount of penalty	Criteria	Appeal method
Housing Benefit	£50	1. Negligently or carelessly giving incorrect information, or 2. Failing to provide without reasonable excuse, information in respect of a claim or payment of benefit, or 3. Failing to notify, without reasonable excuse, a relevant change in circumstances (reasonable excuse = ill health, significant stress)	The Council
Council Tax Support	£70		The Council
Council Tax	£70	1. Failing to supply information following a request from the Council, or 2. Supplied information about a liable person that is materially inaccurate, or 3. Failing, without reasonable excuse, to notify the Council that a dwelling is no longer exempt, or 4. Failing, without reasonable excuse, to notify the Council that a level of discount no longer applies (reasonable excuse = ill health, significant stress)	The Council and then the Valuation Tribunal

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy

Council Tax	£280	1. Where a penalty has been imposed and a further request to supply the same information is made again and is not properly complied with, and may do so each time it repeats the request and the person concerned does not properly comply with it. There is no limit to the number of times this penalty can be imposed.	The Council and then the Valuation Tribunal
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7. STRATEGY AND POLICY REVIEW

- 7.1 The appropriate department will review and amend this Policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council in consultation with the S151 Officer, the Legal Department and Members.

Responsible Department: Revenues Department / Benefits Department

Policy Author: Counter Fraud Unit

Date: April 2017

Review frequency as required by legislative changes / every three years.

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CHELTENHAM BOROUGH COUNCIL

BENEFIT POLICY

Housing and Council Tax Benefit – Sanctions Policy

Updated March 2010

1. Cheltenham Borough Council is committed to making prompt payment of housing and/or council tax benefit to those who are entitled, and is equally committed to preventing and detecting fraudulent claims.
2. A range of measures designed to identify and reduce benefit fraud have been adopted by the council such as review visits, data matching and an anonymous hotline number. There is a fraud investigation team which is responsible for investigating cases where fraud is suspected.
3. When deciding whether to sanction someone, the council must consider relevant legislation such as the Theft Act 1968, the Social Security Administration Act 1992, the Human Rights Act 1998 and the Fraud Act 2006. All files are reviewed by a member of the One Legal services to ensure that the necessary criteria have been met.
4. The council can either use our One Legal services or SOLP (the DWP legal team) to prosecute alleged offenders. Where appropriate the council's investigation team will work with the DWP investigation teams on joint cases and when this happens each party's manager will need to authorise a prosecution by the other persons legal team.
5. The council's investigation team will interview under caution anyone suspected of committing a benefit offence. Once the case has been investigated there are four possible outcomes: no further action, prosecution, formal caution or administrative penalty. The latter two will **not result** in a criminal record although a record of the sanction must be passed to the DWP to be added to their national database.

In addition since April 2010 any person who has been prosecuted, cautioned or accepted an administrative penalty may also be subject to a one strike loss of benefit for four weeks.

A two Strike loss of benefit was introduced in 2002 for anyone convicted of benefit fraud in two separate proceedings within a five year period and if this applies their benefit will be reduced for 13 weeks.

6. The caution and the Administrative penalty are alternatives to prosecution and should only be recommended if there is sufficient evidence to support criminal proceedings, but it is not in the interest of the council to initially consider a prosecution. DWP guidelines state that if someone is offered an alternative and refuse it, then they should be taken to court.

7. The aim of this policy is to ensure fairness and consistency in the council's action following the detection of benefit fraud. The decision to prosecute or impose a formal caution or administrative penalty will be made by either the benefit Manager or the Senior Investigation officer under delegated powers taking into account the following factors, and in consultation with the One Legal Services.

- There is sufficient evidence to pursue the case
- The size of the overpayment
- Previous sanction issued – check must be made via DWP
- The duration of the offence
- Physical/mental condition of the customer
- Social factors (age, stress, tragic domestic situations)
- Collusive landlord or employer
- Internal procedures or delays
- Voluntary disclosure – this will only be taken into account where the customer, of their own free will, reveals a fraud of which the council had been unaware ie not as a result of disclosure prompted by:
 - A belief that the fraud would have been discovered
 - The customer discovered they were being investigated
 - Review visit

Commitment

All customers will be treated in accordance with the council's customer service standards and the council will consider every case on its merits in accordance with all relevant legislation, policies and procedures.

Cheltenham Borough Council

Cabinet – 7 November 2017

Budget Monitoring Report 2017/18 – position as at September 2017

Accountable member	Councillor Rowena Hay, Cabinet Member for Finance
Accountable officer	Paul Jones, Chief Finance Officer
Accountable scrutiny committee	All
Ward(s) affected	All
Key Decision	Yes
Executive summary	To update Members on the Council's current financial position for 2017/18 based on the monitoring exercise at the end of September 2017. The report covers the Council's revenue, capital and treasury management position. The report identifies any known significant variations (minimum £50,000) to the 2017/18 original budget and areas with volatile income trends.
Recommendations	Cabinet note the contents of this report including the key projected variances to the 2017/18 budget and the expected delivery of services within budget.

Financial implications	As detailed throughout this report. Contact officer: Sarah Didcote sarah.didcote@cheltenham.gov.uk, GO Shared Services Finance Manager 01242 264125
Legal implications	<i>None specific directly arising from the recommendations.</i> Contact officer: Peter Lewis, Peter.Lewis@tewkesbury.gov.uk, 01684 272695
HR implications (including learning and organisational development)	<i>The Council continues to monitor vacancies and recruitment. All recruitment activity decisions are based on a business case outlining the impact on the service delivery and/or loss of income generation if the post were to remain unoccupied. In addition, the Council also continues to monitor its capacity to deliver on key projects with regular updates being provided to the Operational Programme Board on a quarterly basis.</i> Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355
Key risks	As outlined in Appendix 1.
Corporate and community plan Implications	Key elements of the budget are aimed at delivering the corporate objectives within the Corporate Business Plan.

Environmental and climate change implications	None.
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1. Background

- 1.1 This report provides the second monitoring position statement for the financial year 2017/18. The purpose of this report is to notify members of any known significant variations to budgets for 2017/18 and highlight any key issues, allowing Members to take action if required.
- 1.2 GO Shared Services carry out a regular budget monitoring exercise for services in liaison with Directors and cost centre managers. This identifies any major variations from the current approved budget that are anticipated to occur in the financial year. The current approved budget is the original budget for 2017/18 agreed by Council on 10th February 2017, subject to any amendments made under delegated powers (for example supplementary estimates, virement, etc). Possible significant variations to revenue budgets are outlined in this report.

2. Net revenue position

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

Significant budget variances	Overspend / (Underspend)£	para. ref:
Employee costs		
Over achievement of employee related saving target	(110,000)	2.2
Premises costs		
Gas & Electricity – saving in utility costs	(20,000)	2.4
Business Rates payable – saving in expenditure	(80,000)	2.5
	(100,000)	
Environment & Regulatory Services		
Off Street Car Parking – surplus on income	(100,000)	2.6
Cemetery & Crematorium - surplus on income	(50,000)	2.7
Total Environment & Regulatory Services	(150,000)	
Chief Executives Directorate		
Waste & Recycling – additional expenditure	63,000	2.9
Recycling – shortfall in income	50,000	2.9

Total Chief Executives Directorate	113,000	
Treasury		
Interest – net surplus General Fund	(22,000)	3.1
Total projected under spend for year	(209,000)	

Savings from employee costs

- 2.2** A target of £375.5k from employee related savings to be made throughout the Council during the year is embedded within individual service budgets, allocated in proportion to existing service salary budgets to improve accountability and budget monitoring within council services. An assessment of vacant posts (i.e. staff turnover) and restructures in the first six months of the year indicate that there will be a likely surplus of £110k against this target for the financial year.

Savings in Premises costs

- 2.3** Across all services, electricity is underspent by £101k at 30th September. However the time lag on invoicing means that an estimated further £81k of invoices have not yet been received, bringing the underspend back to an estimated £20k for the first six months.
- 2.4** Gas appears underspent by £126k, but with an estimated accrual of £38k for invoices not yet received, the underspend is expected to reduce to an estimated £87k. However, as gas usage in the summer is significantly lower than the winter, this underspend is likely to reduce over the next 6 months, with gas costs being in line with budget at the year end.
- 2.5** There is an expected saving in net business rates payable by the council on council-owned properties of £80,000 for the year, including one off rebates of circa £52k for changes in rateable values backdated from prior years.

Off-street Car Parking Income

- 2.6** The income position for off-street car parking to the end of September is overachieving by £91k, which equates to an average monthly increase of 5% above target. The target income for the first half of the year is lower than in the last 6 months, to take account of holiday periods; however it is anticipated that there will be a surplus of around £100k by the year end.

Cemetery & Crematorium Income

- 2.7** There is a surplus of £10k in Cemetery & Crematorium income to September. This is expected to increase further over the second half of the year, with an expected surplus of £50,000 at the year end.

Ubico Limited – additional costs

- 2.8** The continued use of older refuse vehicles which are becoming less efficient and incurring higher operating and maintenance costs has given rise to an additional contract charge from Ubico of approximately £120k for the half year to 30th September 2017. These additional costs will be mitigated by a finance lease payment due back to the council from Ubico for the same period, due to the delay in purchase of new vehicles. It should be noted that new vehicles have now come into operation from October 2017 so these additional costs will not continue in the second half of the year.

Waste & Recycling Income

- 2.9 The cost of recycling waste wood previously met by Ubico was not factored into the budget and is expected to cost £63,000 in 2017/18. Income from cardboard recycling has been adversely affected by sharp fall in the value of this commodity from £97 to £67 a tonne leading to a projected loss of income of £50,000. Income from waste and recycling continues to be monitored on a regular basis in conjunction with the Joint Waste Committee.

3. Treasury Management

- 3.1 Investment interest is likely to be around £22,000 in surplus against the expected budget of £385,700 for the financial year. The council invested £1m with the CCLA Property Fund (known as the Local Authorities Property Fund) in August 2017 with the aim to achieve a return circa 4%. The first dividend has indicated this is on target. For this financial year the council has held an average balance of £23.4m investments achieving an average rate of 0.50%.
- 3.2 No new borrowing has taken place this year and borrowing costs are expected to remain on target.

4. Capital

- 4.1 A detailed exercise has been carried out to ensure that capital schemes, approved by Council on 10th February 2017, are being delivered as planned within allocated capital budgets. The monitoring position at 30th September is included as Appendix 2 to this report.

