



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Overview & Scrutiny Committee

Monday, 11 September 2017
6.00 pm
Pittville Room - Municipal Offices

Membership	
Councillors:	Tim Harman (Chair), Jon Walklett (Vice-Chair), Colin Hay, Alex Hegenbarth, Sandra Holliday, Chris Mason, Helena McCloskey, John Payne, Paul Baker and Max Wilkinson

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1.	APOLOGIES Councillor Baker	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE PREVIOUS MEETINGS 12 and 26 June 2017	(Pages 3 - 28)
4.	PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS	
5.	MATTERS REFERRED TO COMMITTEE	
6.	FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED Gloucestershire Health and Care O&S Committee (11 July) – written update from Councillor Harvey attached Gloucestershire Economic Growth O&S Committee (6 September) – written update from Councillor Paul McCloskey (to follow) Police and Crime Panel (14 July and 8 September) - written update from Councillor Helena McCloskey attached	(Pages 29 - 32)
7.	CABINET BRIEFING A verbal update from the Cabinet on key issues for Cabinet Members which may be of interest to Overview and Scrutiny and may inform the O&S work plan	

8.	6.25 pm	ST PAULS WARD PRIVATE RENTED HMO SURVEY Mark Nelson, Enforcement Manager (no decision required)	(Pages 33 - 40)
9.	6.40 pm	CHELTENHAM GUARDIANS Presentation	
10.	7.10pm	OVERVIEW AND SCRUTINY ANNUAL REPORT 2016-17 Councillor Tim Harman, Chairman of the Overview and Scrutiny Committee (see recommendation)	(Pages 41 - 60)
11.		REVIEW OF SCRUTINY WORKPLAN	(Pages 61 - 64)
12.		DATE OF NEXT MEETING 30 October 2017	
		BRIEFING NOTES (not for discussion) <ul style="list-style-type: none"> • Side waste policy • Highways discussions with Gloucestershire County Council 	

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Overview & Scrutiny Committee

Monday, 12th June, 2017

6.00 - 8.15 pm

Attendees	
Councillors:	Tim Harman (Chair), Jon Walklett (Vice-Chair), Colin Hay, Sandra Holliday, John Payne, Paul Baker, Max Wilkinson and David Willingham (Reserve)
Also in attendance:	Tim Atkins (MD of Place & Economic Development), Tracey Crews (Director of Planning), Councillor Flynn, Councillor McKinlay (Cabinet Member Development and Safety), Michael Morgan (Planning Solicitor) and Phil Stephenson (Development Manager)

Minutes

1. APOLOGIES

Councillors Mason, McCloskey and Hegenbarth had given their apologies. Councillor Willingham would substitute for Councillor McCloskey and Councillor Holliday would be late.

2. DECLARATIONS OF INTEREST

Councillor Willingham declared a personal interest in agenda item 5 (Call in of the decision on application for designation of a Neighbourhood Area and Neighbourhood Forum by the Springbank Neighbourhood Forum), as a previous application by the West Cheltenham Forum had included a significant amount of the ward he represents and he had attended a meeting with members of the steering group.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting had been circulated with the agenda. The Chairman highlighted that the wrong meeting date had been included on the agenda (20 January rather than 20 February) and noted that there were also exempt minutes of this meeting, which would be circulated for approval with the agenda for the upcoming meeting of the committee (26 June).

Upon a vote it was

RESOLVED that the minutes of the meeting held on the 20 February 2017 be agreed and signed as an accurate record.

4. PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

None had been received.

5. CALL IN OF THE DECISION ON APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM BY THE SPRINGBANK NEIGHBOURHOOD FORUM

The Chairman explained that he had called-in the decision to designate a Neighbourhood Area and Neighbourhood Forum in the current Springbank Ward, following a request from Councillor Wendy Flynn and advice from Officers and Members. The process for dealing with the call-in was summarised on the agenda and possible options for the committee were set out in paragraph 4.1 of the discussion paper. He invited Councillor Flynn to address the committee.

Councillor Flynn thanked the Chairman for agreeing to call-in the decision, which she had committed to doing in her letter of objection, were the Springbank application approved. Whilst she acknowledged that it was the Springbank decision that had been called in, she wished to discuss the West Cheltenham application, which she felt would provide some context to the issue.

Between February and July 2016 the West Cheltenham Forum held four meetings and agreed the group membership, constitution, boundaries and application. The group used wards as a starting point, namely the four wards of West Cheltenham (St Peters, St Marks, Hester's Way, Springbank and surrounding areas) and finally agreed the boundary which formed part of the application which was submitted in July. After a six week consultation period in September, there were no objections. The application was scheduled for determination by Cabinet on the 6 December 2016, with Officers recommending approval, but the decision was deferred as Cabinet had some concerns. On the 13 December the application went before Cabinet again. Officers were still recommending approval but had included three options which aimed to address the concerns that had been expressed by Cabinet. Cabinet rejected the application based on it reducing community cohesion. Comments made by Cabinet included the fact that only part of the West Cheltenham strategic allocation was included and that the area was too big. She noted that the Springbank area designation also included part of the strategic allocation and that the decision was at odds with the Cheltenham Masterplan Briefing

which considered the four wards in question, as one area with much in common.

The Town and Country Planning Act 1990 states that a council must be satisfied that a Neighbourhood Forum is established with the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned. Councillor Flynn queried whether this was indeed the case based on the majority of the consultation comments; none of which, with the exception of that from Councillor Jeffries, referenced a neighbourhood plan. She suggested that members of the Springbank Forum had been entirely drawn from members of the West Cheltenham Greenbelt Group and as consequence, were almost entirely concentrated along the greenbelt area rather than, as prescribed in the regulations, from different places in the neighbourhood area and from different sections of the community in that area. The report that went to Cabinet on the 16 May stated that "The area proposed to be designated does not include any organisation currently seeking to be designated" but Cabinet had already refused an application from West Cheltenham and both herself and the West Cheltenham Forum had made clear in their letters of objection to the Springbank application, that they planned to make a further application. She suggested that no new proposal had yet been put forward by the West Cheltenham Forum as they were still awaiting a response to their letter dated 20 March 2016 which sought clarification on the reasons for non-designation and noted that no response had yet been received.

It was her opinion that in the interest of good governance and the reputation of the council, the Springbank application should be refused and the West Cheltenham application reinstated and approved. She felt that if the Master Planning exercise in the West was to work it would require community buy-in and that this community were feeling betrayed and unvalued after having put in months of hard work only to have it dismissed by Cabinet without a full explanation as to the reasons why.

The Chairman thanked Councillor Flynn for her introduction and invited the Cabinet Member Development and Safety to address the committee.

Before taking questions from the committee, the Cabinet Member Development and Safety took the opportunity to respond to some of the points raised by Councillor Flynn in her introduction. The reason that the Leckhampton with Warden Hill application had been approved, despite the JCS position, was because the area applied for was a parished area and the original legislation was based on parish wards. The legislation did not, however, define what constituted a neighbourhood and as such, the Cabinet Member had taken the view that electoral ward boundaries should be used as a starting point for discussions on the appropriate size of a neighbourhood area and this had been included in the guidance that had been produced for applicants. He explained that he had taken this decision to avoid applications being submitted for very small/large areas or areas which only included certain parts of existing wards and to avoid what he perceived as a threat, that people associated with promoting development would apply for large un-parished areas, which would block the ability of anyone else to apply and could be used to try and block the designation of green space. The Cheltenham West application was rejected on two grounds; it was received at a time when there was a great deal of uncertainty surrounding the future of the JCS and did not include whole wards. Cabinet had outlined their concerns to the applicants and had even deferred their decision in the hope that a revised application based on certain revisions would be submitted, but it was not and therefore the application was not considered sound and was rejected. At this stage, it was reiterated to the applicants that Cabinet would welcome a revised application. Then the Springbank application was received at a time when the JCS position was clearer, the Cheltenham Plan was more developed and the application itself covered the existing Springbank ward only and with no other applications having been received, it was accepted. The Cabinet Member acknowledged that he had received a copy of the letter dated the 20 March but had not responded as it was not addressed

to him personally and sought clarification of discussions at a meeting at which he had not been in attendance.

The Cabinet Member Development and Safety gave the following responses to member questions:

- A decision notice, in the form required by law, had been sent to the West Cheltenham applicants on the 21 December 2016, which outlined the reason for refusal and this read “The submitted neighbourhood area application has been made for an area which is not appropriate as a neighbourhood area. The area cuts across ward boundaries and includes a number of separate communities, which would reduce community cohesion.”
- With regard to the West Cheltenham application, the Cabinet Member had concerns about how well people in the St Marks ward, would be able to relate to people living in Hester’s Way and more importantly that the boundaries set out in the application cut across existing wards, which would mean that some areas were not covered. He reiterated that the legislation did not include any detail on this and the decision to use wards as a starting point had been his and this was set out in the guidance produced by the council.
- He did not agree with the suggestion that Cabinet were not taking a wholly consistent approach to applications.
- The JCS was the primary document, with which the Cheltenham Plan needed to conform, though it would cover different issues and in turn, any Neighbourhood Plans would need to conform with the Cheltenham Plan.
- Cheltenham West were invited to reapply but no revised application was received. Had two separate applications been received at the same time, which included the same area, then the applications would have been weighted against one another, but this was not the case. Cabinet could only respond to what was before them and the Springbank application was duly approved.
- His concern about pro-development groups applying for large un-parished areas in an attempt to block the

designation of green space in an area was not a response to an actual threat but merely an uninformed concern, which the guidance that had been developed by the council aimed to prevent.

- The consultation process was set out in the legislation. The West Cheltenham application had received two responses in favour. The Spingbank application garnered more responses; ten residents and four developers supported the application and two objections were received, one from Councillor Flynn and the other from the West Cheltenham applicants.
- Parish Councils were seen by Government as the building blocks for this legislation but this was not necessarily appropriate. The scale of some smaller parishes and lack of resources meant that they were not engaging with the process, but by their very existence, others were blocked from applying.
- It was not for him to judge the motive of any applicants, he could only assess the validity of applications.
- The neighbourhood regulations require Cabinet to make a decision on an application within 13 weeks of submission. This date cannot be deferred and no decision within this timeframe results in automatic approval of an application.
- Cabinet made several attempts to get West Cheltenham to revise their original application and to resubmit when this was refused, but to no avail, so this application was not a material consideration of the Springbank application and therefore he did not feel it necessary to reconsider the Springbank decision.

There was some discussion between Members about whether it would be possible for the two groups (Springbank and West Cheltenham) to reach a compromise that would satisfy all involved. The Planning Solicitor explained that the Springbank application needed to be determined by the 27 June 2016, otherwise there would be a positive statutory obligation to designate the area and forum. The only options available to Cabinet, were it to reconsider the application, would be to make the same decision and approve the application, designate a smaller area or refuse.

With no further questions for the Cabinet Member, the Chairman called the next witness, the Development Manager.

