



Notice of a meeting of Cabinet

Tuesday, 4 December 2018

6.00 pm

Municipal Offices, Promenade, Cheltenham, GL50 9SA

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

Agenda

		SECTION 1 : PROCEDURAL MATTERS	
1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		MINUTES OF THE LAST MEETING Minutes of the meeting held on 6 November 2018	(Pages 3 - 10)
4.		PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on Wednesday 28 November 2018	
		SECTION 2 : THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
		SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE	
5.		REPORT OF THE SCRUTINY TASK GROUP -URBAN GULLS The Chair of the Scrutiny Task Group will present the report.	(Pages 11 - 40)
		SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
		SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
6.		GAMBLING ACT POLICY STATEMENT	(Pages

		Report of the Cabinet Member Development and Safety	41 - 90)
7.		HOUSING SUPPLY :CABINET MEMBER WORKING GROUP Report of the Cabinet Member Housing	(Pages 91 - 96)
8.		TREASURY MID-TERM REPORT 2018/19 Report of the Cabinet Member Finance	(Pages 97 - 104)
9.		COUNCIL TAX PREMIUM ON EMPTY PROPERTIES Report of the Cabinet Member Finance	(Pages 105 - 112)
10.		CHELTENHAM BOROUGH COUNCIL RESPONSE TO TEWKESBURY BOROUGH PLAN PREFERRED OPTIONS CONSULTATION Report of the Cabinet Member Development and Safety	(Pages 113 - 124)
11.		TOWN CENTRE SECURITY Report of the Cabinet Member Development and Safety	(Pages 125 - 136)
12.		GARDEN WASTE CHARGES Report of the Cabinet Member Clean and Green Environment	(Pages 137 - 148)
		SECTION 6 : BRIEFING SESSION • Leader and Cabinet Members	
13.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	

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

Cabinet

Tuesday, 6th November, 2018
6.00 - 6.40 pm

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

Minutes

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 9 October were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

None.

5. IMPLEMENTATION OF ADOPTED WAV POLICY FOR HACKNEY CARRIAGES

The Cabinet Member Development and Safety introduced the report which set out the outcome of the consultation on the revised licensing policy for taxi and private hire licensing in Cheltenham. He highlighted that in addition to the formal consultation, a number of mitigation arrangements were proposed for Cabinet approval as outlined in paragraph 5 of the report. This included accepting the trade representatives request that the council consider waiving new licences fees for proprietors who would be required to change the vehicles. It also included exemptions to be put in place to allow saloon hackney carriage vehicles to re-license as private hire vehicles. This would include the ability for silver hackney carriage saloon vehicles older than 5 years to be licensed as private hire vehicles and would only apply to a single vehicle and not to subsequent vehicles.

The Cabinet Member reported the minor changes to the adopted policy document as outlined in paragraph 6 i.e. updating the policy document to refer to the adoption of the use of the national Register of Taxi Licence Revocations and Refusals and the implementation of the changes to the local knowledge training day.

The Cabinet Member then went on to highlight the paragraphs in the Government action plan of August 2017 with regard to taxi and private hire drivers adjustments for disabled access. There was a less than consistent approach nationwide but this proposed policy was clear with no loopholes. The Cabinet Member also made reference to Appendix 4 and the specification of WAV.

In response to a question with regard to the national register the Cabinet Member confirmed that this was freely available to all licensing authorities and was to be welcomed.

The Leader believed the policy was a sensible way forward and wished to put on record his thanks to the Cabinet Member and all officers involved.

RESOLVED THAT

- 1. the proposed vehicle specification at appendix 4 be adopted ;**
- 2. the proposed mitigation arrangements as set out in paragraph 5 be approved;**
- 3. the other changes outlined in paragraph 6 be approved; and**
- 4. authority be delegated to the Licensing Team Leader to make the necessary changes to the adopted licensing policy and procedures, subject to the outcome of this report and its recommendations.**

6. LOCAL COUNCIL TAX SUPPORT SCHEME

The Cabinet Member Finance introduced the report and explained that in April 2013 the council introduced its local council tax support scheme. She explained that council tax support for pensioners was not localised and continued to be provided for by a national scheme and in Cheltenham there were approximately 2,400 of pension age.