5. Programme maintenance expenditure

- 5.1 A detailed exercise has been carried out to ensure that programme maintenance work, approved by Council on 10th February 2017, is being delivered as planned within the allocated budgets. The monitoring position at 30th September is included as Appendix 3 to this report. Any slippages in schemes or underspend against budget will be transferred to the Programme Maintenance reserve at the year end to fund future programme maintenance expenditure.

6. Housing Revenue Account (HRA)

- 6.1 Significant variations to HRA revenue and Capital budgets identified to 30th September 2017 are detailed as below:-

6.2 HRA Revenue:

Expenditure on repairs and maintenance for the year is currently forecast at £3,802,000, a reduction of £157,000 in comparison to budget. This reduction is due to a number of factors including lower demand following mild weather and ongoing improvements in working practices and procurement.

6.3 HRA Capital (Existing Stock):

The current forecast for capital expenditure on existing stock is £7,973,000, a reduction of £403,100 in comparison to budget (£8,376,100). Within that figure there have been the following significant project variations:-

- a) External Works (£210,000 reduction from original budget of £875,000)

Contract savings of £145,000 have been made on completed works and a further £65,000 of works has been postponed pending completion of a retendering exercise.

b) Disabled Facilities Grants (£100,000 reduction from original budget of £400,000)

Lower expenditure is forecast as a result of lower demand and external delays to the approval of applications.

6.4 HRA Capital (New build/ Acquisition):

Expenditure on new HRA build and acquisitions for the year is now forecast at £1,719,000, a reduction of £740,000 against the budget of £2,459,000. This reflects the postponement of the Cakebridge Palace project and delays to the redevelopment of two garage sites whilst rights of access issues are resolved.

7. Council tax and Business rates collection

7.1 The monitoring report for the collection of council tax and business rates (NNDR) income is shown in Appendix 4. This shows the position at the end of September 2017 and the projected outturn for 2017/18.

8. Sundry debt collection

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

9. Conclusion

9.1 This report summarises the results of a broad monitoring exercise at an early stage in the year which reports a position which may result in the identification of further projected net variances identified during the more detailed budget monitoring exercise referred to above.

9.2 The next detailed budget monitoring report in January 2018 may result in the identification of further projected net variances. It will be for Cabinet and Council to decide in July 2018, when outturn is finalised, how to apply any potential savings. However it is recommended that any such underspend is transferred firstly to the Budget Deficit (Support) Reserve and secondly to support general balances, bearing in mind the need to keep the level of reserves robust and the uncertainty surrounding possible future budget funding gaps as outlined in the Council's Medium Term Financial Strategy.

9.3 The continued impact of the changes in government funding arrangements and the economic climate present particular concerns for the Council's budgets. It is clearly important to ensure that budgets continue to be closely monitored over the coming months with a view to taking action at a future date, if necessary, in order to ensure that the Council delivers services within budget.

10. Consultation

10.1 The work undertaken to produce this report has involved consultation with services and cost centre managers.

Report author	Contact officer: Sarah Didcote sarah.didcote@cheltenham.gov.uk, 01242 264125
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Capital Budget Monitoring to 30th September 2017 3. Programme Maintenance Budget Monitoring to 30th September 2017 4. Council Tax and NNDR collection to 30th September 2017 5. Aged Debt Report as at 30th September 2017
Background information	<ol style="list-style-type: none"> 1. Section 25 Report – Council 10th February 2017 2. Final Budget Proposals for 2017/18 – Council 10th February 2017

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1.	If we are unable to take corrective action in respect of reduced income streams then there is a risk that Council will not be able to deliver its budget	Cabinet	June 2010	3	3	9	Reduce	In preparing the budget for 2018/19, SLT to consider the options for offsetting reduced income streams by analysing and reducing the level of expenditure across the Council.	February 2018	SLT	Corporate Risk Register
2.	If the Budget Deficit (Support) Reserve is not suitably resourced insufficient reserves will be available to cover anticipated future deficits resulting in the use of General Balances which will consequently fall below the minimum required level as recommended by the Chief Finance Officer in the Council's Medium Term Financial Strategy.	Cabinet	October 2015	3	3	9	Reduce	In preparing the budget for 2018/19 and in ongoing budget monitoring, consideration will be given to the use of fortuitous windfalls and potential future under spends with a view of strengthening reserves whenever possible.	February 2018	Chief Finance Officer	Corporate Risk Register

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;

- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

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

Risk ref

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

Risk Description

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

Risk owner

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

Risk score

Impact on a scale from 1 to 4 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

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

Action

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

Responsible officer

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

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

Transferred to risk register

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

GENERAL FUND CAPITAL PROGRAMME 2017/18

Code	Fund	Scheme	Scheme Description	Budget 2017/18 £	Revised Budget 2017/18 £	Expenditure to 30/09/17 £	Forecast Spend 2017/18 £	Projected Variance £	Budget 2019/20 £	Budget 2020/21 £
RESOURCES										
Property Services										
CAP601/2/3	PB/C/PPMR	Crematorium Scheme: First Chapel		7,008,100	7,132,300	293,155	7,132,300	-	-	-
CAP601/2/3	PB/C/PPMR	Crematorium Scheme: Second Chapel		-	1,000,000	-	1,000,000	-	-	-
CAP505	PB/GCR	Town Centre acquisitions	Acquisition of Shopfitters	-	-	36,231	36,231	36,231	-	-
CAP503	GCR	Bus Station	Demolition of existing concrete bus shelter and waiting room and provision of services to supply new café facility	-	-	1,478	1,478	1,478	-	-
CAP700	PB/GCR	Enhancing Investment Property Portfolio	To increase the Council's property portfolio.	10,200,000	10,200,000	-	10,200,000			
Financial Services										
CAP010	GCR	GO ERP	Development of ERP system within the GO Partnership	-	14,700	-	14,700	-	-	-
CAP605		Loan to St Margaret's Hall Trust	Loan to St Margaret's Hall Trust	50,000	50,000	50,000	50,000	-	-	-
ICT										
CAP026	GCR	IT Infrastructure	5 year ICT infrastructure strategy	100,000	133,600	-	133,600	-	100,000	100,000
CAP028	HCR	Telephony	Infrastructure plus the handsets/one off licences	-	16,400	-	16,400	-	-	-
WELLBEING & CULTURE										
Parks & Gardens										
CAP101	S106	S.106 Play area refurbishment	Developer Contributions	50,000	50,000	4,826	50,000	-	50,000	50,000
CAP102	GCR	Play Area Enhancement	Ongoing programme of maintenance and refurbishment of play areas to ensure they improve and meet safety standards	80,000	80,000	26,544	80,000	-	80,000	80,000
CAP125	GCR	Pittville Park play area	Investment in the play area	12,500	12,500	-	12,500	-	-	-
CAP501	GCR	Allotments	Allotment Enhancements - new toilets, path surfacing, fencing, signage, and other improvements to infra-structure.	559,600	567,900	3,996	4,000	(563,900)	-	-
Cultural Services										
CAP126	GCR	Town Hall redevelopment scheme	Preliminary work, subject to Council approving a detailed scheme and a business case	360,000	400,000	7,000	400,000	-	-	-
REGULATORY & ENVIRONMENTAL SERVICES										
CAP152	CPR	Civic Pride	Upgrade of Promenade pedestrianised area including remodelling of tree pits, providing seating, re-pointing existing Yorkstone.	46,900	44,500	9,668	44,500	-	-	-
CAP154	CPR/S106	Civic Pride	St.Mary's churchyard - Public Art Scheme	39,600	56,900	-	56,900	-	-	-
CAP155	P	Pedestrian Wayfinding	GCC Pedestrian Wayfinding	-	48,000	-	48,000	-	-	-
CAP156	S106	Hatherley Art Project	Public Art - Hatherley	-	11,800	-	11,800	-	-	-
CAP204	CPR	Public Realm	Improvements to Grosvenor Terrace Car Park (Town Centre East), improving linkages to the High Street, signage and decoration.	110,500	115,500	-	115,500	-	-	-
CAP201	GCR	CCTV	Additional CCTV in order to improve shopping areas and reduce fear of crime	300,000	300,000	1,302	300,000	-	50,000	50,000

Code	Fund	Scheme	Scheme Description	Budget 2017/18 £	Revised Budget 2017/18 £	Expenditure to 30/09/17 £	Forecast Spend 2017/18 £	Projected Variance £	Budget 2019/20 £	Budget 2020/21 £
CAP202	GCR	Car park management technology	The upgrade of the car park management technology at selected sites such as Regent Arcade is essential as the existing management systems and hardware have now reached the end of their life cycle.	37,100	-	-	-	-	-	-
CAP205	GCR	Public Realm Improvements	High Street & Town Centre public realm improvement including repaving work in the High Street and town centre	406,000	450,700	23,371	450,700	-	-	-
CAP206	GCR	Car Park Investment	Car park strategy priority actions: improvements to Regent Arcade payment system and refresh payment machines across the estate.	250,000	287,100	-	287,100	-	-	-
Housing										
CAP221	BCF	Disabled Facilities Grants	Mandatory Grant for the provision of building work, equipment or modifying a dwelling to restore or enable independent living, privacy, confidence and dignity for individuals and their families.	500,000	500,000	113,663	500,000	-	500,000	500,000
CAP222	GCR	Adaptation Support Grant	Used mostly where essential repairs (health and safety) are identified to enable the DFG work to proceed (e.g. electrical works). Or where relocation is the more cost effective solution.	15,000	15,000	-	15,000	-	15,000	15,000
CAP223	PSDH	H&S, vacant property & renovation grants	Assistance available under the council's Housing Renewal Policy 2003-06	175,200	374,000	142,389	374,000	-	-	-
CAP224	LAA	Warm & Well	A Gloucestershire-wide project to promote home energy efficiency, particularly targeted at those with health problems	58,400	58,400	-	58,400	-	-	-
CAP228	S106	Housing Enabling	Expenditure in support of enabling the provision of new affordable housing in partnership with registered Social Landlords and the Housing Corporation	670,000	669,300	338,061	669,300	-	-	-
OPERATIONS										
CAP301	PB/GCR	Vehicles and recycling caddies	Replacement vehicles and recycling equipment	3,063,000	3,259,000	875,813	3,259,000	-	913,000	404,000
TOTAL CAPITAL PROGRAMME				24,091,900	25,847,600	1,927,498	25,321,409	(526,191)	1,708,000	1,199,000
Funded by:										
	BCF	Better Care Fund (DFG)		500,000	500,000				500,000	500,000
	LAA	LAA Performance Reward Grant		58,400	58,400				-	-
	LAA	LAA Grant - Warm & Well		-	-				-	-
	P	Partnership Funding		-	48,000				-	-
	PSDH	Private Sector Decent Homes Grant		175,200	374,000				-	-
	PPMR	Property Planned Maintenance Reserve		474,500	474,500				-	-
	S106	Developer Contributions S106		759,600	731,100				50,000	50,000
	HCR	HRA Capital Receipts		-	16,700				-	-
	GCR	GF Capital Receipts		5,403,394	5,889,400				745,000	649,000
	PB	Prudential Borrowing		16,670,806	17,755,500				413,000	-
	C	GF Capital Reserve		-	-				-	-
				24,041,900	25,847,600				1,708,000	1,199,000