The Development Manager gave the following responses to member questions:

- There were three different sources of relevance to this issue; the 1990 Town and Country Planning Act, the Planning Policy Guidance which expanded on the National Planning Policy Framework and also a decision made by the court of appeal. It was necessary for the neighbourhood Plan to support strategic development needs and decisions needed to be taken in accordance with the Development Plan. The Cheltenham Plan is nearing the statutory consultation stage but before this is in place any neighbourhood plan should aim to agree how its strategies and policies fit in with the emerging plan. The JCS is a long way towards being adopted and the Neighbourhood plan should not contradict the strategic plan
- Both the West Cheltenham and Springbank applications were compliant with the regulations, though the regulations were intentionally easy to meet so as to enable and encourage non-parished areas to apply. Whilst it was for officers to advise on compliance, it was for Cabinet to decide if an area constituted a neighbourhood. He referenced a particular case (*Daws Hill Neighbourhood Forum v the Secretary of State for Communities and Local Government [2014] EWCA Civ 228*), in this case the council were considering whether to designate an entire area or only part. The court decided that: The Town and County Planning Act does give the Local Planning Authority a 'broad discretion' when considering whether the specified area is an appropriate area to be designated as a neighbourhood area. In the same case, Lord Justice Sullivan described the regulations in the Town and County Planning Act which set out the requirements for bodies who seek to be designated as a neighbourhood forum as 'relatively basic'."

- Therefore it is a matter for the Council, delegating authority to Cabinet, to decide if an area applied for is appropriate. In deciding this they can take into account the particular circumstances existing at the time and draw on a wide range of planning considerations to come to their view.
- The application from West Cheltenham was more detailed than that from Springbank but also covered a much wider area. He also identified that Planning Practice Guidance refers to electoral ward boundaries as a useful starting point for discussions on the appropriate size of a neighbourhood area. Therefore he considered it appropriate and reasonable that Cabinet base their decisions on ward boundaries. It was true to say that this approach could result in a large number of neighbourhood areas but if cabinet were so minded, it would also be possible for a number of forums and areas to be represented whilst working collaboratively on a single plan.
- Designation as a neighbourhood area or forum would not result in any specific planning policy powers. Once designated however, areas and forums had the right to put together a neighbourhood plan but this was required to take account of the strategic planning policy for the Borough. Neighbourhood forums would consult with Planning Officers about plans for development and/or designation of green space and whether this fits with the strategic planning policy and if so, a plan would be finalised and consultation undertaken. If supported, then there would be a referendum and assuming there was a majority within the area, the neighbourhood plan would be adopted and considered alongside the JCS and Cheltenham Plan.
- Once designated, neighbourhood forums become a statutory consultee for planning applications, and also for Planning Policy document.
- Members were advised that the neighbourhood portion of CIL (that part of CIL receipts that would be spent in the locality of the development that generated the CIL receipt) increased from 15% to 25% in areas with a neighbourhood plan but authorisation of a forum does

not result in that funding being passed to the forum for it to expend. In parished areas these funds went straight to the parish council whereas in un-parished areas, the borough council would remain the responsible authority.

- Once designated, a neighbourhood forum would have 5 years to progress a neighbourhood plan. After this time the forum could be de-designated. The council had a statutory obligation to support Neighbourhood Plan development and then arrange a referendum and this would provide an opportunity for Officers and the public to scrutinise progress.

Members had no questions for the Director of Planning but she did take the opportunity to reiterate that the legislation relating to the designation of neighbourhood areas and forums was intentionally basic to make it as easy as possible for neighbourhood groups to engage. This reflects the governments ultimate aim being to delegate more powers direct to communities. There was a clear distinction between the process, which Officers gave advice on and the decision, which was a Cabinet function.

The Chairman thanked the various members and officers for their input and referred members of the committee to 4.1 of Agenda Item 5, which set out the options available to the committee.

The Democracy Officer reminded the committee that the decision that had been called-in related to the Springbank application and not the West Cheltenham application and the Planning Solicitor reiterated the three options available to Cabinet in relation to the application; make the same decision, designate a smaller area or refuse.

A member queried the assertion that the West Cheltenham area was too large and questioned what this would mean for central Cheltenham which was a cohesive community made up of a number of wards. He suggested that Cabinet should be given the opportunity to reconsider their decision on the Springbank application, in the hope that they would reject it

and instead broker a compromise between the two groups (Springbank and West Cheltenham), which he felt at the very least, would give more clarity regarding what applications were and were not acceptable; those including a single ward, multiple wards, part wards, etc.

The Planning Solicitor expressed caution on recommendations by this committee on wider decisions for the Cabinet. If this committee was of the view that a wider policy review was required then it should be raised as a policy matter rather than using this call-in meeting concerning particular applications as a vehicle to do so.

One member was minded that, instead of proposing an alternative decision, the committee instead make adverse comments on the process but not the decision itself which had been proven to be lawful. He suggested that Cabinet should be asked to review boundaries at a later stage. Other members disagreed.

A member reminded the committee that the overarching objective of Neighbourhood Planning was for communities to be able to have their say and in this situation two communities were being pitched against one another, which he found regrettable.

A number of members spoke in support of the proposal to recommend that Cabinet reconsider the Springbank application. The hope was that, having heard the debate, understood the intent behind the recommendation and taking account of this, that a different decision would be reached and the application rejected, thus allowing for negotiations between the two applicants and a compromise that suited all.

Upon a vote it was

RESOLVED that Cabinet be asked to reconsider the Springbank application

(Voting: 7 For / 1 Abstention)

6. DATE OF NEXT MEETING

The next meeting was scheduled for the 26 June.

Tim Harman
Chairman

Overview & Scrutiny Committee

Monday, 26th June, 2017

6.00 - 8.25 pm

Attendees	
Councillors:	Tim Harman (Chair), Jon Walklett (Vice-Chair), Alex Hegenbarth, Chris Mason, John Payne, Paul Baker, Max Wilkinson and Wendy Flynn (Reserve)
Also in attendance:	Tim Atkins (Managing Director of Place and Economic Development), Kevan Blackadder (BID Director), Richard Gibson (Strategy and Engagement Manager), Councillor Jordan (Leader) and Martin Surl (Police and Crime Commissioner)

Minutes

1. APOLOGIES

Councillors Holliday, McCloskey and Hay had given their apologies. Councillor Flynn would substitute for Councillor Hay.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting (12 June) would be tabled for approval at the next meeting of the committee (11 September).

4. PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

None had been received.

5. MATTERS REFERRED TO COMMITTEE

The Leader would give feedback on Cabinet's response to the recommendations of this committee in relation to the call-in meeting, under the Cabinet Briefing item.

6. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Updates on the Police and Crime Panel and Health and Care Overview and Scrutiny Committee had been circulated with the agenda. An update on the recent meeting of the Gloucestershire Economic Growth Scrutiny Committee had been circulated separately to the agenda (Appendix 1).

Members were asked to contact the briefing authors directly with any comments or questions.

The Chairman had attended the 6 June meeting of the Health and Care Overview and Scrutiny Committee in his capacity as the newly appointed Cabinet Member for Public Health and advised that Sarah Scott, the Director of

Public Health had given a very interesting presentation and whilst there were areas where the County Council performed very well, some inequalities within districts had been identified. He suggested that this could be something the committee may wish to discuss further with Sarah Scott at a future meeting.

7. CABINET BRIEFING

The Leader confirmed that a group of independent experts, co-ordinated by the LEP and the Gloucestershire Economic Growth Joint Committee were both discussing major infrastructure. These groups would be looking at what kind of things we needed to be lobbying for (e.g. faster train journey to London). He suggested that this was an important issue and that everyone should be involved in the discussions.

Members would be aware that there were safeguarding issues at the County Council and Police, which was concerning. A special County Council meeting had been arranged, which he would be attending as he was keen to understand the issues and suggested that this was something Cheltenham needed to look at.

Further to the call-in meeting held on the 12 June and the request the Cabinet reconsider the Springbank decision; he advised that Cabinet, having just met, had upheld their original decision to approve the application. He reiterated that the original legislation was aimed at parished areas and with no national guidance as to what constitutes a neighbourhood, local guidance had been developed which aimed to reduce the risk of very large areas. The Leckhampton with Warden Hill application had been straight forward and unlike something such as the JCS, there was no huge consultation before a decision was reached, Cabinet had limited powers in the neighbourhood planning process and could merely receive applications and decide to approve or refuse. His view was that cabinet had no other option other than to approve the application, which was valid and tomorrow (27 June) would have defaulted to approval if no decision had been made. Whilst he appreciated that some would have preferred a different outcome, he explained that this decision did not preclude further discussions on boundaries.

The Leader gave the following responses to member questions:

- It was possible to give feedback at a local and national level about the neighbourhood planning process.
- It was notable that both Springbank and West Cheltenham had refused to defer their applications to allow for further discussion.
- Councillor Jeffries had declared an interest and did not participate in any decisions relating to the Springbank application.

8. POLICE AND CRIME COMMISSIONER

The Chairman welcomed the Police and Crime Commissioner (P&CC) and asked that, before providing verbal responses to the questions which had been submitted by members of the committee, (see table below) the P&CC give a brief overview.

Whilst he had been happy to accept the invitation by the committee, in the spirit of co-operation, he reminded members that it was the role of the Police and

Crime Panel to scrutinise him in his role as P&CC. Despite the shortcomings reported in the press and without trying to make any attempt to belittle the child protection issues that had been raised, he wanted to assure members that there were also many successes. This was not to say that the force were not under monumental pressure, having lost £30m of funding and over 200 officers, reducing numbers from 1300 to 1053. The Chancellors announcement that funding would remain at the same level equated to, for Gloucestershire, a £4.2m shortfall if the force maintained the current level of officers (1058) and a £6.5m shortfall if the P&CC kept to his commitment to increase officer numbers to 1100. This at a time when crime was increasing and growing in complexity.

His Police and Crime Plan, identical to his manifesto, set out what he aimed to achieve, during this current 4 year term, his second after his re-election in 2016 and this plan acknowledged the importance of neighbourhood policing and this included the need for improved Neighbourhood Watch schemes.

1.	Question from Councillor Payne
	In light of the recent heightened terrorist threat, could you explain how the £1 million you allocate to community projects contributes to public safety. Have you considered to option of redistributing this money to combating the terrorist threat?
	The £1m allocation equated to only 1% of the P&CCs overall budget and was set up after he was first elected in 2012. He assured members that the counter terrorism network was very well funded by the Government and suggested that what was severely lacking was neighbourhood policing, which resulted in the loss of contact with communities and the intelligence that came with these community links, as well as the reduction in crime. The funding had supported over 300 successful projects across the county, including the Street Pastors project in Cheltenham and he highlighted that these projects had been able to draw in funding from other areas. He felt that these projects represented his most successful achievements.
2.	Question from Councillor Payne
	I take the view that a good working relationship between the local police and councillors benefits the whole community. At a recent meeting with your deputy, he stated that Neighbourhood Policing had significantly improved. There appears to be little or no evidence to support that statement. Could you please give your assessment of the current state of Neighbourhood Policing?
	Crime rates in Cheltenham were rising, meaning increasing pressure on ever reducing resources and funding. The Constabulary were committed to neighbourhood policing and were in the process of reintroducing neighbourhood teams but this required the relocation of officers and would take time. He was confident that these changes would have been implemented by the Autumn and felt that the public understood the challenges facing the constabulary.
3.	Question from Councillor Baker
	How many full time front line police officers are there in Cheltenham, how has this number changed in the last 5 years, is the Cheltenham contingent up to compliment?
	He was not able to give an exact figure as all response vehicles now operated from Bamfurlong, covering Cheltenham and Gloucester and therefore responded to demand and whilst he could ask the Chief

	Constable for a figure, this would not necessarily be representative of the true figure as this would not include firearms officers, etc.
4.	Question from Councillor Baker
	How do you envisage the number of front line officers in Cheltenham changing in the next 5 years? Do you believe we have enough front line officers?
	Staff costs equated to 80% of his budget, with the rest being spent on buildings, vehicles, insurance, petrol, etc. Crime was on the rise, housing numbers would be increasing and both at a time when police numbers and funding were reducing and he was unsure as to how these issues could be reconciled.
5.	Question from Councillor Baker
	I believe that police officers who know their areas, engage with local people of all age groups and ethnicity help build up trust and therefore help the police do their job, do you agree and if so what is being done to improve community policing in our town?
	As he had already explained, the reintroduction of neighbourhood teams was a priority but this would take some time to organise.
6.	Question from Councillor Baker
	What percentage of crimes are solved? Is crime reducing?
	As he had mentioned, crime was increasing and not only in terms of volume but in terms of complexity.
7.	Question from Councillor Baker
	What are your main concerns which will impact upon your ability to maintain law and order in our town and reduce incidents of crime?
	He had already covered this in previous responses.
8.	Question from Councillor Baker
	Is the use of police horses relevant in 2017, how much is spent on this resource?
	The 12-18 month trial had cost £194k and was proving very effective, even if it did evoke mixed feelings with the public. The University of Oxford had evaluated the benefits and had shown that levels of public engagement with officers was six times higher when on horseback compared to those in vehicles. He noted that the running costs of this resource would be much lower than the initial set-up costs, which had included a second-hand horse box for £60k, the cost of a fully equipped vehicle. Ultimately the Chief Constable would make the final decision but a deal with South Wales, who had 8 horses, could see Gloucestershire move to 4 and combined would in effect be a unit (of 12).
9.	Question from Councillor Harman
	Will the Police and Crime Commissioner seek to use the Powers contained in the Police and Criminal Justice Act 1994 to move on Travelers from locations such as Arle Court Park and Ride?
	Operational decisions were for the Chief Constable and not the P&CC. he would ask that the Chief Constable respond directly to Councillor Harman.
10.	Question from Councillor McCloskey
	A few weeks ago, I was unable to contact the police on the 101 number despite hanging on for more than half an hour. The reason for my call was urgent although not requiring a 999 response. I resorted to calling the OPCC who arranged for the police to call me. Subsequently I made

	<p>an official complaint to the Constabulary. In a telephone conversation with the temporary Chief Inspector in charge of the Control Room, I proposed changes to the automated "system busy" message which were accepted. Last week, I was contacted by a member of the public who held on for one hour before giving up. How difficult is it to change a simple automated message? The 101 number is the main point of contact with the police now that police stations and officers are thin on the ground. How can the police gain local intelligence without an effective 101 service? The public deserve better.</p>
	<p>It was important to note that the 101 service was one of the only 24hr services remaining in Gloucestershire. He reported that last week 1311 '999' calls had been received with an average waiting time of 16 seconds, compared to 10 seconds the week prior. 4361 calls had been received to the 101 service and had an average waiting time of 2 minutes and 20 seconds compared to 1 minute and 24 seconds the week before. The maximum waiting time was 35 minutes and he accepted that the 101 service was not perfect. He explained that there had been a 20% increase in the number of calls to this service since 2014, currently averaging 23,000 calls a month, compared to 6500 '999' calls. In addition to this, calls were taking longer, with call handlers attempting to resolve the issue over the phone, without the need to send an officer. He stressed that the '999' service took precedent and the service, as it stood at the moment, could not be diverted, or a recorded message given. This was currently under review and ten new call handlers were in the process of being recruited.</p>

The P&CC gave the following responses to member questions:

- The issue of gangs coming from major cities and establishing drug networks was a major issue for Gloucestershire, with Cheltenham equally affected than Gloucester. The police relied on intelligence from CBH and cyber intelligence but were successfully tackling the issue and had convicted a number of people. It was noted that some offenders were just children and cases in Rotherham and other areas, had highlighted the need to find a balance between offenders and victims.
- His decision to appoint a temporary Chief Constable was based on the fact that the entire top team at the Constabulary were due to leave and it had been his judgement that a temporary appointment would offer immediate stability. The Government wanted P&CCs to look at the fire service and had given three options; the P&CC take governance of the fire service; appoint a Chief Officer above the Chief Fire Officer and Chief Police Officer or: be given a place on the GCC Cabinet. The P&CC commented that he was open minded about the fire service and that the only reason he had been granted £100k to look at the issue was because GCC had refused to discuss the matter with him.
- Following the HMIC report, the P&CC had asked the Chief Constable to look into why case reviews had been deemed inadequate, but this would take time. He noted that whilst the constabulary had had its funding cut by 25%, the HMIC had had their funding significantly increased which he felt resulted in the HMIC having the resources necessary to look things in more detail.

- The criticism levelled at the constabulary, by HMIC, regarding children in custody related not to the numbers of children in custody, which was low, but instead related to suitable accommodation being sought. The P&C noted that there was no such accommodation available in Cheltenham.
- There was not a week in which rapes or sexual assaults were reported across the County, though not all of these would be reported in the press. Members should not feel alarmed however, as Gloucestershire remained one of the safest places to live in the country.
- The P&CC was willing to attend resident association meetings and invited members to email him with any such requests but reminded them that he was one person, and should therefore not be offended if he isn't able to accept.

The Chairman thanked the P&CC for his time and honesty and hoped that he would accept a further invitation in the future.

9. PLACE STRATEGY

The Managing Director for Place and Economic Development and BID Director had been invited to provide the committee with an update on the Place Strategy, as well as reassuring the committee that BID were engaging with the process of developing the Place Strategy.

The Managing Director for Place and Economic Development reminded the committee that the Place Strategy was approved by Council in March 2017 and a number of consultation exercises had and would be undertaken. This was a long term plan and the overall vision was "A place where everybody thrives" and focussed on four key values: a pioneering spirit, nurturing, connecting and reconnecting and creativity. A clear plan for the public realm in the town centre was required going forward but it was important to note that the transformation of the town would take time.

The BID Director confirmed that the BID were involved in the development of the Place Strategy and were happy to engage because the businesses had identified 5 areas which they wanted BID to focus on and the Place Strategy included 3 of these (public realm improvements, town centre events and parking and accessibility). BID had talked to a number of town centre businesses, as well as Spirax Sparco, Superdry and the Chamber of Commerce and the messages had been consistent:

- There was a skills shortage in Cheltenham, particularly in engineering and law.
- The high cost of living meant that people working in the town often couldn't afford to live here. More starter homes were needed.
- People did not feel incentivised to cycle because of the lack of places to park bicycles.
- A number of businesses had moved their headquarters from Cheltenham and in order to attract and retain businesses there was a need for more commercial space
- The bus service was reliable and affordable but it was felt that some services could run later into the evening.

- Signage in and around the town was poor.
- There was no central area for the public to gather.
- The opening of the John Lewis store was really positive for the town but people felt that the Strand end of the high street was 'a disgrace'. A sentiment shared by two national retailers who had recently visited the town.

The BID Director stressed that these issues must be resolved to ensure that the transformation of the town could move forward successfully.

Despite some of the negative feedback relating to Cheltenham, members felt strongly that it was still a nice place to live and suggested that the town centre was looking less attractive in recent months because of the major works at the Brewery and John Lewis sites. They all hoped that John Lewis would be a catalyst for further improvements.

In response to a member question, the Director of Place and Economic Development explained that the West Cheltenham scheme would have a massive impact on the town but it was important that members be aware that this would take some 15 years to bring to fruition. The town centre could not offer a site anywhere near the 50 hectares that West Cheltenham could, but there were sites, which the council owned that all had existing uses, but which could be considered for an alternative use if there was a strong enough business case. He also confirmed that whilst he was not spending a lot of time visiting other areas, consideration was being given to successes and failures of other towns and cities. With the proposed cyber park being the first in this country, they were also looking to other countries.

In closing the BID Director assured members that BIDs did not see one another as rivals and worked well together, sharing experiences and advice.

No decision was required.

The Chairman thanked both men for their attendance.

10. END OF YEAR PERFORMANCE

The Strategy and Engagement Manager introduced the end of year performance as circulated with the agenda. He reminded members that the 2016-17 action plan was approved by Council back in April 2016 had identified 95 milestones and this report set out progress against those milestones. He advised that 55 were complete, 32 were green, meaning the project was on track to be delivered against a revised timescale and 8 which were amber, meaning that there were concerns about the deliverability of the project against the original timescales. These amber milestones were set out at 3.2 of the paper and he suggested that this was where the committee may wish to focus their discussion.

The Strategy and Engagement Manager gave the following responses to member questions:

- Ubico had done a lot to promote the no side-waste policy, but this remained a borough wide issue and compliance was very much voluntary at the moment. The challenge was around when to enforce

this policy and the kind of reaction this would evoke. The committee could request a briefing if members wanted to understand the issue better.

- Those actions with Wilf Tomaney named as 'Lead' had been passed on to other officers since Wilf's retirement.
- The highways issue was a complex agenda and progress was proving difficult, however, it remained a political ambition for this council. Perhaps this was another area on which the committee could ask for a further briefing.
- Whitehall capacity for progressing new devolution deals was much reduced but discussions were still ongoing and regarding a local arrangement. He accepted, should use a different term to 'devolution'.
- A commitment had been made to make Shopmobility work and it was important that this issue was resolved. This would now be taken forward by Mirjam Wiedemann, the new Economic Development Manager

A member sought clarification about the potential for a garden waste income windfall.

Another member congratulated the Strategy and Engagement Manager for presenting a report which demonstrated the amount that was being done, and suggested that those actions that had not been completed, were out of the control of the council and perhaps these should not be taken forward.

The Chairman felt it important to continue dialogue with GCC about highways matters and looked forward to seeing how the Place Strategy could provide the framework for these discussions. He agreed that it would be beneficial for the committee to receive further briefings on this and the side waste issue. This would be added to the work plan accordingly.

No decision was required.

11. STREET PEOPLE SCRUTINY TASK GROUP - FINAL REPORT

Councillor Payne would present this item on behalf of Councillor Savage who had chaired the task group but was not able to attend the meeting.