PLANNED MAINTENANCE PROGRAMME 2017/18 - to 30th September 2017

Code	Scheme	Description	Agreed Budget 2017/18 £	C/fwd from 2016/17 £	Virement during 2017/18 £	Revised Budget 2017/18 £	Actual 3 months 2017/18 £	Committed to date 2017/18 £	Not required 2017/18 £	Under/(Over) spend on Projects £	Comments
REVENUE											
ADB101	Municipal Offices	Overhaul windows - will require access equipment	25,000			25,000				25,000	Job not started yet
ADB101	Municipal Offices	Fire alarm system renewal		32,000		32,000	31,669			331	Job complete
ADB101	Municipal Offices	Fire Risk Assessment upgrade to doors	16,000			16,000		13,090		2,910	
ADB101	Municipal Offices	Renew reception lobby flooring	15,000			15,000				15,000	Job not started yet
ADB101	Municipal Offices	Renew defective skylights and additional security to basement, maintain door access control	7,000	2,000		9,000				9,000	Job not started yet
ADB103	Central Depot	CAD building survey		12,000		12,000				12,000	Job not started yet
ADB103	Central Depot	H&S remedial and compliance work			5,700	5,700	1,229	8,750		(4,279)	H&S budgets mostly allocated to FIE040
CCM111	Cemetery & Crematorium	Road resurfacing programme	30,000			30,000				30,000	Job not started yet
CCM111	Cemetery & Crematorium	Repairs and decoration to grade II Arbour houses	8,000			8,000				8,000	Job not started yet
CCM111	Cemetery & Crematorium	Modifications to reception area and crematorium plant software upgrade		16,500		16,500		18,187		(1,687)	
CCM111	Cemetery & Crematorium	CCTV installation/upgrade			8,000	8,000				8,000	Emergency job regarding break ins at Cemetery
CPK101	Car Parks - Off Street	Cheltenham Walk boundary repairs	10,000	5,000		15,000	16,339			(1,339)	Job complete
CPK101	Car Parks - Off Street	Repairs to car parks pot hole and other misc repairs	10,000			10,000				10,000	Job not started yet
CPK101	Car Parks - Off Street	Edinburgh Place car park lamp post cabling		6,000		6,000				6,000	Job not started yet
CPK101	Car Parks - Off Street	Remainder of Town Centre East refurbishment				0	2,276			(2,276)	Final invoice for 16/17 project
CUL002	War memorial	DOF Stone cleaning	4,200		(1,800)	2,400	2,331			69	Job complete
CUL112	Town Hall	Roof repairs	20,000	55,000		75,000				75,000	Job not started yet
CUL112	Town Hall	Fire compartmentation to underside of ballroom floor		70,000		70,000				70,000	Job not started yet
CUL112	Town Hall	Renew intruder alarm heads, repair CCTV, repairs to cellar basement & external stonework	7,000	14,200		21,200	(4,759)			25,959	Reversed accruals from prior year no invoices received yet
CUL113	Pittville Pump Room	Redecorations to external windows	25,000	0		25,000				25,000	Job not started yet
CUL113	Pittville Pump Room	Redecorations to external elevations at high level	30,000			30,000		250		29,750	
CUL113	Pittville Pump Room	Redecorations, repairs and CCTV replacement	24,500	5,000		29,500	(1,587)	1,500		29,587	Reversed accruals from prior year
CUL113	Pittville Pump Room	H&S remedial and compliance work			1,500	1,500	1,930			(430)	
CUL117	Art Gallery & Museum	Fire Risk Assessment consequential improvements to fire compartmentation	32,000			32,000				32,000	Reversed accruals from prior year no invoices received yet
CUL117	Art Gallery & Museum	Energy reduction schemes		10,000	(5,500)	4,500	4,278			222	
FIE040	Income & Expenditure on Investment Properties	Fire/Legionella/Asbestos consequential works, EIC certification	84,000	38,400	(7,000)	115,400	5,940			109,461	Reversed accruals from prior year no invoices received yet(repairs to fire doors).
FIE040	Income & Expenditure on Investment Properties	St Mary's Mission - rendering and re-painting	3,500			3,500				3,500	Job not started yet
FIE040	Income & Expenditure on Investment Properties	Berkeley Mews and Windyridge underpass misc repairs		10,000		10,000		1,986		8,014	Job not started yet
FIE040	Income & Expenditure on Investment Properties	Energy reduction schemes	2,000			2,000		1,184		816	

PLANNED MAINTENANCE PROGRAMME 2017/18 - to 30th September 2017

Code	Scheme	Description	Agreed Budget 2017/18	C/fwd from 2016/17	Virement during 2017/18	Revised Budget 2017/18	Actual 3 months 2017/18	Committed to date 2017/18	Not required 2017/18	Under/(Over) spend on Projects	Comments
FIE040	Income & Expenditure on Investment Properties	St James St (12) Provision of rear extension			4,000	4,000	4,817			(817)	
OPS111	Arle Nursery	Install safety filming to glazing	10,300			10,300				10,300	Job not started yet
OPS111	Arle Nursery	General repairs and refurbishments	11,500	8,800		20,300	2,244			18,056	
OPS121	Parks and Gardens	Long Gardens restoration of lamp standard bases	2,000			2,000				2,000	Job not started yet
OPS121	Parks and Gardens	Pittville Park stonework repairs		6,000		6,000	(2,002)			8,002	Retention from prior year
OPS121	Parks and Gardens	H&S remedial and compliance work			500	500	248			252	
OPS122	Sports & Open Spaces	Pilley Footbridge structural repairs	100,000			100,000				100,000	Discussions ongoing with GCC
OPS122	Sports & Open Spaces	QEII playing field, Burrows Pavilion floor covering, Honeybourne bird netting.	11,000	4,000		15,000	700			14,300	
OPS122	Sports & Open Spaces	Naunton Park Pavilion		9,482		9,482	(19,594)	14,248		14,828	Reversed accrual from prior year no invoices received yet
REC111	Recreation Centre	Tree works to Hudson Street	22,000			22,000		13,490		8,510	
REC111	Recreation Centre	Structural repairs to basement	20,000	7,400		27,400	(265)			27,665	Reversed accruals from prior year no invoices received yet
REC111	Recreation Centre	Replace wet area floor tiling & poolside tiling	22,000			22,000	4,110	950		16,940	
REC111	Recreation Centre	New air conditioning system to Gym & Dance Hall	10,000	81,700	3,300	95,000				95,000	Job not started yet - to be managed in conjunction with Trust project
REC111	Recreation Centre	General repairs & remedial works	18,000	25,500	1,000	44,500	3,000	1,580		39,920	
REC111	Recreation Centre	Remedial repairs to car park				0	5,030			(5,030)	Exceeds the budget allocated in 16/17
REC112	Prince of Wales Stadium	Replacement of boilers	20,000		(10,000)	10,000	9,825	1,390		(1,215)	
REC112	Prince of Wales Stadium	Reline rainwater gutters		3,000		3,000				3,000	Job not started yet
REC112	Prince of Wales Stadium	Annual maintenance of track high lighting			1,300	1,300	1,350			(50)	
RYC004	Recycling centres	Replacement of compactors		90,000	(8,000)	82,000	18,000			64,000	To be used for replacement recycling skips
RYC004	Recycling centres	Replacement of storage containers & bins		10,000	7,000	17,000	9,250			7,750	
Various		Retentions from prior year jobs				0	(31,810)			31,810	
	TOTAL PROGRAMMED MAINTENANCE		600,000	521,982	0	1,121,982	64,549	76,606	0	980,827	

**Council Tax and Business Rates
Collection Rates 2016-2017**

Council Tax 2017/2018

Current Year Charges - 2017/2018			
Monitoring Period	% Collected at 30.09.2017	Target 30.09.2017	2017/2018 Target
	57.97%	57.78%	98.35%
Comparison with 2016/2017	As at 30.09.2016		% Collected 31.03.2017
	57.76%		98.32%

The collection rate for the end of September is above the target and we are optimistic that we can achieve the year end target.

Previous Years Charges Outstanding in 2017/2018			
Monitoring Period	Amount outstanding at 30.09.2017	Target 30.09.2017	2017/2018 Target
	£1,524,260	£1,534,000	£1,155,000
Comparison with 2016/2017	As at 30.09.2016		Amount o/s 31.03.2017
	£1,534,638		£1,159,253

The arrears outstanding at the end of September are ahead of target. We will continue to monitor this closely but we are optimistic that we can achieve the year end target .

Business Rates 2017/2018

Current Year Charges - 2017/2018			
Monitoring Period	% Collected at 30.09.2017	Target 30.09.2017	2017/2018 Target
	60.32%	60.35%	98.88%
Comparison with 2016/2017	30.09.2017		% Collected 31.03.2017
	60.32%		98.86%

The collection rate for the end of September is slightly below target. We are monitoring the position closely and are optimistic that we can achieve the year end target.