Councillor Payne wished to put on record, his thanks to Councillor Savage and Saira Malin, Democracy Officer, for drafting what he considered to be an excellent report and one which he was pleased to be able to present to the committee. It was clear to members, residents and businesses that the number of people begging, sleeping and drinking on the streets in Cheltenham had risen over the last year and this was not to the advantage of anyone, including those exhibiting these behaviours. At the first meeting of the task group, it was evident that street people presented a wide variety and complexity of issues and that there was no single solution. He noted, however, that not all were vulnerable and in fact a large proportion of the 12 or so individuals on the streets of Cheltenham, were not in fact homeless and were instead begging to fund a drug or alcohol addiction. In view of the fact that some individuals travelled between Cheltenham and Gloucester and having discussed some of the successes that Gloucester City had achieved as part of Project Solace, the group decided it needed to meet with representatives of the project. Managed by Gloucester City Council and Gloucestershire Constabulary, and delivered by a team of three, including two seconded Police Officers, the team engaged with

those that took responsibility for their actions and supported individuals to address the root causes of anti-social behaviour, in a co-ordinated way. Where individuals would not engage and anti-social behaviour persisted, enforcement was taken, but it had been reassuring for the group that this was a last resort, with enforcement action only having been taken against 2 individuals since the projects inception. The task group were made aware that the council was already considering a business case for joining the Solace partnership and felt that this would provide an effective solution by increasing resources for Cheltenham and ensuring a co-ordinated approach. On the 11 April 2017, Cabinet agreed that Cheltenham would join the Solace partnership and the task group were in full support of this decision, given the conclusions it had already drawn on the issue. In closing, Councillor Payne commented that with a better understanding of the issue and as part of Solace, the council were well placed to move forward and tackle the issues in a way that Police action could not, as it was self-defeating to fine someone that was begging on the street, although this would continue to be used as a last resort. He was pleased to be able to table this report and hoped that members would support the recommendations.

A number of members commended the report, which demonstrated the sensitive and measured approach that the task group had adopted when undertaking this review and voiced their support for Cheltenham having joined the Solace partnership.

In response to a member question, Councillor Payne confirmed that Solace were sharing the message that members of the public should not give money to people on the street and instead donate to an appropriate charity, but the task group had acknowledged that this would need to be an ongoing campaign rather than a one-off.

The Chairman welcomed the report and recommendations and suggested that tougher laws were required as the Vagrancy Act 1824 was outdated and perhaps this was something that should be raised with the Local Government Association.

Upon a vote it was unanimously

RESOLVED that the task group recommendations as set out in the report be endorsed and recommend to Cabinet for approval.

Overview and Scrutiny recommends:

- 1. Reducing the number of street people in Cheltenham should be a priority for this authority, benefiting not on the street people but also residents and local businesses, as well as the town itself**
- 2. An integrated, co-ordinated multi agency approach is required, with close partnership working and appropriate information**
- 3. This authority is well placed to assume a co-ordinating role**
- 4. The adoption of a Project Solace model or similar approach in Cheltenham**

12. SCRUTINY TOPIC REGISTRATION FORM

The Democracy Officer introduced the scrutiny topic registration form which had been circulated with the agenda. The form had been submitted by Councillor Parsons and related to the impact of race meetings on local residents. She referred members to the officer implications which had been included overleaf and asked that the committee give consideration to these implications when deciding if and how it wished to scrutinise the issue. Options included:

- Setting up a task group
- An officer report at a scheduled meeting of the committee
- A member seminar
- A one-off meeting
- No action

A member felt that the issues raised by Councillor Parsons were similar to those experienced by residents in other areas during other festivals and events and felt that the review should look at these issues across the town. Other members disagreed, feeling that scope would then be too wide.

In view of the officer implications which indicated that many of these discussions were already ongoing and which highlighted a resource issue, the committee agreed that a one-off, sub-committee meeting with officers from the council and County Council, as well as representatives from the Racecourse, would be the most appropriate course of action. The Democracy Officer would contact members with some provisional dates in due course.

13. REVIEW OF SCRUTINY WORKPLAN

The work plan had been circulated with the agenda.

The Democracy Officer advised that she was still waiting for CBH and the Charlton Kings Flood Action Group to confirm whether they could attend the September or October meeting of the committee. She noted that she had started to draft the annual report and that this would be approved by the lead members (Councillors Harman, Payne and Walkett). The committee would be asked to endorse the annual report in September, before it was tabled with Council, to note, in October.

14. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

Upon a vote it was unanimously

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, 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)

15. APPROVE EXEMPT MINUTES OF THE LAST MEETING

The exempt minutes of the meeting held on the 20 February 2017 had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the exempt minutes of the meeting held on the 20 February 2017 be agreed and signed as an accurate record.

16. DATE OF NEXT MEETING

The next meeting was scheduled for Monday 11 September.

Tim Harman
Chairman

Gloucestershire Economic Growth Steering Group (GEGSG) and GEGSG Scrutiny Group – Report to O&S

As of today, GEG Steering Group has a new chair - Cllr Lyndon Stowe, whose cabinet portfolio is ***Economy Skills and Growth***. (I get the impression that this is one of a new set of portfolios, so it would be good have a sheet, if such a thing exists, explaining the new arrangements.)

Steve Jordan has been appointed vice chair of the Steering Group.

A number of topics were discussed at the Steering Group, but all were shrouded in uncertainty. It didn't help that the meeting coincided with the belated Queen's speech. The Scrutiny Group reviewed its Terms of Reference and confirmed that 4 times a year they would meet the same day as the Steering Group to give members the opportunity to listen to the Steering Group in the morning.

They also agreed that twice a year they would meet in a district, on rotation. So, the big question is: **would Cheltenham like to avail itself of this opportunity, and if so, what local topics might be of interest and how should Cheltenham go about organising such a meeting?** I assume that the Scrutiny Group would hold its meeting in a sufficiently large room for as many members and officers to attend as so wished. I further assume there would be an opportunity for questions.

The three dates for these away days in the calendar are:

- 19th October (provisionally taken by Cotswolds)
- 22nd February 2018
- 31st October 2018

My recommendation would be to see if either the February or October date would do, and to make a pitch for it as soon as possible. It's beyond my pay grade to determine how an exercise like this should be approached. I'll know more after the 19th October meeting in Cirencester. But, I'd be inclined to grab a slot as quick as possible. O&S would seem an appropriate body to organise this, if so minded.

Topics that might be pertinent could include:

- The cyber hub
- Employment & Skills Board (and how local people are to acquire the skills to apply for jobs in the cyber hub)
- Fastershire, plus other local infrastructure issues

There is loads of background information that would give members an appreciation of the scope of work being undertaken across Gloucestershire. The timescale is up to 2050 (though how to engage with these future stakeholders is far from clear!)

The indented text below is quoted in full as it distils the essence of some strategic Government thinking. In particular, '**inclusive growth**' is to be '**place**' based. But '**place**' is as yet undefined. The concern for Gloucestershire is that the Govt may be thinking about a larger area than just Gloucestershire, and we may struggle to make ourselves heard when competing with larger groupings (the Northern Powerhouse,

for instance). We also want to make linkages with other parts of the country and not just the South West. (Oxford, Milton Keynes, Cambridge etc.)

Inclusive growth is a term that has been gaining traction significantly over a number of recent years. In defining inclusive growth, the findings from the recent Inclusive Growth Commission, chaired by Stephanie Flanders has concluded the following requirements to progress:

- ***Place-based industrial strategies:*** Delivering business-led productivity and quality jobs through lifelong learning to develop sectoral coalitions linking industry sectors and places and the creation of new institutions to connect business and industry
- *A fundamental reset of the relationship between Whitehall and the town hall, underwritten in new social contracts: Allowing flexibility of budgets to support co-commissioning for health and social care and other public service areas such as education, skills and employment support to maximise impact and reduce silo spending*
- *Inclusive growth at the heart of public investment: Basing funding models on expected impact on broad based 'quality GVA', the establishment of regional banks and an independent UK Inclusive Growth Investment Fund overseen by a multi-stakeholder board.*
- *Making inclusive growth our working definition of economic success: Understanding social infrastructure gap and defining inclusive growth metrics which would be developed alongside social contracts.*

Members may wish to consider background information provided at the links below:
Strategic Economic Plan for Gloucestershire

http://www.gfirstlep.com/doc_get.aspx?DocID=168

Strategic Economic Plan for Gloucestershire (Business Case)

http://www.gfirstlep.com/doc_get.aspx?DocID=169

Building on Success – Gloucestershire Growth Deal 3

http://www.gfirstlep.com/doc_get.aspx?DocID=380

All three documents are very readable, containing a number of good info-graphics. If you are interested in the Business case underpinning the A417, Junction 10 of the M5 etc etc, they are all there in the second document.

The third document itemises the strategic projects that have been initiated under phases 1,2 & 3 of the Growth Deal. The emphasis now is on completing these projects. There is no expectation of a further tranche of Growth money.

Cllr Paul McCloskey
21st June 2017

Health and Care Overview and Scrutiny Committee Report for O&S 11 September 2017

This report covers the meeting held on 11 July which I attended as the Borough representative.

The main issue at this meeting of the HOSC was the sudden closure of Cleevelink, the largest non-national/locally owned provider of adult social care provision within the county (hereafter referred to as Cleeve)

Gloucestershire County Council were aware that Cleeve was acquired by another provider, Primus Care Plc, during late 2015. Cleeves' business model was largely based on recruiting Eastern European care workers, cheaper than local staff, and providing them with accommodation and transportation. One issue that concerned me was that when due diligence was applied prior to the new owners taking over the company's financial state was only taken into account when it filed its accounts with Companies House, not at the point of acquisition. My point being, matters could change over time.

The Cleeve operating model was asset heavy and this made the company attractive to investors to split the company, essentially stripping out assets. When the collapse subsequently came it was tax payers who footed the bill, care staff worked for free but many hours of staff time from county council officers was needed to help keep care running.

I posed the following question and received the answer below from Gloucestershire County Council:

Cleeve Link

I have spoken with the Commercial Services Team at GCC regarding Steve Harvey's point about whether as part of the takeover process companies should be required to explain the model of care that they would be bringing forward. The Commercial Team explained that the legal framework, where the position is a takeover/buy out, does not place any requirement on a company to do this.

This is, of course, entirely separate from where the council is commissioning a service and initiates a procurement process which lays out the contract specifications and required outcomes.

As to whether the committee should write to the Secretary of State that is, of course, up to committee members to consider. However, it is important to remember that this business model works across all industries, and members would, in essence, be asking the Secretary of State about an exception for social care companies.

Lessons have been learnt/learned, but I remain uneasy about how this happened.

Councillor Steve Harvey

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**Police and Crime Panel Report for O&S
11 September 2017**

This report covers the meeting held on 14th July. A verbal report will be given on the meeting held on 8th September.

July Meeting

This was the first meeting since the GCC elections and the composition of the Panel changed due to the need to have a membership proportional to the number of seats held by each political party across Gloucestershire. Will Windsor Clive was elected as chair and Colin Hay as vice-chair. A briefing was given on the role of the Panel for the benefit of new members.

In June HMIC reported on the effectiveness of Child Protection within the constabulary. The report can be accessed on-line as part of the Panel meeting agenda. Officers were found to be highly committed but seriously under resourced, and the report highlighted significant shortcomings in processes and procedures. Case studies of individual cases showed serious failings. An action plan in response to HMIC's recommendations was required within six weeks of the report. Some recommendations were to be implemented immediately. HMIC will make another inspection this month.

The Commissioner's Fund has assisted over 350 projects since its inception in 2012. The current bidding round had seen 166 applications of which 78 had been funded. 45% of the awards went towards trying to prevent young people getting involved in the criminal justice system.

Lack of Information

Members continue to be disappointed that the PCC's Decision Log is not updated quickly. Scrutinising these decisions is an important function of the Panel. Another concern is lack of timely data by the Home Office to enable comparison of effectiveness with other constabularies. A copy of the consultant's report on collaboration between the emergency services, promised to members at the July meeting, has yet to be received.

Cllr Helena McCloskey

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Information/Discussion Paper

Overview and Scrutiny Committee

11 September 2017

St Pauls Ward Private Rented HMO Survey

This note contains the information to keep Members informed of matters relating to the work of the Committee, but where no decisions from Members are needed

1. Why has this come to scrutiny?

- 1.1 This has come to scrutiny to update members on the findings of the private rented sector HMO survey in the St Pauls Ward which was completed in March this year.

2. Summary of the Issue

- 2.1 Following Cabinet approval a permanent post was recruited to be responsible for the ongoing identification and survey of HMO's, initially within the St Pauls ward.
- 2.2 Following detailed desk top analysis to identify possible HMO's and development of a survey form, the survey work commenced in early September 2016. It was estimated that the survey of St Pauls would take approximately 9 months to complete depending on the extent of substandard accommodation discovered during the survey work.

3. Summary of evidence/information

- 3.1 The desk top analysis involved scrutiny of council tax records, the electoral register and enforcement records including officer knowledge of the area. This analysis identified approximately 450 possible HMO's within the St Pauls Ward.
- 3.2 The survey of properties in St Pauls is now complete and the attached Cabinet briefing paper shows the findings of officers following their inspections of HMOs in the St Pauls Ward.

4. Next Steps - possible next steps for the committee to consider eg potential witnesses, further report, site visit etc.

- 4.1 The Council may consider making a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) so that change of use by permitted development must instead require planning permission (see Cabinet briefing report).

Background Papers

Cabinet Briefing Report June 2017

Contact Officer

Mark Nelson, Enforcement Manager, 01242
264162, mark.nelson@cheltenham.gov.uk

Accountability

Cllr Peter Jeffries, Cabinet Member Housing

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Briefing Notes

Committee name: Cabinet

Date: June 2017

Responsible officer: Mark Nelson

This note contains information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

Briefing on the Completed HMO Survey St Pauls

1. In June 2014 Cabinet approved the recruitment of a new permanent post to be responsible for the ongoing identification and survey of HMO's in the Borough but initially within the St Pauls ward. The post, which was recruited to in January 2017, is funded initially from the Housing Survey Reserve and is supported by existing enforcement staff.
2. Following detailed desk top analysis to identify possible HMO's and development of a survey form, the survey work commenced in early September 2016. It was estimated that the survey of St Pauls would take approximately 9 months to complete depending on the extent of substandard accommodation discovered during the survey work.
3. The desk top analysis involved scrutiny of council tax records, the electoral register and enforcement records including officer knowledge of the area. This analysis identified approximately 450 possible HMO's within the St Pauls Ward.
4. The survey of properties in St Pauls was completed in February 2017 and 350 HMO's have been identified and fully inspected. In addition 102 properties were visited and found not to be HMO's. All properties identified by the desk top analysis were visited and those found to be HMO's were surveyed.

Results Summary

- 37 HMO's were identified with contraventions of management regulations and category 1 hazards (HHSRS) (11%)
- 12 HMO's were referred to housing enforcement for further action (3%). Of those referred, 7 are now compliant following housing enforcement.
- 6 HMO's had category 1 hazards without management issues (2%)
- 20 HMO's were referred to planning enforcement (6%), of these referrals 8 require planning permission (2%)
- 10 HMO's were identified with pest control issues (3%), of which 4 properties (1%) also exhibited problems which would constitute a contravention of Management Regulations in addition to the presence of category 1 hazards.
- 2 of these 10 HMO's which had pest control issues also exhibited problems which would constitute a contravention of Management Regulations (1%)
- 4 of these 10 HMO's solely exhibited pest control issues (1%)

Refuse Issues

12 properties with refuse issues 3%
 338 Properties with no refuse issues 97%

Cars

Off road parking 37 10%
 On road parking 344 90%
 Number of students with a car 24%
 Total cars 344

Anti-social Behaviour

There was no antisocial behaviour identified by inspection which related to the HMOs surveyed.

Property by type and Tenure

1 Bedsit non student
 18 Properties shared non student lettings 5%
 2 Properties shared student lettings 1%
 330 Properties Students only lettings 94%

1 Storey properties 4 1%
 2 Storey properties 102 29%
 3 Storey properties 221 63%
 4 Storey properties 23 7%
 Total 350

Student accommodation

3 students per property 42 Total students 126
 4 students per property 103 Total students 412
 5 students per property 100 Total students 500
 6 students per property 59 Total students 354
 7 students per property 13 Total students 91
 8 students per property 7 Total students 56
 9 students per property 5 Total students 45
 12 students per property 1 Total student 12

Total properties 330

Total student population 1,596

Shared non student lettings

3 Storey Bedsit 1 6%
 2 Storey properties 7 39%
 3 Storey properties 8 44%
 4 Storey properties 2 11%

Total properties 18

1 Bedsit 5 Occupiers 5
 3 Occupiers per property 4 12

4 Occupiers per property	7	28
5 Occupiers per property	4	20
6 Occupiers per property	2	12

Total properties 18

Total occupiers population 77

Mixed occupation shared /student

2 Storey properties 1 50%

3 Storey properties 1 50%

Total properties 2

Total Students 2 Other 4

Licensed HMO's

There are 144 licensed HMO's in the St Pauls ward under the National Mandatory HMO Licensing Scheme. It is likely that in the autumn this year, the criteria for mandatory licensing will be extended nationally to include HMO's with 5 or more occupants.

From the survey results, it is predicted that there will be in the region of 52 more HMO's in the St Paul's ward that will be included in the extended mandatory licensing scheme. If these proposals are introduced, 196 HMO's will be licensed in the St Pauls Ward (56%). Of the 144 mandatory licensed properties inspected, 9 exhibited management issues (6%). All works associated with these issues have now been completed.

Additional Licensing Housing Act 2004

This procedure allows a LA to designate the whole or part of its district as an area in which all or specified types of HMOs will require to be licensed in addition to those already designated by the Licensing of HMOs (Prescribed Descriptions) (England) Regulations 2006 (sect. 54(1)) (mandatory licensing).

Before making a designation the LA must be satisfied that a significant proportion of the HMOs to be included are being managed sufficiently ineffectively as to give rise, or be likely to give rise to, one or more particular problems either for their occupants or for members of the public.

Before making a designation the LA must consult with those most likely to be affected and take account of any representations made (sect. 56(3)).

There are further matters for the LA to consider:

- That designation is consistent with the LA's overall housing strategy
- There must be a co-ordinated approach to dealing with homelessness, empty properties and anti-social behaviour in the private rented sector which considers both combining additional licensing with other possible courses of action and measures to be taken by others.
- The LA must also consider alternative actions.
- The LA must be satisfied that designation will significantly assist in dealing with the problems of the area.

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It will be noted from the survey results that only 11% of the HMO stock in St Pauls were identified with management problems and/or safety issues under HHSRS.

The relatively good standards of management and low levels of Category 1 hazards (2%) that were identified may reflect the proactive work undertaken by enforcement officers in St Pauls over the last 5 years including the licensing of 144 HMO's under the Governments Mandatory Licensing Scheme. If the proposed extension to this mandatory licensing scheme goes ahead in the autumn, then the number of licensable HMO's in St Pauls will rise to in the region of 196 properties, which represents 56% of the HMO stock in the ward.

It is concluded from the results of the survey that the introduction of additional licensing in St Pauls could not be justified; however, HMO standards in the St Pauls ward will continue to be enforced in licensed and non- licensed accommodation to help ensure the level of compliance achieved over the last few years is maintained and improved upon.

Article 4 Direction

Local Planning Authorities may make a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) so that change of use by permitted development must instead require planning permission.

The change of use from a use falling within class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation) has been permitted development since October 2010.

The introduction of an Article 4 Direction, which may be reviewed by the Secretary of State before coming into force, could remove this permitted development right and therefore, a change of use to a House in Multiple Occupation would require planning permission. In this way, subject to specified statutory procedures and timescales, the formation of all new HMOs in St Pauls could be controlled.

There are specific rules and guidance which govern how and when, and what evidence is needed to bring in an article 4 direction. Article 4 directions need to be well evidenced in relation to the harm they are seeking to prevent, and should not be made over a wide area unless in exceptional circumstances.

If an article 4 direction is made, this must be publicised and one year must pass before it can come into force. During this time permitted development rights can be used to covert homes into HMOs before the changes come into effect.

The introduction of an Article 4 Direction to control HMO numbers has to be judged in the context of the Council's overall planning strategy. This issue is currently being considered as part of Cheltenham's emerging Local Plan and timescales are linked to the Plan preparations involving the Planning and Liaison Member Working Group. Action for , 2017-18 will be managed at service level, albeit the Cheltenham Plan is identified as action ENV1 in the 2017-18 corporate strategy.

There is some evidence to suggest that a tipping point in terms of a balanced community can arise when HMOs exceed 10% of properties. The survey has recorded that there are 350 HMOs in the St Pauls ward which corresponds to 12% of properties. Consultation and investigation as to the effects of this number of HMOs on the local community may

therefore be required to help establish the need to control HMO numbers through an Article 4 Direction.

Contact Officer: Mark Nelson

Tel No: 01242 264165

Email: mark.nelson@cheltenham.gov.uk

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Cheltenham Borough Council
Overview and Scrutiny – 11 September 2017
Annual Report on Overview and Scrutiny

Accountable member	Chair of Overview and Scrutiny Committee, Councillor Tim Harman
Accountable officers	Democratic Services Manager, Rosalind Reeves
Accountable scrutiny committee	Overview and Scrutiny Committee
Ward(s) affected	All indirectly
Significant Decision	No
Executive summary	<p>The Overview and Scrutiny Committee manages and coordinates scrutiny at the council, with scrutiny task groups carrying out the detailed work and reporting back to the main committee.</p> <p>Under these arrangements the Overview and Scrutiny Committee produce an annual report for Council and this is contained in Appendix 2. This report sets out the achievements of scrutiny over the last 12 months (April 2016 – March 2017) and in particular highlights the outcomes of the scrutiny task groups, as well as detailing ‘what’s next’.</p> <p>Scrutiny welcomes the opportunity for Council to debate this report and give its views on the success or otherwise of the scrutiny arrangements.</p>
Recommendations	The Overview and Scrutiny Committee is asked to endorse the Annual Report of Overview and Scrutiny 2016-17 and forward it to Council to be noted.