Previous Years Charges Outstanding in 2017/2018			
Monitoring Period	Amount outstanding at 30.09.2017	Target 30.09.2017	2017/2018 Target
	£915,723	£700,000	£570,000
Comparison with 2016/2017	Amount outstanding at 30.09.2016		Amount outstanding at 31.03.2017
	£703,005		£585,832

The arrears outstanding at the end of September are above the target. Recent adjustments have created some large balances . We are monitoring this but remain optimistic that we can reach the end of year target

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Cheltenham Borough Council: Aged Debt Report - as at 30th September 2017																
CostC	CostC (T)	No. Outstanding Invoices	Value of Invoices in Payment Plans	Value of Invoices with Halted Recovery *	Value of Invoices with Legal	Value of Invoices awaiting Credit Notes **	Value of Invoices for Write Off ****	Customer Credits ***	Not Due	0-30	1-3 Mths	3-6 Mths	6 mth - 1 Yr	1 - 2 Yrs	2 Yrs+	Total
ADB103	Cheltenham Depot	21	0.0	0.0	13,075.4	0.0	0.0	-4,576.2	0.0	22,478.5	0.0	0.0	0.0	0.0	12.5	30,990.2
BAL100	General Fund Balance Sheet	46	614.0	0.0	4,531.0	0.0	0.0	-7,241.6	0.0	60.8	0.0	0.0	0.0	360.0	0.0	-1,675.9
BUC001	Building Control - Fee Earning Work	8	0.0	0.0	0.0	0.0	0.0	0.0	2,130.8	1,406.0	1,064.5	0.0	0.0	0.0	0.0	4,601.2
CCM001	Cemetery, Crematorium and Churchyards	139	0.0	0.0	14,467.0	0.0	0.0	-1,762.5	41,195.5	49,903.0	2,557.5	3,480.0	0.0	0.0	0.0	109,840.5
COM101	Oakley Resource Centre	3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10,750.0	0.0	0.0	0.0	0.0	0.0	10,750.0
CPK001	Car Parks - Off Street Operations	1	0.0	0.0	0.0	0.0	0.0	0.0	240.0	0.0	0.0	0.0	0.0	0.0	0.0	240.0
ENF101	Cheltenham Environmental Fund - Townscape	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	360.0	0.0	360.0
FIE030	Interest and Investment Income	1	0.0	0.0	0.0	0.0	0.0	0.0	643.3	0.0	0.0	0.0	0.0	0.0	0.0	643.3
FIE040	Income and Expenditure on Investment Properties	57	25,923.5	528.3	11,992.0	0.0	0.0	0.0	7,418.0	194,381.3	1,251.7	0.0	0.0	0.0	0.0	241,494.8
HOS004	Housing Standards	7	0.0	637.5	1,055.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1,692.8
LTC111	Business Improvement District Administration	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6,377.0	0.0	0.0	0.0	0.0	0.0	6,377.0
OPS001	Parks & Gardens Operations	6	853.3	0.0	0.0	0.0	0.0	0.0	440.0	0.0	0.0	0.0	0.0	0.0	0.0	1,293.3
OPS002	Sports & Open Spaces Operations	14	972.4	0.0	420.2	0.0	0.0	0.0	0.0	3,375.0	1,300.0	3,125.0	19.2	0.0	0.0	9,211.8
OPS004	Allotments	23	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	58.5	956.7	0.0	0.0	1,015.2
OPS101	Arle Road Nursery Operations	2	0.0	270.1	0.0	0.0	0.0	0.0	0.0	0.0	1,363.6	0.0	0.0	0.0	0.0	1,633.7
PLP006	Trees	2	0.0	0.0	874.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	874.0
REC101	Recreation Centre Operations	1	0.0	181.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	181.3
REG001	Environmental Health General	1	3,715.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3,715.0
REG002	Licensing	14	0.0	0.0	0.0	0.0	0.0	0.0	1,969.4	680.0	295.0	0.0	0.0	0.0	0.0	2,944.4
REG003	Animal Control	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	320.0	0.0	0.0	0.0	0.0
REG013	Polution Control	22	0.0	228.0	0.0	113.0	0.0	-113.0	226.0	2,299.0	0.0	0.0	0.0	0.0	0.0	0.0
REG018	Pest Control	20	0.0	120.0	0.0	125.0	0.0	0.0	0.0	445.0	425.0	0.0	0.0	0.0	0.0	0.0
REG024	Late Night Levy	2	0.0	0.0	0.0	0.0	0.0	0.0	100.0	2,800.0	0.0	0.0	0.0	0.0	0.0	0.0
RYC004	Recycling Centres	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	354.1	0.0	0.0	0.0
RYC008	Bulking Facility	5	0.0	0.0	0.0	0.0	0.0	0.0	67,708.1	18,844.8	0.0	0.0	0.0	0.0	0.0	0.0
SPP002	Community Alarms	962	70,673.2	255.0	0.0	258.9	0.0	0.0	0.0	0.0	0.0	14.4	0.0	0.0	0.0	71,201.4
STC011	Abandoned Vehicles	13	0.0	192.0	2,144.0	0.0	0.0	0.0	96.0	0.0	96.0	288.0	0.0	0.0	0.0	2,816.0
TRW001	Trade Waste	467	81,879.5	2,032.1	661.4	0.0	0.0	0.0	226.2	42,851.0	105.3	403.1	103.4	0.0	0.0	128,262.0
General Fund Total		1842	184,630.9	4,444.3	49,220.2	496.9	0.0	-13,693.3	122,393.3	356,651.4	8,458.5	7,689.0	1,433.3	720.0	12.5	722,457.1
HRA100	Repairs and Maintenance	735	44,406.4	62,771.5	7,684.3	20.0	5,655.0	-41.4	5,876.4	16,246.1	12,874.1	16,631.6	17,924.5	15,792.3	41,054.7	246,895.5
HRA110	Supervision and Management	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	461.6	0.0	461.6
HRA200	Dwelling Rents	2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	802.1	0.0	0.0	3.0	0.0	0.0	805.1
HRA210	Non-dwelling Rents	141	9,354.0	532.0	90.0	10.0	0.0	0.0	3,200.0	15,034.5	0.0	430.0	40.0	230.0	331.1	29,251.6
HRA221	Service Charges to Leaseholders	454	68,697.5	50,233.3	3,796.2	0.0	0.0	0.0	73,422.9	62,286.6	1,359.5	0.0	14,544.5	36,125.8	35,189.2	345,655.5
HRA235	HRA Other Income	8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	160.0	160.0
HRA Total		1341	122,457.9	113,536.8	11,570.4	30.0	5,655.0	-41.4	82,499.3	94,369.3	14,233.6	17,061.6	32,512.1	52,609.7	76,735.0	623,229.3
Grand Total		3183	307,088.8	117,981.1	60,790.6	526.9	5,655.0	-13,734.6	204,892.6	451,020.7	22,692.1	24,750.6	33,945.4	53,329.7	76,747.4	1,345,686.4
Previous month's position		3233	272,353.7	44,093.7	1,199,183.8	777.4	394.3	-15,936.7	289,542.5	112,612.1	232,782.1	22,755.3	48,292.3	47,389.3	80,623.8	2,334,863.6

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

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

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

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Cheltenham Borough Council

Cabinet

7 November 2017

Land at Grange Walk Playing Field, Charlton Kings

Accountable member	Cabinet Member for Finance Councillor Rowena Hay
Accountable officer	David Roberts , Head of Asset and Property Management
Ward(s) affected	Charlton Kings Ward
Key Decision	No
Executive summary	<p>Grange Walk Playing Fields is public open space in Charlton Kings. It is located close to Beeches Playing Fields and Church Piece which has various local amenities.</p> <p>Charlton Kings Parish Council would like to take a lease of Grange Walks Playing Fields for 31 years which will be co terminus with the lease that they have for the Stanton Rooms. They would like to continue to use it for Public Open Space but would like to invest in the area and try to integrate it more with Church Piece.</p> <p>The land is identified as Open Space and has been advertised in accordance with S123(2A) Local Government Act 1972 and it is confirmed that no objections to the disposal have been received</p>
Recommendations	<p>That Cabinet resolves:</p> <ol style="list-style-type: none"> 1. To the grant of a lease of the land edged red on the attached plan to Charlton Kings Parish Council for a term expiring on 17th January 2048 at nil premium and a peppercorn rent, and upon such other terms as agreed by the Head of Property and Asset Management in consultation with the Borough Solicitor 2. Authorises the Borough Solicitor to complete the lease upon the terms negotiated by the Head of Property and Asset Management, together with such other ancillary terms and documents as is considered necessary or advisable.

<p>Financial implications</p>	<p>The proposed lease will be for a peppercorn rent, so a negligible amount of income. The real financial implication is the saving on maintenance of the trees and playing fields. The exact cost cannot be quantified as costs have not been recorded at this level of detail, but the agreed Ubico contract charge for sports and open spaces in 2017/18 is over £630,000, for 40 open spaces, averaging approximately £15,800 per location. Of this, some cost would still remain as emptying the litter and dog bins would remain the council's responsibility.</p> <p>Myn Cotterill, myn.cotterill@cheltenham.gov.uk, 01242 774958</p>
<p>Legal implications</p>	<p>The Council has a statutory obligation under section 123 of the Local Government Act 1972 to obtain best consideration when disposing of land, either by freehold or by a lease of more than 7 years. Members must consider any objections made to the proposed disposal where the land is open space (paragraph 1.5 of the report refers).</p> <p>The grant of a lease will mean that the Borough Council will be able to control the use of the land for the duration of the lease.</p> <p>Rose Gemmell, rose.gemmell@teWKesbury.gov.uk, 01684 272014</p>
<p>Key risks</p>	<p>None as there have not been any objections to the advertisement.</p>
<p>Corporate and community plan Implications</p>	<p>The application by Charlton Kings Parish Council contributes to the Council corporate objectives</p> <p>Being able to lead a healthy lifestyle</p> <p>The enjoyment of a strong sense of community.</p>
<p>Environmental and climate change implications</p>	<p>None</p>

1.0 Background

- 1.1 The land known as Grange Walks Playing Field (shown edged red on the plan in Appendix 2) is Public Open Space located in the heart of Charlton Kings.
- 1.2 Charlton Kings Parish Council wish to take on a lease of the playing fields so they can take on the day to day management and ensure that the space is integrated more with Church piece as well as undertaking capital improvements in order to make the space a more desirable place for the public. (Extract from the Parish Council's Plan is attached as Appendix 3)
- 1.3 Charlton Kings Parish Council has a lease for the Stanton Rooms which expires in 2048 and would like the lease for the playing field to terminate on the same day as the lease for the Stanton Rooms.
- 1.4 The open market value of Grange Field Walk with its current use as a public open space would be at nil rent.

- 1.5 It is proposed that we offer them a lease at a peppercorn rent. The Parish will be responsible for the maintenance and up keep of the playing fields as well as the trees. Cheltenham Borough Council will keep responsibility for emptying the litter and dog bins.
- 1.6 The grant of the lease should reduce the Councils maintenance liabilities through tree surgery cost savings and through a potential reduction in the Ubico contract.
- 1.7 The land is considered to be open space within the statutory definition, as it is understood that members of the public have used it for the purposes of recreation. The appropriate Notice detailing the proposed leasehold disposals pursuant to S123 (2A) of the Local Government Act 1972 was placed in the Gloucestershire Echo on the 29th July & 5th August. The Notice gave details of the proposed disposals and asked that if there were any objections to send them in writing to the Borough Solicitor by 5pm on the 16th August 2017. No objections were received.

2. Reasons for recommendations

To allow the Parish Council to run and invest in improving an open space in the heart of Charlton Kings, and removes the Councils maintenance liability.