Financial implications	<p>There are no financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</p>
Legal implications	<p>There are no legal implications arising from the recommendation within this report.</p> <p>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications arising from this report.</p> <p>Contact officer: Carmel Togher, carmel.togher@cheltenham.gov.uk 01242 775125</p>

Key risks	The original risk assessment which accompanied the report to Council in December 2011 has been updated with an assessment of the current risks affecting the effectiveness of the O&S arrangements and is attached as Appendix 1.
Corporate and community plan Implications	<p>An effective overview and scrutiny process can contribute to positive outcomes on any of the objectives in the Corporate Strategy.</p> <p>Increased public involvement in Overview and Scrutiny will support the corporate objective 'Our residents enjoy a strong sense of community and are involved in resolving local issues'.</p>
Environmental and climate change implications	None

Report author	Contact officer: Saira Malin, Democracy Officer, Saira.Malin@cheltenham.gov.uk, 01242 77 5153
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Annual Report
Background information	n/a

The risk				Original risk score (impact x likelihood)			Managing risk		
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Comments as at August 2017
	If O&S does not take an active role in the major change programmes it may lose its opportunity to influence the scrutiny arrangements in any new proposed ways of working	Chair of O&S	21/09/15	3	3	9	Reduce	O&S to include scrutiny of change programmes in its workplan and ensure it is consulted on any future scrutiny arrangements	Member seminars continue to be held at appropriate times and the relevant Cabinet Members have been invited to discuss particular programmes and projects as necessary and additional information can be requested.
	If any scrutiny arrangements are not supported by a change in culture across members and officers they may not be successful in delivering the outcomes required.	Rosalind Reeves	27/9/11	3	3	9	Reduce	Get members and officers buy in during the review by seeking their views and ideas. Seek advice on cultural change during the next phase.	There is now a much better understanding of the new scrutiny arrangements by officers and members who have been involved in scrutiny task groups and the relationship between Cabinet and scrutiny has been developed. Further training is planned for late 2017 or early 2018 for new officers and as a refresher for others.
	If the council cannot dedicate resources to support the scrutiny process then the O&S	Rosalind Reeves	1/12/11	3	2	6	Accept	Optimise the use of existing resources within the scrutiny arrangements	It is acknowledged that facilitation support from Democratic Services for scrutiny task groups is important. Resources are limited across the council so members will need to carefully prioritise all scrutiny task group

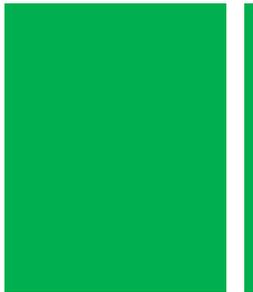
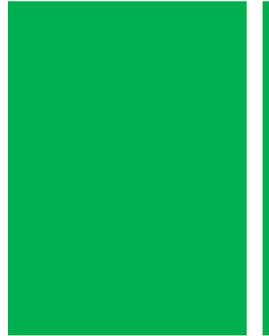
	process will not be fully effective.								reviews to ensure they make optimum use of the resources available. In 2015, the LGA peer review team suggested that the scrutiny work plan should focus on high priority areas given the limited resources available and the committee have had to consider resources when deciding what to scrutinise and how.
	If the task groups operate outside of the democratic process, then scrutiny could become disjointed and progress difficult to control and track.	Rosalind Reeves	1/12/11	3	2	6	Accept	Guidance to officers supporting task groups on keeping documentation and reporting back to Democratic services.	See note above. In the past, task groups facilitated by officers outside of democratic services have on occasion been less well documented and more difficult to track progress of. A scrutiny guide was produced and officers are encouraged to adopt standard procedures and good practice.
	If members do not put themselves forward for task groups the workload could be unevenly shared across members and be a source of potential conflict or result in task groups not having the right skill mix.	Groups Leaders	1/12/11	3	3	9	Reduce	Utilise the skills audit Group Leaders to manage, monitor and encourage participation Task groups to maintain records of attendance	Only one task group was established during 2016-17 and this provided an opportunity to introduce members, who had not previously participated in a review, to how task groups operate. It is hoped that other members will put themselves forward should a topic of interest arise.
	If scrutiny does not have any dedicated budget it will be difficult to promote public involvement and engagement	Council	1/12/11	2	3	6	Accept	Utilise relevant project budgets Consider allocating small budget to O&S as part of budget round	Scrutiny does not have a dedicated budget but this has not been a significant issue to date. It could become an issue if O&S wanted to buy in some outside expertise at any point.

	If scrutiny is not carrying out the full extent of its role i.e. pre and post decision scrutiny and overview, there is a risk of a democratic deficit.	Rosalind Reeves	25/7/17	3	2	6	Accept	Ensure new member and staff inductions cover the full extent of the role of scrutiny.	Further training is planned for late 2017 or early 2018 for new officers and as a refresher for others.
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Explanatory notes
Impact – an assessment of the impact if the risk occurs on a scale of 1-4 (4 being the greatest impact)
Likelihood – how likely is it that the risk will occur on a scale of 1-6 (6 being most likely)
Control - Either: Reduce / Accept / Transfer to 3rd party / Close

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DRAFT Scrutiny Annual Report 2016 – 2017 (a summary of highlights)



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1. Foreword

Chair of Overview and Scrutiny Committee: Councillor Tim Harman



I am pleased to present the Overview and Scrutiny annual report 2016-2017.

The committee co-ordinates the Overview and Scrutiny function of the Council; which it does by maintaining an overview of performance and commissioning scrutiny task groups to carry out detailed work. It is also responsible for receiving call-ins of Cabinet decisions and determining how they should be dealt with, though there were no call-ins in 2016-17.

Again this year, the committee has given focus to people and organisations that play a key role in the Town, having welcomed, Julie Finch from the Cheltenham Trust, Kevan Blackadder on behalf of the Cheltenham Business Improvement District, Louise Emerson from Cheltenham Festivals and Rupert Cox, the Managing Director of Stagecoach West, amongst others. In each case members were able to learn more about current performance and activities and garner details about future plans and potential obstacles. On behalf of the committee I would like to extend my thanks for these organisations for continued support.

As well as ongoing monitoring of performance across the Council, the committee has continued to play a key role in shining a light on issues of concern for the Town. Amongst them, the task group which reviewed the issue of 'street people' and culminated in the recommendation that the Council adopt an integrated, coordinated, multi-agency approach with close partnership working. In April 2017, Cabinet agreed that Cheltenham would join the Solace Partnership and the committee look forward to receiving a progress report later in 2017.

I would like to take this opportunity to thank the lead members from the other groups, Councillors Walklett and Payne for their contributions, particularly in relation to the work planning process and to Officers for their support over the last year. Thanks on behalf of the Committee must go to Saira Malin, Democracy Officer, for her ongoing support to the Committee and the scrutiny process as a whole.

Looking ahead to 2017-18, can I remind members that if there are areas that they feel may benefit from attention from the Overview and Scrutiny Committee, that they should raise this with Democratic Services.

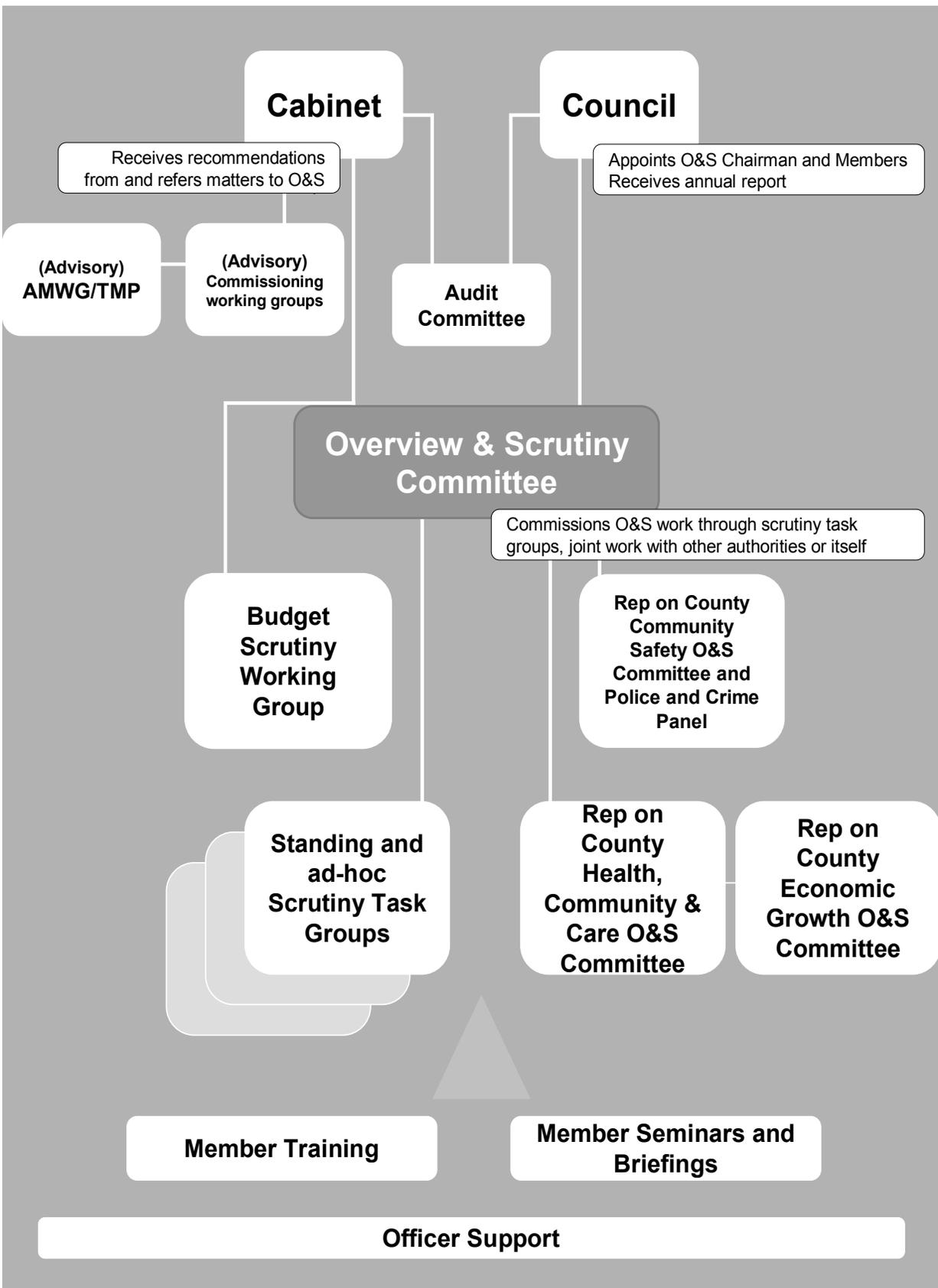
2. Pat Pratley
Chief Executive (formerly Head of Paid Services)



As I mentioned in my commentary to last year's report the overview and scrutiny committee has continued to play an active role and take an active interest in issues of importance to Cheltenham as a town and a place; a place which we all wish to see as having a prosperous and vibrant future.

The committee, and its task groups, have tackled some key issues for the town and provided a forum to listen and hear from the experiences of others, be that the voices of communities of place and/or interest, agencies and other organisations, all of whom have a vested interest in Cheltenham's successful future. The work of the committee has resulted in a number of recommendations being proposed and taken forward which have, as the chairman has stated, added value to the decisions that the authority has taken.

The role that the committee plays in local democracy in holding to account both members and officers is as important as ever, as the authority, the town, and in fact the whole country, continues to experience a period of significant change. It will therefore be important for the overview and scrutiny committee to continue to question, challenge and probe and provide that challenge which adds so much value to our democratic decision making process and the decisions taken by members.



4.0 Budget scrutiny working group

Chairman: Councillor Chris Nelson

Task group members: Matt Babbage, Chris Nelson, John Payne, Klara Sudbury and Jon Walklett.