3. Alternative options considered

- 3.1 Cabinet could decide not to agree to the leasehold disposal but this would mean that the Council would need to carry on maintaining the land and continue with any liability associated with it.

4. Consultation and feedback

- 4.1 Ward members and senior council officers have been consulted about this proposal and no adverse comments received,
- 4.2 Green Spaces have been made aware and have no objections to the land being maintained by the Parish Council.

Performance management –monitoring and review

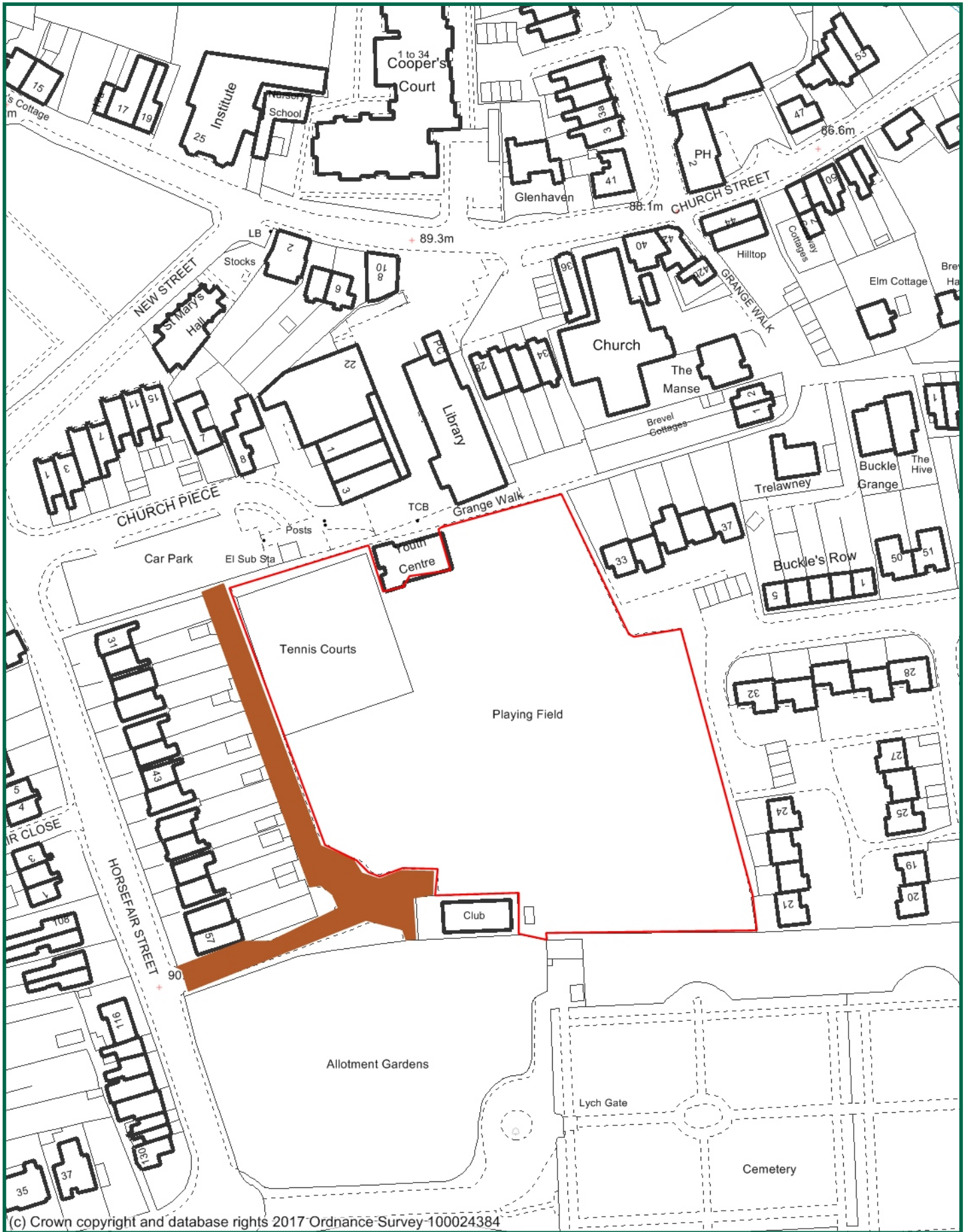
- 4.3 The site will be regularly monitored to ensure the Parish Council complies with the lease terms and appropriate action taken for any breaches.

Report author	Contact officer: Rebecca Conway rebecca.conway@cheltenham.gov.uk, 01242 264109
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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Location Plan3. Extract from the Charlton Kings Parish council's plan
Background information	<ol style="list-style-type: none">1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the disposal of the public open space is not granted then it will mean the land remains under the Council to manage	DR	25-08-2017	1	1	1	Accept & Monitor	Recommend the grant a new lease		RC	

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Extract from the Charlton Kings Parish Council's report

Grange Field

Role and activities

- The leasing of Grange Field, or an arrangement whereby the Parish Council assumes its day to day management, would ensure that there was an integrated community space encompassing this valuable green space along with Church Piece, and good links to The Beeches.
- The Grange Field provides a prime 'green space' for community events such as the Summer Fair and will provide tremendous opportunities for greater community use as an outside exercise and relaxation area.
- The 'outdoor gym' exercise equipment already provided by the Parish Council could be relocated closer to the Kings Hall and precinct area, making it more accessible to users.
- The vision for the improvement of Church Piece and the surrounding areas, as set out by Austin Design Works, made the linking of Church Piece with Grange Field a key stage in the overall improvement scheme and their concepts included improvements to Grange Field that would provide a visual link between the whole Church Piece area and the surrounding countryside.

CHURCH PIECE COMMUNITY CONSULTATION JANUARY 2017

ZONE 4 – VILLAGE GREEN OPPORTUNITIES

EXISTING

PROPOSED

MARKETS & FETES

YOUR THOUGHTS:

EXISTING

PROPOSED

LIGHTING & STREET FURNITURE

YOUR THOUGHTS:

EXISTING

SPORT

YOUR THOUGHTS:

EXISTING

PROPOSED

SPACES TO MEET WITH FRIENDS

YOUR THOUGHTS:

PROPOSED

SOCIAL PLAY

YOUR THOUGHTS:

Design ideas - Linking Grange field w Works)

Management

- The Parish Council would take over the control and running of Grange Field from Cheltenham Borough Council, the current owners.
- The Parish Council wishes to ensure that this green space continues to be properly managed and maintained. Taking control would ensure that good levels of maintenance were maintained that would not be subject to cuts due to the Borough Council having to find savings in its overall budget.
- The Parish and Borough Councils would need to agree how best this asset could be transferred and the detailed costs for its upkeep through a care and maintenance contract.

Cheltenham Borough Council

Cabinet

7 November 2017

Function Room at Naunton Park Pavilion

Accountable member	Cabinet Member Finance, Councillor Rowena Hay
Accountable officer	David Roberts, Head of Property and Asset Management
Ward(s) affected	Leckhampton
Key Decision	No
Executive summary	<p>Naunton Park Pavilion is located within public open space in a park in Leckhampton.</p> <p>The pavilion consists of changing rooms, toilets, an allotment office and a tea room.</p> <p>The tea room is currently under license to the Friends of Naunton Park for nil rent. The friends of Naunton Park have been using it for birthday parties, arts clubs and youth clubs.</p> <p>Planning consent was given in September 2017 for the tea room to be used to serve the local community. (The Friends of Naunton Park have given their support to the planning application)</p> <p>The Friends of Naunton Park have advised that they would like to terminate their license when the council have found a suitable tenant for the café.</p> <p>The proposal will see better utilisation of the building, hopefully bring about greater local community use, reduce the council's repairing liabilities and provide the opportunity to generate an income. The land is identified as Open Space and has been advertised in accordance with S123(2A) Local Government Act 1972 and it is confirmed that no objections to the disposal have been received</p>
Recommendations	<p>That Cabinet :-</p> <ol style="list-style-type: none"> 1. Agrees to declare surplus the function room at Naunton Park Pavilion for a term of 5 years. 2. Delegates authority to the Head of Property and Asset Management, in consultation with the Borough Solicitor, to agree the terms of the lease of the function room at a rent which may be below the market rent but that the Head of Property and Asset Management in consultation with the Ward Members and Borough Solicitors considers represents best value 3. Authorises the Borough Solicitor to execute a lease upon the terms agreed by the Head of Property and Asset Management and such other terms as is considered necessary or advisable

Financial implications	<p>Leasing out the space will provide an annual rental income as well as an additional saving on the cost of internal repairs, which would be covered by the tenant. There is no rent currently being charged, therefore no loss of income would arise.</p> <p>Contact officer: Myn Cotterill, Accountant myn.cotterill@cheltenham.gov.uk, 01242 264121</p>
Legal implications	<p>.Although this property forms part of a building, it is nonetheless within the definition of open space for the purposes of advertising its proposed disposal, and giving due consideration to objections.</p> <p>Under the Public Health Acts Amendment Act 1907, Section 76(1) (g), where a lease of land is proposed, the building must be used in such a way that benefits the general public and is also ancillary to the park use. Members must consider whether the proposed use meets these limitations.</p> <p>The Council has no obligation to obtain best consideration where a lease is for a term of less than 7 years, although it must still act prudently</p> <p>Contact officer: Rose Gemmell, rose.gemmell@tewkesbury.gov.uk, 01684 272014</p>
Key risks	None as there have not been any objections to the advert.
Corporate and community plan Implications	<p>Supports the local community</p> <p>Will bring about greater utilisation of the building and generate a commercial income.</p>
Environmental and climate change implications	

1.0 Background

- 1.1** Naunton Park Pavilion is located in Naunton Park, Leckhampton. The park is popular with the local community and is used by families visiting the playground, school children from the school backing on to the park and dog walkers. The allotments also back on to it.
- 1.2** The function room at Naunton Park Pavilion has been occupied under a license by the Friends of Naunton Park since 2013. They have used it on an ad-hoc basis for hiring out for birthdays, arts club and youth club. They do not pay a license fee and it is predominantly shut during day time hours. The council are responsible for all repairs.
- 1.3** The function rooms have its own separate entrance with a separate toilet as shown on the plan attached.
- 1.4** The Property and Asset Management team have been considering ways of

maximising our estate, especially those assets that we intend retaining but are under-utilised. This proposal offers an opportunity to generate additional income. In September 2017, planning permission was granted for the change of use of the function room at Naunton Pavilion to a tea room (A1) to serve the local community. Support was given unanimously by Friends of Naunton Park.

- 1.5 It is proposed that we market the unit on a 5 year lease at a rent of £3,900 per annum. The new tenant would take on all internal repairs and pay a percentage towards the external repairs.
- 1.6 The Friends of Naunton Park have agreed to continue with their agreement until a suitable tenant to run a coffee shop for the local community from the pavilion can be found. The land upon which the Pavilion is sited is Open Space and the appropriate Notice detailing the proposed leasehold disposals pursuant to S123 (2A) of the Local Government Act 1972 was placed in the Gloucestershire Echo on the 5th & 12th October 2017. The Notices gave details of the proposed disposals and asked that if there were any objections to send them in writing to the Borough Solicitor by 9am on 25th October 2017. No objections were received.
- 1.7 Two parties have already expressed interest in the café and it is hoped that through marketing to attract additional interest.

2. Reasons for recommendations

- 2.1 To allow the disposal of public open space to be used as a tearoom for the local community and generate a commercial income.
- 2.2 To reduce the council's repairing liabilities.

3. Alternative options considered

- 3.1 Cabinet could decide not to allow the disposal of the function room at the Pavilion, but this would result in the room remaining shut for the majority of the day with no rental income with the council still carrying the liability for all the repairs.

4. Consultation and feedback

- 4.1 Ward members and senior council officers have been consulted about this proposal and no adverse comments received.
- 4.2 The Friends of Naunton Park have written saying that they welcome the tea shop and will terminate their licence.

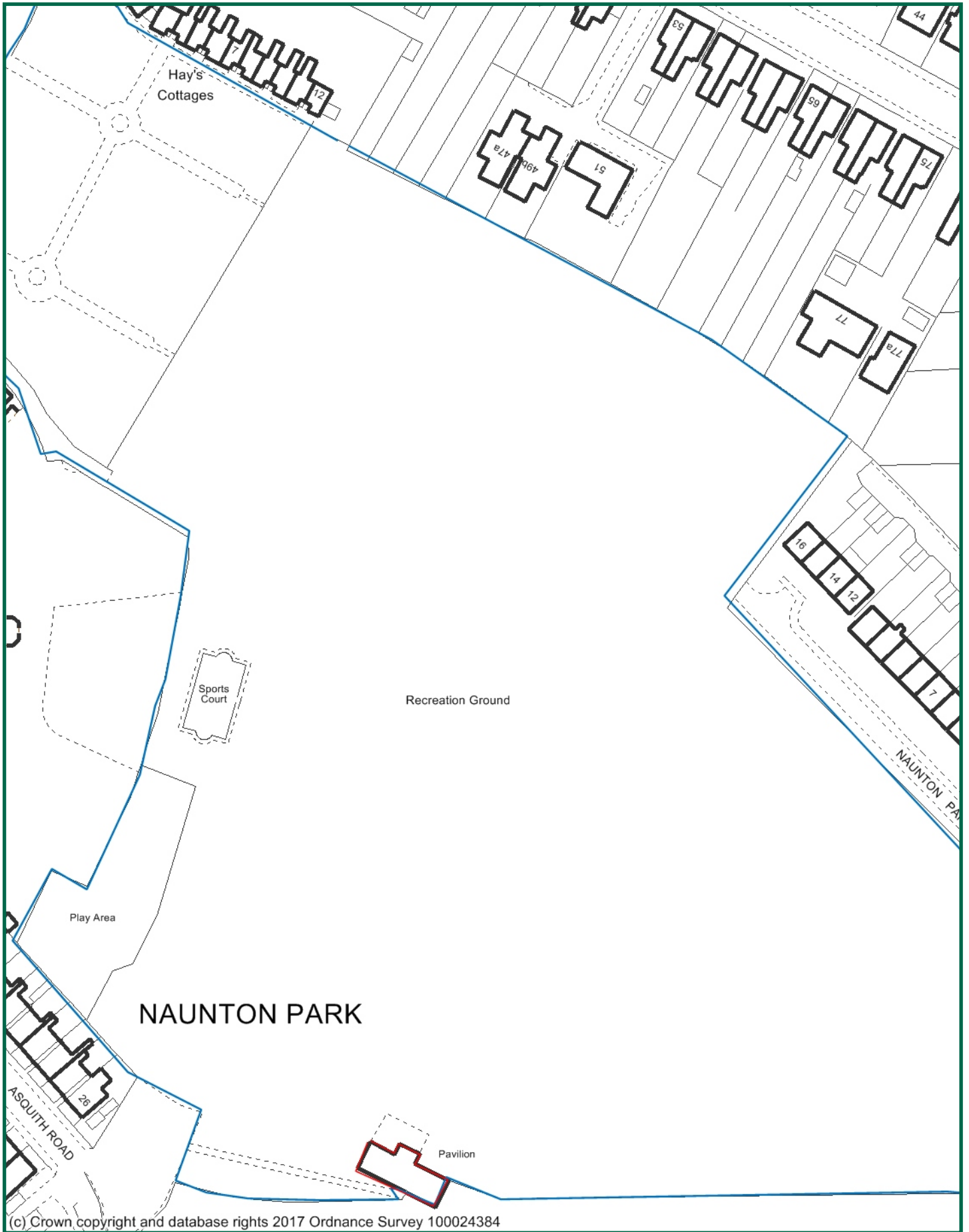
Performance management –monitoring and review

- 4.3 During the lease term the tenancy will be monitored to ensure compliance of the lease terms and appropriate action taken to remedy any breach or terminate the lease accordingly.
- 4.4 At the term end, on the basis that the tenant has complied with the lease terms and wishes to renew the lease, then negotiations will commence to grant a new lease.
- 4.5 Should the tenant decide that they do not want to renew the lease then a new tenant will be sought.

Report author	Contact officer: Rebecca Conway rebecca.conway@cheltenham.gov.uk, 01242 775148
Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Location Plan
Background information	<ol style="list-style-type: none">1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the disposal of the public open space is not granted then it would mean that the council would continue with the existing licence arrangement with the Friends of Naunton but would still not receiving any rent and would still be liable for all the repairs to the property.	DR	4 th October 2017	3	1	3	Accept & Monitor	Proceed to sub let the property and generate a commercial income		RC	

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**Cheltenham Borough Council
Cabinet – 7 November 2017**

Housing Options – Homelessness Prevention Grant and New Burdens Funding

Accountable member	Councillor Peter Jeffries, Cabinet Member Housing
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services and Waste
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>The Homelessness Reduction Act 2017 (the Act) received Royal assent on the 27th April 2017 and will be implemented in April 2018. It significantly increases the statutory duties on councils to prevent and relieve homelessness.</p> <p>The Act places a new duty on councils to help prevent homelessness of all families and single people, regardless of priority need, who are eligible for assistance and threatened with homelessness.</p> <p>There is an emphasis on intervention and acting quickly to provide advice and to take action to prevent homelessness, rather than only intervening at crisis point. The duties to help prevent homelessness of non-priority applicants have also been extended.</p> <p>On 16th October 2017, it was announced that the council would receive new burdens funding over a 3 year period, including for this financial year, to help cover the costs of implementation. In addition, the council has received flexible homelessness support grant funding, over a two year period, which can be used to support its work to prevent homelessness.</p> <p>It is proposed that these funding streams are used to support the delivery of the new statutory requirements detailed within the Act, and to provide the Housing Options Service with the resources to provide a wider range of homelessness prevention options for households presenting as homeless, as detailed in Appendix 2 of this report. This will include the appointment of two new fixed term posts.</p>
Recommendations	<ol style="list-style-type: none"> 1. To approve the transfer of the New Burdens Funding and Flexible Homelessness Support Grant to Cheltenham Borough Homes' Housing Options Service. 2. To note that the indicative expenditures detailed within Appendix 2 of the report may need to be flexible, depending upon demands of the service. The authority to make any changes to these spending plans is delegated to the Lead Commissioner – Housing Services & Waste, in consultation with Cabinet Member – Housing.

3. To also note that should it be required for back-office Housing Options staff to be relocated elsewhere, under more flexible working arrangements, as a result of the recruitment of two new posts, then any new location arrangements will be agreed in writing between CBH and the Lead Commissioner – Housing Services & Waste, in consultation with Cabinet Member – Housing.

<p>Financial implications</p>	<p>To assist local authorities to respond to the new duties created by Homelessness Reduction Act the government has allocated initial funding of £131,000: £64,000 in 2017/18 and £67,000 in 2018/19 through the flexible homelessness support grant. In addition, new burdens funding of £32,000 in 2017/18 and £29,000 for 2018/19 has also been made available.</p> <p>It is proposed to create two fixed term posts for 12 months to December 2018. This will cost c.£18,000 in 2017/18 and c.£67,000 in 2018/19.</p> <p>The rest of the funding will be used to set aside funds to support a variety of initiatives set out in Appendix 2. It is anticipated that c.£50,000 will be spent in 2017/18 and c.£140,000 in 2018/9. This grant is ring fenced for activities to prevent and deal with homelessness and will be spent over the two financial years.</p> <p>Contact officer: Keith Saunders, keith.saunders@cheltenham.gov.uk, 01242 264124</p>
<p>Legal implications</p>	<p>Secondary legislation will bring the Act into force in due course, with transitional provisions expected (which will presumably explain how the new duties will apply to applications already being processed when the reforms take effect). Although the additional burdens being placed on local authorities are set out in the report, the Act is not without its opportunities to assist the council in meeting its housing duties. The Act finally puts the valuable homelessness prevention work of Housing Options Teams on a statutory footing. For applicants who are threatened with homelessness, local authorities will have a much longer lead-in time in which to carry out prevention work. If prevention work is successful, and homelessness is avoided, then no final duties will arise. For applicants who are already homeless, or who become homeless at the end of the 56-day prevention period, the new initial duty gives a local authority a further 56-day window to resolve the applicant's homelessness. The initial duty can be discharged by securing suitable private sector accommodation for a minimum period of 6 months. The Act also imposes express duties on the applicant to cooperate in the processing of their application. A failure to cooperate means that duties can be discharged.</p> <p>Contact officer: Vikki Fennell vikki.fennell@tewkesbury.gov.uk, 01684 272015</p>

HR implications (including learning and organisational development)	There are no HR implications arising from this report for Cheltenham Borough Council, however, if the proposed activities impact any employees of the Housing Options Service, then these will be managed by Cheltenham Borough Homes' Human Resources Team. Contact officer: Carmel Togher carmel.togher@cheltenham.gov.uk, 01242 775215
Key risks	Please see risk register at Appendix 1
Corporate and community plan Implications	This will support our community outcome: people live in strong, safe and healthy communities
Environmental and climate change implications	None as a direct result of this report
Property/Asset Implications	None as a direct result of this report. Staff accommodation will be provided within existing Cheltenham Borough Homes Office space. Contact officer: David Roberts@cheltenham.gov.uk