Officer support: Beverley Thomas

The Budget Scrutiny Working Group is a small but effective gathering that keeps a careful watch on in-year spend and the developing budget for the following year. Over the last year we have concentrated on recycling matters, car parking and housing issues. In particular, we have pressed for a new car parking strategy and better estimation of car park income. Our Council resources are tight and the Group was disappointed in the changes to the 2020 programme, leading to the need to find additional savings measures to balance the budget. Moving forward, it was hoped that the Council would find a way to pursue more property investment to generate additional income and improve our community services.

The Chief Financial Officer commented that " this has been a valuable process which has given members an opportunity to input into the development of the budget proposals and key initiatives which has added value to the process. BSWG have also provided an independent review of the financial performance of the council during the year, as well as considering the final outturn position. The financial position remains challenging and it is both helpful and important to have a forum for deeper consideration of the issues facing the council and wider member influence over the strategy for dealing with it.

4.1 Devolution Scrutiny Task Group

Chair: Councillor Chris Mason

Task group members: Chris Mason, Tim Harman, Colin Hay, John Payne, Suzanne Williams, Paul McCloskey and Parish Councillor Mike Palmer.

Officer support: Rosalind Reeves

The scrutiny task group devolution was set up following a suggestion by the Leader of the Council at the 21 September 2015 meeting of the Overview and Scrutiny Committee to identify the opportunities for Cheltenham that Members would want explored in any devolution arrangements for Gloucestershire. The group could also act as a sounding board for Members as the devolution bid develops and review any governance and scrutiny arrangements being proposed.

The group met several times in 2015 when devolution arrangements for Gloucestershire were being progressed and the Gloucestershire Bid was being prepared. They were keen to engage as a critical friend and in particular assess what was good for Cheltenham in any negotiations taking place particularly with regard to local decision making on transport issues.

The task group last met in January 2016 and government then delayed any announcements on the Gloucestershire Bid in the Chancellor's budget statement in March that year. The results of the referendum meant that further work on the Devolution bid has been put on hold as the government's focus has been on progressing

existing devolution deals with Whitehall capacity diverted towards the process for leaving the EU.

Leadership Gloucestershire have tasked officers to produce a resourcing plan to deliver on key elements that could be progressed without a formal devolution deal - in particular the planning and infrastructure work needs to be scoped because it is considered that this work will require the most significant additional resource. A group of officers is leading on this scoping work led by the Chief Executive of Tewkesbury Borough Council and including CBC's Director - Planning.

Any options with regard to any public service reform which may emerge from the current work on devolution, would be subject to consultation before any changes were implemented. The scrutiny task group could be reconvened at any point to review any recommendations.

4.2 Broadband Scrutiny Task Group (joint with Gloucester City Council) DONE

Chair: Councillor Roger Whyborn

Task group members: Councillors Matt Babbage, Nigel Britter, Neil Hampson (Gloucester City Council), Gordon Taylor (Gloucester City Council) and Roger Whyborn

Officer support: Annette Wight and Rosalind Reeves

In October 2015 the Overview and Scrutiny Committee set up a task group to undertake joint scrutiny with Gloucester city Council, of broadband in Cheltenham and Gloucester. Their terms of reference were as follows:

- To establish what areas in Cheltenham and Gloucester require improved broadband service
- To understand the reasons why this service has not already been improved in those areas
- To lobby the relevant organisations to see what can be done

The group met with Fastershire (who are tasked with improving broadband delivery to Gloucestershire and Herefordshire using government funding) and BT, who were able to identify problem areas in Cheltenham and Gloucester. The group then struggled however, to clarify the responsibilities of Fastershire and BT for resolving some of the problem areas. The group requested officer support from Gloucestershire County Council, but in August 2016 were advised that the county council could no longer provide officer resources to support the scrutiny task group and instead they would be reporting to the Gloucestershire Economic Growth O&S Committee.

The group drafted an interim report for the O&S committee to consider at their September 2016 meeting, which set out a number of options on the way forward for addressing this important issue for Cheltenham. The O&S committee agreed that the most appropriate action for them to take was to write to the chair of the Gloucestershire Economic Growth O&S Committee to highlight some of the issues that had been identified.

4.3 Street People Scrutiny Task Group

Chair: Councillor Louis Savage

Task group members: Councillors Colin Hay, Chris Nelson, Dennis Parsons, John Payne, Louis Savage and Simon Wheeler

Officer support: Saira Malin

Set-up in response to concerns from members of the public and local businesses that there had been an increase in the number of 'street people' in Cheltenham, the group were tasked with: establishing the extent and nature of the problem in Cheltenham; understanding the responsibilities and powers of Cheltenham Borough Council and; assessing whether the existing support networks could be more effective.

The task group met on three occasions and spoke to Council Officers and representatives from other agencies and organisations. From the data that was presented it was evident that there had been an increase in the numbers of 'street people' and that a large proportion of these individuals were not in fact homeless. They were instead, begging to fund a drug addiction or to buy alcohol and/or causing a nuisance (littering, urinating and defecating).

Discussions had touched on some of the successes that Gloucester City Council had, had in addressing this very issue through Project Solace. Having met with representatives from Project Solace the group agreed that it represented a proven means of successfully dealing with the issue, and one that Officers at Cheltenham Borough Council had voiced support for.

Prior to the task group submitting their final report to the Overview and Scrutiny (O&S) Committee, Cabinet resolved that Cheltenham Borough Council should join the Solace Partnership to tackle priority anti-social behaviour. This decision was welcomed by the task group, not only because it planned to make this very recommendation, but for the fact that the decision represented a solution to the issues that the task group had identified as part of its review.

Having considered the final report of the task group in June 2017, O&S Committee endorsed the recommendations and commended the task group for producing a report which they felt demonstrated the sensitive and measured approach that the task group had adopted when undertaking the review.

The STG recommendations were accepted by Cabinet on the 11 July 2017 and a progress report was scheduled on the O&S work plan for late 2017.

Other scrutiny successes

5.0 Accessibility Report

The Overview and Scrutiny Committee held their September 2016 meeting at St Vincent's and St Georges Association on Winchcombe Street. The committee were given a tour of the facilities and a presentation by two wheelchair users who shared their experiences of disabled access and facilities in the town. The Cabinet Member Clean and Green Environment advised the committee that he had reviewed Cheltenham's provision of disabled toilets and had identified two possible locations for a Changing Places Accessible Toilet (Pittville Park and Montpellier gardens) and funding options were currently being considered.

The committee appreciated the insight that had been offered to them and felt that Cheltenham Borough Council should be doing more in relation to some of the issues raised. In December 2016, the committee submitted a report to Cabinet which recommended that the appropriate officers be asked to look at what actions the council could take in areas where it had direct control of access to toilet facilities.

The Cabinet Member Clean and Green Environment formally responded to the recommendations in March 2017. He reported that the council had been successful in securing the capital cost of installing two Changing Places Accessible Toilets, on the basis that one would be at the Pittville Park play area and the second facility within the town centre. He confirmed that a number of local organisations would be consulted on the town centre location to ensure the facility met the needs of residents and visitors and noted that identification and securing of funding for future maintenance and cleaning of the two facilities was still required.

The committee welcomed the news that funding for two Changing Places Accessible Toilets had been secured and would look forward to future updates.

5.1 Q&A with Cabinet Member Corporate Services

The committee receives Cabinet briefings at each meeting; outlining anything Cabinet feel would be of particular interest to the Overview and Scrutiny Committee. In addition to this, from time to time they invite particular Cabinet Members along to discuss specific issues.

The Cabinet Member Corporate Services attended a Q&A session on 2020, following his announcement that Revenues and Benefits and Customer Services would not be included in the shared arrangements.

Many members of the committee were unsure about the strength of the arguments for not including these services in 2020 and unconvinced that any alternatives would provide the resilience and opportunities that the shared arrangements of 2020 would have offered. The committee suggested that this decision needed to be revisited.

In October 2016, having revisited the decision not to include the two services, the decision by Cabinet ultimately remained unchanged.

5.2 Cheltenham Business Improvement District

The Director of the Cheltenham Business Improvement District (BID) gave a short PowerPoint presentation which set out progress to date, future plans and how success would be measured.

The committee were pleased with what had been achieved and asked for similar updates in the future.

5.3 Cheltenham Festivals

Louise Emerson, the Chief Executive of Cheltenham Festivals, gave a presentation which outlined current performance and future aspirations.

As part of her presentation she raised the issue of being able to use other parts of the Gardens and the committee asked that the relevant officers follow up the point about the viability of any relocation within the Gardens.

5.4 Place and Economic Development

The recently appointed Managing Director of Place and Economic Development reported on economic development, tourism and car parking. He felt that these were areas that had been neglected over many years and consequently there were gaps in skills and resources and a need for investment. He considered that his appointment was a confirmation by the council that they now wanted to take some action in these important areas.

The committee would look forward to future updates.

5.5 Stagecoach

In October 2016, Council considered a petition regarding changes, by Stagecoach, to the C Service; namely the removal of the service to Springbank Way in its entirety. During the debate it was decided that the Overview and Scrutiny (O&S) Committee should consider bus services in general and how they could be better delivered in Cheltenham.

Rupert Cox, Managing Director for Stagecoach (West), attended the 28 November 2016 meeting of the O&S Committee and gave a presentation which outlined some of the challenges being faced by Stagecoach. Some of the key points included:

- The biggest challenge facing Stagecoach was congestion. The knock on impact of a journey taking 5-10 minutes longer than it should ultimately resulted in a journey not operating, currently measured at 0.5% of journeys. Bus priority measures would not only allow bus journeys to be speeded up but they would also be more predictable as the bus would journey unhindered. Tewkesbury Road in particular would benefit from a bus lane, and whilst unpopular with the public, the business case for the A40 scheme had merit.
- North West Cheltenham was, in Stagecoach's view, a good area for development as there was potential to add a park and ride service. This would allow for existing services to be made more frequent and given the size of the site, allow for new services: to the Hospital and/or train station for example. It was suggested that affordable housing should be located closer to bus stops and that it was not advisable to build initial phases at the back of a site and furthest away

- from existing bus stops.
- The cost of parking in Cheltenham for two hours was the same as it had been 10 years ago. Stagecoach, were willing to work in partnership with the council and develop a written agreement that if parking charges increased, bus fares would be reduced. Nottingham City Council had introduced a Workplace Parking Levy (WPL); a charge on employers who provide workplace parking, a type of congestion charging scheme. Money raised from the WPL goes towards the extension of the existing tram system, the redevelopment of Nottingham Rail Station and also supports the Link bus network.

The O&S Committee felt that these were areas where there was scope to explore the options within existing projects/initiatives, such as when planning the North West Development and reviewing the car parking strategy for Council. The committee suggested that Council may like to instruct Officers to ensure these areas were covered in relevant project scopes and request that Gloucestershire County Council investigate further, the congestion issues that had been raised.

5.6 Everyman Theatre

In January 2017, the committee welcomed Geoffrey Rowe from the Everyman Theatre. He talked about current performance, repairs which had been undertaken in 2016 and planned improvements to the canopy from Regent Arcade car park, front of house and the catering areas, as well as some of the outreach work it was involved in.

The committee took the opportunity to thank Geoffrey, who would be leaving the Everyman at the end of March, for his 11 years of dedicated service at the Theatre and to the town.