1. Background

- 1.1 The Homelessness Reduction Act 2017 (the Act) received Royal assent on the 27th April 2017 and will be implemented in April 2018. It significantly increases the statutory duties on councils to prevent and relieve homelessness.
- 1.2 An additional £72.7 million has been set aside by Central Government to meet the additional burdens from the Act, and it was announced on 16th October 2017 that the council would receive £31,838 for 2017/18, £29,163 for 2018/19 and £32,577 for 2019/20. (Recommendations to Cabinet over how the funding for year 3 should be spent will be considered during the course of 2018/19.) This new burdens funding is in addition to flexible homelessness support grant funding that has also been announced this year totalling £63,901 for 2017/18, and £67,300 for 2018/19.
- 1.3 The impact on service provision as a result of the new Act is likely to be high, and the cost associated with the implementation is unlikely to be fully met from the new burden's funding alone, as the Act places a new duty on local authorities to help prevent homelessness of all families and single people, regardless of priority need, who are eligible for assistance and threatened with homelessness. There is also an emphasis on intervention and acting quickly to provide advice and take action to prevent homelessness, rather than only intervening at crisis point. The duties to help prevent homelessness of non-priority applicants have also been extended.
- 1.4 Under current legislation the duty is to provide advice or seek to prevent or relieve homelessness where someone is threatened with homelessness within 28 days. This timescale has been widened to 56 days and provides further scope for intervention and prevention work.
- 1.5 A further 56 day window after the initial 56 day opportunity will be in place to applicants who are or who have become homeless.
- 1.6 Local authorities will have the ability to discharge duty to a homeless applicant into the private rented sector during the initial 56 day prevention period, although the applicant could refuse an offer, and still be owed a duty during the next 56 day homeless period.

- 1.7 In terms of the housing duty, under current legislation this only applies where someone is threatened with homelessness or homeless and they have a priority need. This includes someone with children who reside with them (or who could reasonably be expected to reside with them), or someone who is pregnant or who is vulnerable due to age illness, disability, or for another reason (such as ill health, domestic abuse or previously being a person in care).
- 1.8 The new Act extends these duties, both by increasing the timeframe where help has to be provided, but also extending the duties to people who are non-priority.
- 1.9 A new code of guidance to support the Act is due to be issued, and is necessary to help provide clear guidance on parts of the Act that are currently open to wide interpretation. However, what is clear is that there will be a shift in focus for the Housing Options Team to reflect early intervention work, and that there will be a requirement for detailed action plans and early assessment of all cases, regardless of whether or not a household is in priority need. The result is that Officers will spend and hold each case for longer, with increased opportunities for homelessness prevention being sought.
- 1.10 The purpose of the report going to Cabinet today is to seek approval on how to utilise the allocated new burdens funding and the flexible homelessness support grant funding.

2. Proposed use of the new burdens funding, in combination with the flexible homelessness support grant

- 2.1 The proposals are for a fixed term post of Housing Options Officer until March 2019, and the introduction of a Homelessness Preventions/Initiatives post until December 2018. As one off payments, the money cannot be used to permanently increase staffing levels, but it does provide an opportunity to help the team prepare and meet the opportunities and challenges arising from the Act and to strengthen the services available over the next two to three years. A further opportunity can then be taken to review any future funding allocation, should it be forthcoming.
- 2.2 The role of the Preventions/Initiatives post will be to explore, open up and establish clear pathways to prevent and relieve homelessness across a range of areas. Part of this work will be to work with private landlords to establish trust and provide private rented solutions, whilst looking at new initiatives for those affected by changes in housing benefit regulations, and restrictions on benefit levels for applicants under 35.
- 2.3 To support this Preventions/Initiatives post, and the Housing Options Team generally, it is proposed that funding will be made available to set up a landlords incentive scheme for the private rented sector, a prevention fund, a lodgings scheme for single applicants (including under 35s), additional literature and a communications package, and a 'prevention purse' to enable Housing Options Officers to provide bespoke solutions to the issues that they are presented with.
- 2.4 More details about these initiatives, along with an indicative breakdown of how the funding can be used, are detailed in Appendix 2 of this report. The funding of the two posts is clear, however it is important that in terms of the remaining funding a flexible approach is taken so that the Housing Options Team is able to put resources into those prevention activities that prove to be the most effective, and which deliver best value for money, with the agreement of the Lead Commissioner – Housing Services & Waste, in consultation with the Cabinet Member - Housing.

3. Reasons for recommendations

- 3.1 New duties within the Act, learning from the Welsh experience, and trailblazer authorities has highlighted the need for having adequate resources, and increased options for preventing and relieving homelessness. In fact, the introduction of similar legislation in Wales led to a 50% increase in demand for homelessness services, and the trailblazer authorities in England implementing the Act early have reported a similar increase.
- 3.2 We therefore anticipate an increase in numbers of people approaching the service for advice and

assistance, an increase in the number of applicants we are likely to have an ongoing duty to accommodate, and an increased initial contact time with each applicant and management of individual cases over a longer period of time.

- 3.3** The implementation of universal credit at the same time provides a further challenge. These new benefit changes are due to be implemented within Cheltenham from December 2017, and it is anticipated that this will lead to an increase in homelessness (particularly from vulnerable households) and applicants approaching the service for assistance, coupled with further reluctance from landlords to assist applicants on state benefits.
- 3.4** In the last few years the team has seen the number of private rented solutions reduce, as the gap between local housing allowance rates and rents increase, and the impact of welfare reform and benefit cap restrictions makes private renting a less attractive proposition to landlords and applicants alike. The proposals detailed within this report, and at Appendix 2, will enable the Housing Options Service to focus on, and provide a range of potential solutions to assist homeless households in finding accommodation in the private rented sector.

4. Alternative options considered

- 4.1** None. The introduction of the new Act means that additional resources are required within the Housing Options Service to meet the council's statutory duties. Additional posts alone, whilst ensuring that the council is technically compliant with the Act, are only likely to make a real difference to reducing homelessness if the Housing Options Service also has at Miray Polat <miray.polat@cheltenham.gov.uk> its disposal more financial resources, as detailed in Appendix 2 of this report.

5. Consultation and feedback

- 5.1** Consultation has been carried out with the Housing Options Team to review the impact of the Act, and to understand where indicative resources should be placed in order to maximize outcomes in reducing homelessness. These proposals have been discussed with, and are supported by the council's Lead Commissioner – Housing Services & Waste and Housing Strategy and Enabling Officer.

6. Performance management – monitoring and review

- 6.1** Regular performance monitoring meetings are already in place between the council and the Housing Options Service. Outcomes, and expenditure against these outcomes, will be monitored; and where necessary, the indicative proposals detailed within Appendix 2 may be changed if this is in the best interests of reducing homelessness and providing value for money. Any such changes will be agreed with the Lead Commissioner – Housing Services & Waste, in consultation with Cabinet Member – Housing.
- 6.2** Performance monitoring meetings will also be used to understand any accommodation pressures arising from additional team members being recruited. Again, should back-office staff need to be accommodated in alternative locations as part of more flexible working arrangements, then this will be agreed in writing between CBH and the Lead Commissioner – Housing Services & Waste, in consultation with Cabinet Member – Housing.

<p>Report author</p>	<p>Contact officer: Martin Stacy, Lead Commissioner – Housing Services and Waste, martin.stacy@cheltenham.gov.uk, 01242 775214</p> <p>Paul Tuckey, Housing Options Manager, Cheltenham Borough Homes. Paul.tuckey@cbh.org 01242 264158</p>
<p>Appendices</p>	<ol style="list-style-type: none"> 1. Risk Assessment 2. Indicative costings for delivery of enhanced Housing Options Service and ensuring compliance with the Homelessness Reduction Act 2017. 3. Community Impact Assessment
<p>Background information</p>	<p>None.</p>

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 staffing levels within the Housing Options Team are not increased then the team will not be equipped to cope with the expected increase in the number of people approaching the service, and the increased time expected to manage each individual case and therefore will be unable to fulfil the requirements of the new legislation.	Martin Stacy	10.10.17	3	5	15	Reduce	Cabinet to accept the recommendation within this report	7 th Nov	Paul Tuckey CBH	
	If the level of assistance that the Housing Options Team can offer to applicants is increased, then this could result in people from neighbouring districts seeking assistance from the Housing Options Service.	Martin Stacy	10.10.17	3	2	6	Reduce	The Housing Options Team will be increasing its level of assistance in line with the new Homelessness Reduction Act Legislation which will also be the case for neighbouring authorities across Gloucestershire who currently all offer different levels of assistance. Local connection criteria will still apply where duties to house permanently are owed.	ongoing	Paul Tuckey - CBH	

								CBH will monitor presentations to the Housing Options Service as a result of any discrepancies in service across the authorities, and will seek to identify solutions with neighbouring authorities as part of their operational partnership meetings. Any issues requiring escalation can be aired for resolution at Strategic Housing Officers Group, followed by Strategic Directors Group, if required.			
	If additional staff are accommodated, then there may not be adequate provision within the Housing Options Office at Cheltenham First Stop	Martin Stacy	18.10.17	2	5	10	Reduce	Alternative back-office arrangements can be agreed between CBH and the Lead Commissioner – Housing Services & Waste, in consultation with the Cabinet Member – Housing	April 2018	Paul Tuckey CBH, Martin Stacy	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6</p>											

(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

Indicative costings for delivery of enhanced Housing Options Service and ensuring compliance with the Homelessness Reduction Act 2017

Flexible Homelessness Support Funding	Comments	2017/2018 £63,901	2018/2019 £67,300 plus £46,100.39 carried forward = £99,333.88
New Burdens Funding		£31,838	£29,163
Total funding		£95,739	£142,563.39
Total estimated expenditure		£49,638.61	£142,563.39
Funding for additional Housing Options Officer post on Fixed term contract (including on-costs)	<ul style="list-style-type: none"> Increased capacity for homelessness prevention or relief cases To help prepare and meet the additional work from the Act. Early intervention to prevent households from becoming homeless 	£9433.56 (assumes start date 1/1/18)	£38,558.56
Funding for Preventions Initiatives Officer post on Fixed Term contract (including on-costs)	<ul style="list-style-type: none"> To help prepare and meet the additional work from the Act. To increase access to housing for households at risk 	£9433.56 (assumes start date 1/1/18)	£28,918.89 (employment till end Dec 2018)

	<ul style="list-style-type: none"> of homelessness To help set up initiatives and early management of schemes 		
Prevention fund for one-off payments of housing related debt or rent arrears on exceptional basis in order to prevent or relieve homelessness.	<ul style="list-style-type: none"> To enable applicants to stay at current accommodation To enable homeless households to obtain accommodation 	£4,000	£16,000
Funding of landlords incentive scheme to secure additional units in the private rented sector	<ul style="list-style-type: none"> To help meet the duties imposed from the Act Funding gap between Local Housing Allowance and rent levels in exceptional cases and as last alternative 		£22,000
Funding for lodgings scheme	<ul style="list-style-type: none"> To help meet the needs of the Act Set up scheme and incentivise landlords To increase access for housing for single persons (particularly under 35's) Non priority deposits 		£16,000 Advertising, research, incentive payments
Prevention purse available to all Housing Options Officers for use	<ul style="list-style-type: none"> Providing Housing Options Officers 	£4,271.49	£17,085.94

to help prevent homelessness	with options to bespoke solutions		
Additional literature and enhancement to communications	<ul style="list-style-type: none"> To help ensure adequate advice, assistance and literature is available and tailored appropriately 	£3,000	Not required second year
Staff training	<ul style="list-style-type: none"> Preparation for new legislation Initial training analysis has identified training requirements in negotiation skills, housing rights of domestic abuse victims Also need for provision of training and awareness to partner agencies 	£2,000	£2,000
IT and digital delivery i) Upgrade to current homelessness IT provision	<ul style="list-style-type: none"> Upgrade of IT system to meet requirements of the HPA and new reporting requirement System upgrade to include provision of digital access and delivery to homeless 	£7,000	£2,000 (system upgrades)

ii) Pre-assessment module	<ul style="list-style-type: none"> applicants • Provision of pre application assessment module • Provides applicants with detailed and realistic housing options and action plan at point of initial contact 	£4,000	
Preparation for legislation	<ul style="list-style-type: none"> • Recruitment of temporary Housing Options Officer to enable utilisation of existing resources in preparation for the implementation of the Act (prior to recruitment and training/induction time required for the fixed term posts) 	£6,500	
Total anticipated spend		£49,638.61	£142,563.39

*The funding for the additional posts is fixed based on start and end dates, and made on reasonable assumptions of salary levels as advised by CBH Finance and taking into account inflationary salary increase.

**Money request for other schemes is based upon best estimates but would offer some flexibility to switch between pots if required.

Details of incentives/schemes

Lodgings scheme - To encourage occupiers to offer accommodation in their home to those in need of housing. The highest percentage of occupiers attracted to the scheme appears to have been owner occupiers who have been through relationship breakdown and require additional money to help pay the rent/mortgage.

The money allocated would be for initial set up costs (advertising, events, speaking to prospective clients, potential website), setting up system of advice. It is envisaged that the money could be utilised to getting a property up to standard if required, and if required initial annual gas safety check. The Housing Options Service would be looking to assist an estimated 30 single applicants by end of second year.

Prevention fund To be used for one off payments of debt to prevent or relief homelessness.

Prevention purse - Available to Housing Options Officers on an individual basis to assist applicants outside of prevention fund remit. Although parameters will be set this would provide the officers with opportunity to be inventive in preventing or relieving homelessness.

Landlords Incentive - Payments made to encourage a landlord to maintain a tenant in the current home (e.g. if concerned about impact of universal credit changes), or to secure a tenancy, where there are financial concerns about the ability of the tenant to maintain the accommodation, e.g. as a result of universal credit.

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Community impact assessments – for services, policies and projects

What is a community impact assessment?

A community impact assessment is an important part of our commitment to delivering better services for our communities. The form will help us find out what impact or consequences our functions, policies, procedures and projects have on our communities, as well as employees and potential employees.

By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.

Background

Name of service / policy / project and date	Utilisation of Flexible Homeless Support Grant
Lead officer	Martin Stacy Lead Commissioner – Housing Service and Waste
Other people involved in completing this form	Paul Tuckey (CBH)

Step 1 - About the service / policy / project

<p>What is the aim of the service / policy / project and what outcomes is it contributing to</p>	<p>To agree the appropriate use of the money allocated through the flexible homeless support grant in preparation for and support of the Housing Options Team (CBH) in fulfilling their statutory duties after the implementation of the Homeless Reduction Act 2017.</p> <p>The new statutory obligations and indeed the vision of the team are to prevent homelessness before it occurs, and the new prevention duty is in place regardless of whether an applicant has a priority need, or is intentionally homeless. Where an applicant is homeless the Housing Options Team will seek to relieve that homelessness situation.</p> <p>It is proposed that the additional funding is used for the recruitment of additional staff members for the initial two year period of the funding, as well as funding for a number of intervention and prevention initiatives that will be required under the new Act.</p>
<p>Who are the primary customers of the service / policy / project and how do they / will they benefit</p>	<p>Customers of the service are borough wide. The service sits within the Housing Services team Cheltenham Borough Homes and serves the general public: anyone who may need housing and homelessness advice. Additional staffing will enable the Housing Options Team to meet their new statutory obligations and provide colleagues with additional time to work in tandem with individual applicants to help prevent or relieve homelessness.</p> <p>The new prevention initiatives will impact on a range of customers from across Cheltenham, or who seek advice or assistance from the Housing Options team.</p> <p>There will be a significant benefit of additional staffing, and new solutions to all applicants, especially those who are more vulnerable.</p>
<p>How and where is the service / policy / project implemented</p>	<p>The service currently operates out of First Stop on the Lower High Street, and will impact on customers approaching the team for advice and assistance on homelessness.</p>
<p>What potential barriers might already exist to achieving these outcomes</p>	<p>Challenges have been captured as risks in the risk register (Appendix 1) with mitigating actions to support them.</p>

Step 2 – What do you know already about your existing / potential customers

<p>What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information</p>	<p>In the first six months of 2017/2018 there have been;</p> <ul style="list-style-type: none"> • 158 Homeless applications made • 141 decisions made on homeless applications • 98 approaches from applicants who were homeless or threatened with homelessness but did not make a homeless application • 87 approaches from single applicants who were deemed likely to be non-priority (no statutory duty to assist with provision of accommodation) • 57 applicants were accepted as homeless, priority need, and not intentionally so <p>The addition of statutory duties to prevent in all cases is a significant increase in burden.</p> <p>Information and data from Wales following the introduction of similar legislation three years ago suggests that there will be an increase of around 50% in homeless applications. Each application requires additional work that is currently statutorily required to try and prevent homelessness to a large range of applicants, and to relieve homelessness where prevention has not been possible. Effective prevention work will require the provision of solutions around keeping the applicants in their current property, or the seamless move to alternative accommodation.</p>
<p>What does it tell you about who uses your service / policy and those that don't?</p>	<p>The data collected from this exercise demonstrate a high volume of approaches from applicants who may be homeless or threatened with homelessness within Cheltenham.</p> <p>With the extension of the statutory function to help try and prevent homelessness, the service is anticipating an increase in numbers applying as homeless and seeking assistance from the service. This is partly shown by learning from Welsh authorities where similar legislation has been introduced, and trailblazer authorities in England who have implemented the Act early.</p> <p>The data shows that a high number of applicants who were deemed likely to have been non-priority did not make a homeless application, and would have received advice and assistance in line with the statutory function. These applicants will benefit from additional services provided.</p> <p>Utilisation of the grant funding as recommended will help to ensure that all customers from across</p>

	Cheltenham have access to the service, in a timely way.
What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?	Gaps in the provision of homelessness services have been highlighted for many years both nationally and on a local level, with local authorities focussing on their statutory duties in line with legislation. The Act has gone through the parliamentary stages and consultation, and being a statutory obligation will help ensure the highlighted gaps are filled.
If not, who do you have plans to consult with about the service / policy / project?	n/a

Step 3 - Assessing community impact

How does your service / policy / project impact on different groups in the community?

No negative outcomes or disadvantages are identified through this report to any group.

There will be a positive impact on the Cheltenham community with the investment in areas as outlined in the report.

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
People from black and minority ethnic groups	Statutory homeless function		Provision of new statutory functions will benefit all	
Gender	Statutory homeless function		Provision of new statutory functions will benefit all	
Gender Reassignment	Statutory homeless function		Provision of new statutory functions will benefit all	
Older people / children and young people	Statutory homeless function		Provision of new statutory functions will benefit all	

People with disabilities and mental health challenges	Statutory homeless function		Provision of new statutory functions will benefit all	
Religion or belief	Statutory homeless function		Provision of new statutory functions will benefit all	
Lesbian, Gay and Bi-sexual people	Statutory homeless function		Provision of new statutory functions will benefit all	
Marriage and Civil Partnership	Statutory homeless function		Provision of new statutory functions will benefit all	
Pregnancy & Maternity	Statutory homeless function		Provision of new statutory functions will benefit all	
Other groups or communities	Statutory homeless function		Provision of new statutory functions will benefit all	

Step 4 - what are the differences

Are any groups affected in different ways to others as a result of the service / policy / project?	No differential impacts are identified. On-going performance and monitoring of the homelessness function will be monitored and impact (s) assessed regularly.			
Does your service / policy / project either directly or indirectly discriminate?	No			
If yes, what can be done to improve this?	n/a			
Are there any other ways in which the service / project can help support priority communities in Cheltenham?	The steps identified are considered to be those that will be the most effective in meeting the Council's new statutory obligations to the Cheltenham community and helping to prevent and manage homelessness effectively.			

Step 5 – taking things forward

What are the key actions to be carried out and how will they be resourced and monitored?	<ul style="list-style-type: none"> • Provision of grant funding money to the Housing Options Team • Deliver enhanced Housing options service in line with Homeless Reduction Act
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	<ul style="list-style-type: none"> • Scoping and provision of additional services and prevention solutions • Scope and Implementation of enhanced IT functionality • Recruitment and employment of additional staff members • Enhance advertising of the new statutory functions to potential applicants and partner agencies • Internal CBH performance management • Monitoring of service performance and outcomes for all customers through performance monitoring and liaison meeting between CBH/CBC
Who will play a role in the decision-making process?	Lead Commissioner – Housing Services & Waste, Housing Strategy & Enabling Officer, Cheltenham Borough Homes’ Housing Options Manager, with any changes to appendix 2 being agreed between officers in consultation with Cabinet Member – Housing
What are your / the project’s learning and development needs?	None
How will you capture these actions in your service / project planning?	n/a

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