6. Overview and Scrutiny – what's next?

- The Police and Crime Commissioner, is scheduled to attend the June meeting.
- Cheltenham Guardians have been invited to discuss their work with the Committee.
- Representatives from the Charlton Kings Flood Action Group will outline some of the flood management work which has been undertaken to date and discuss any concerns.
- Peter Hatch, the Executive Director for Property and Communities at Cheltenham Borough Homes will come and discuss issues of interest to the members of the Committee.
- The new Managing Director of Ubico will talk the committee through performance, the new recycling collection scheme and future priorities.
- We are always looking for ways to improve what we do and would welcome any thoughts on how we can make the O&S process better. Please contact one of the Democratic Services team.

7. Contacts

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SCRUTINY TOPIC REGISTRATION



Do YOU have a topic that you think Cheltenham Borough Council should scrutinise? Please fill out the following form and return to Democratic Services.

Date:	
Name of person proposing topic:	
Contact details: email and telephone no:	
Suggested title of topic:	
What is the issue that scrutiny needs to address?	
What do you feel could be achieved by a scrutiny review (outcomes)	
If there a strict time constraint?	
Is the topic important to the people of Cheltenham?	
Does the topic involve a poorly performing service or high public dissatisfaction with a service?	
Is it related to the Council's corporate objectives?	
Any other comments:	

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Item	Outcome	What is required?	Lead Officer
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Meeting Date: 11 September 2017 (report deadline: 30 August)			
St Pauls Ward Private Rented HMO Survey	Consider the final results and recommendations and comment as necessary (deferred from June)	Discussion paper	Mark Nelson, Enforcement Manager
Cheltenham Guardians	Invited to discuss their work, including details of the India Protocol	Presentation	Terry Howard, Chief Guardian
Scrutiny annual report	Endorse the annual report and forward it to Council to be noted	Decision	Saira Malin, Democracy Officer
Side Waste	This issue was raised when the committee considered the end of year performance. The committee want to know about the extent of the issue and plans to address it	Briefing Note (not for discussion)	Martin Stacy,
Highways discussions with GCC	This issue was raised when the committee considered the end of year performance. The committee want to know how the discussions are progressing with GCC	Briefing Note (not for discussion)	Tim Atkins, MD of Place and Economic Development
Meeting Date: 30 October 2017 (report deadline: 18 October 2017)			
Ubico	New MD invited to meet the committee and discuss performance, the new recycling collection scheme and future priorities (CONFIRMED)	Presentation	Scott Williams, Client Officer and Gareth Edmondson, Managing Director
Street People STG?	Update on Project Solace (6 months on from joining the partnership in April 2017)	Presentation / discussion (tbc)	Sarah Clark, Public and Environmental Health Team Leader?
CBH	Invited to discuss current performance (and topics including shared ownership and anti-social behaviour) (CONFIRMED)	Presentation	Peter Hatch, Executive Director – Property and Communities (CBH)
Meeting Date: 27 November 2017 (report deadline: 15 November 2017)			

O&S Committee 2017/18 work plan

Item	Outcome	What is required?	Lead Officer
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Quarter 2 performance review	Consider Q2 performance and comment as necessary	Discussion	Richard Gibson, Strategy and Engagement Manager
Charlton Kings Flood Action Group	Flood management work to date / how flood risk is considered in relation to planning applications / can this body be consulted on applications where flooding is a consideration (tbc)	Presentation	John Hughes
Meeting Date: 22 January 2018 (report deadline: 10 January 2018)			
Budget recommendations	From the BSWG	Decision	Chair, BSWG
Meeting Date: 26 February 2018 (report deadline: 14 February 2018)			
Draft Corporate Strategy	Consider the draft corporate strategy and comment as necessary	Discussion	Richard Gibson, Strategy and Engagement Manager
Meeting date: 23 April 2018 (report deadline: 11 April 2018)			
Meeting Date: 25 June 2018 (report deadline: 13 June 2018)			
End of year performance review	Consider the end of year performance and comment as necessary	Discussion	Richard Gibson, Strategy and Engagement Manager

Items for future meetings (a date to be established)			
North Place	Further update as necessary		Tim Atkins, Managing Director of Place and Economic Development

O&S Committee 2017/18 work plan

Item	Outcome	What is required?	Lead Officer
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Cheltenham Spa Railway Station STG	Review progress against recommendations 12 months on	12 months on from Cabinet response (not yet scheduled on forward plan)	
Cycling and Walking STG recommendations	Review progress (after 12 month review in Feb 2017)	Feb 18 – Sept 18	TBC

Annual Items		
Budget recommendations	January	Chair, Budget Scrutiny Working Group
Draft Corporate Strategy	February	Richard Gibson, Strategy and Engagement Manager
End of year performance review	June	Richard Gibson, Strategy and Engagement Manager
Scrutiny annual report	Sept	Saira Malin, Democracy Officer
Quarter 2 performance review	November	Richard Gibson, Strategy and Engagement Manager

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Briefing Notes

Overview & Scrutiny Committee

11th September 2017

Martin Stacy, Lead Commissioner –
Housing Services and Waste

This note contains information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

Side Waste Policy

1. Why has this come to scrutiny?

- 1.1 Members of Overview and Scrutiny Committee considered the end of year performance for 16/17, and noted that an action identified within the corporate plan to support the enforcement of the no side waste and close bin lid policy by 31st March 2017 remains outstanding.

2. Summary of the Issue

2.1 Background

- 2.1.1 In 2011 when the then new waste and recycling service was launched, the intention was to implement a strict approach to side waste and overfilled bins as is common place in neighbouring Gloucestershire authorities such as the Cotswolds and Forest of Dean.
- 2.1.2 Unfortunately at the time of implementation, the Council came under criticism from the public and a decision was taken to relax the approach to side waste and overfilled bins.
- 2.1.3 In 2012, Cabinet approved a Waste Service Policy, which included a section on tackling side waste and overloaded bins.
- 2.1.4 The approval of this policy was informed in part following consultation with the Health & Safety Executive, which highlighted the potential risk of injuries and/or fatalities of waste collection operatives when collecting bins that are not fully closed.

2.2 The Council's no side waste policy

- 2.2.1 The current policy is that in the event of households breaching the Waste Service Policy by overloading the bin and/or leaving side waste, the collection operatives will remove the overloaded bin obstruction and empty the bin and/or take the additional side waste apart from one sack. The remaining sack will then be placed in the bin, with an information tag attached to the bin highlighting why some of the waste has not been collected.

2.2.2 In the event of a further breach, an Enforcement Officer is expected to visit the household and collate evidence of the breach. He/she will offer information and advice about how the household can reduce the amount of refuse they produce by increasing their recycling. Should the household continue to produce side waste, then more evidence will be gathered and a warning letter sent, before finally enforcement action is taken.

2.2.3 Throughout these breaches, Ubico will continue to remove all the waste, apart from one sack, as detailed above, and they will record the breaches with the information being passed to the Enforcement Team

2.3 How is the Policy being implemented in practice?

2.3.1 In the event of side waste being left for collection, the collection operatives will follow the no side waste policy – i.e. they will collect the waste apart from one sack. They will also leave a tag on the bin advising the household why all the rubbish has not been removed. In addition, a record will be taken of the offence and placed on a database, which is then forwarded to the council's Enforcement Team, who will monitor and take any necessary enforcement action.

2.3.2 It should be noted, however, that the steps required for successful enforcement of repeat offenders has become much more protracted and resource intensive, following changes to legislation. Furthermore, the maximum penalty that can be handed out is limited to £50, which is difficult to secure because of the legislative changes. In view of the impact on resources and relatively low penalty, a more pragmatic approach is now taken by the council's enforcement team, which focuses on the worst offenders where it can be more readily evidenced that the side waste is left by the offender.

2.3.3 Given the above, it also makes sense for greater emphasis to be placed on preventing the reoccurrence of side waste through education. Following systems thinking work carried out by the council, which piloted an area of the town, it was found that this approach produced noticeable improvements. However, the educational element needs to be sustained for it to remain effective, particularly in areas where the population is more transitory.

2.3.4 Council officers are therefore currently considering the following:

- The resources required to provide this educational role which would likely best be fulfilled by a Waste & Recycling Officer
- Where the resource would best sit (i.e. either with UBICO, the council's Enforcement Team or as part of the Joint Waste Team).
- Whether the resources required to provide this role can be identified from within existing budgets – i.e. through any potential savings arising from procurement activities currently underway, or through exploring potential income generation opportunities. These opportunities will become clearer later in the year.

2.3.5 Alongside this, officers are also reviewing the existing Waste Service Policy. Following the review, if any changes are recommended, they will be taken to Cabinet for approval. Ideally, if there are to be any changes to the Waste Service Policy, it would be sensible for these changes, and the new resource, to be approved at the same time.

2.3.6 It is too early to say exactly when relevant approvals will be sought at this stage, but a

likely timescale will be the end of 2017/early part of 2018.

3. Summary of evidence/information

3.1 Understanding the scale of the current side waste issue in Cheltenham

3.1.1 At the end of 2016 an analysis was undertaken to identify the streets in Cheltenham where there was a persistent presentation of overfilled bins/side waste from one or more residents. For the purposes of this analysis, breaches were considered to be 'persistent' if there were 3 or more occurrences of overfilled bins/side waste by a resident over a 6 month period.

3.1.2 In summary, the data found that over this 6 month period there were 111 different addresses involving residents persistently leaving additional waste. Some streets were found to have a much higher prevalence than others. Whilst this does provide opportunities for a Waste and Recycling Officer to focus on providing educational work in these hotspot areas, it should be noted that side waste is attributed to only 0.2% of residents in Cheltenham (based on there being 58,041 different addresses listed).

4. Next Steps

4.1 As detailed in sections 2.3.4 to 2.3.6 above, a number of options are currently being considered over the resourcing of a Waste and Recycling Officer. At the same time, the council's Waste Service Policy is also under review. Once resources requirements have been identified, and the current Policy is reviewed, any necessary approvals will be sought. It is anticipated that these approvals will be sought towards the end of 2017/early part of 2018.

Background Papers	None
Contact Officer	Martin Stacy, Lead Commissioner – Housing Services and Waste. Martin.stacy@cheltenham.gov.uk Tel: 01242 775214
Accountability	Cllr Chris Coleman, Cabinet Member – Clean and Green Environment

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Briefing Notes

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Overview & Scrutiny Committee

11th September 2017

Tim Atkins – Managing Director for
Place & Economic Development

This note contains information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

Update on Highways discussions with Gloucestershire County Council

In February / March 2017 GCC invited all districts to engage in a discussion concerning the future of local highway agreements. This exercise was run by Local Partnerships on behalf of GCC. (Local Partnerships is a joint venture between HM Treasury and the Local Government Association (LGA), formed in 2009 to help the public sector deliver local services and infrastructure).

A range of potential collaborative models were explored with all the district councils ranging from the status quo to highways boards through to full devolved agency agreements. The CBC position was a preference for a full agency agreement in order to “reclaim” ownership of the roads and public realm – given the constant source of complaints to which CBC are unable to respond.

Although this work was completed back in March 2017 the County Council has not progressed with the next stage of the engagement with Local Partnerships, although we are advised Local Partnerships will be holding a workshop soon. The purpose of this will be to explore the preferences of each district although it is believed that the options to be explored fall short of a full agency agreement.

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