She explained that council tax support was given to around 6,000 households in Cheltenham at an annual cost of just under £6m. This included working and pension age claimants. Approximately 60% (3600) of those households were of working age. The cost of the council tax support scheme was met by this council and the precepting authorities.

The Cabinet Member reported that based on 2017/18 data, CBC was one of 37 councils out of 326 whose local council tax support scheme had not been amended to date to reflect reduced government funding.

The Cabinet Member then went on to explain that Cheltenham became a full Universal Credit area in January 2018.. As the number receiving Universal Credit increased, the administration of calculating local council tax support entitlement became greater. This was because Universal Credit was reassessed on a monthly basis and any changes in income would mean that a different level of income needed to be taken into account for assessing council tax support. A change in the level of council tax support, however small, meant

that a revised council tax bill needed to be issued. Issuing revised bills on a monthly basis was not sustainable for this authority or for those in receipt in managing their budgets.

The Cabinet Member informed Members that a consultation exercise on proposals for a revised council tax support scheme for 2019/20 was undertaken from 25 July until 9 September 2018 and was widely promoted. 130 people responded to the consultation which was considered a good response when compared to some other councils. Consultation was also undertaken with Gloucestershire County Council, Gloucestershire Police and the parish councils. The responses to the consultation had been analysed as outlined in appendix 3. Together with the income and household composition of the current council tax support caseload, these responses had been used to design the proposed scheme which was summarised in appendix 2.

The Cabinet Member explained that the income bands set the percentage discount to be awarded based on the level of household income. The overriding aim of the scheme was to:

- Protect the most vulnerable individuals and families by continuing to provide 100% support to those on the lowest income
- Provide some financial support to low income individuals and families, based on their level of income
- Minimise the number of changes to the amount of support awarded and therefore the amount of council tax payable due to monthly Universal Credit reassessments
- Reduce the overall cost of the scheme to the taxpayer

The scheme was based on 5 income bands with the highest band providing support at 100% of the council tax liability, then reducing to 80%,60%,40% and 20% as household income increased.

Once the scheme was considered by Council in December the Revenues and Benefits team would notify all those claimants who would be affected by the change to make them aware that they would face an increase in council tax in 2019/20. When council tax bills were issued in March next year further letters would be sent with bills to explain payment options.

The Cabinet Member referred to the Equality Impact Assessment for the proposed scheme in appendix 4. This had been undertaken once the consultation had finished and analysed at which time the proposed scheme was designed.

The Cabinet Member wished to put on record her thanks to all those who had responded to the consultation and to the significant contribution officers had made.

Members welcomed the scheme and its focus on protecting the most vulnerable and were pleased that the discretionary hardship scheme had been included.

Finally, the Leader noted that the scheme would continue to protect the vast majority with two thirds of current claimants still eligible. He believed this was a fair outcome.

RESOLVED THAT

- 1. the outcome of the consultation on proposals to change the Local Council Tax Support scheme in Appendix 3 be noted**
- 2. the council tax support scheme for working age customers summarised in Appendix 2 be approved as the preferred option for 2019/20 and the Head of Revenues and Benefits be instructed to prepare the full scheme operating conditions**
- 3. Council be recommended to approve the proposed Local Council Tax Support Scheme for working age customers for 2019/20.**

7. QUARTERLY BUDGET MONITORING REPORT JULY-SEPTEMBER 2018

The Cabinet Member Finance introduced the report, the purpose of which was to notify members of any known significant variations to budgets for 2018/19 and highlight any key issues. The table at 2.1 summarised the net revenue impact position of the variances identified at this stage in the financial year, of anything over 50K and areas with volatile income trends, the detailed reasons illustrated in paragraphs 2.2 to 3.1

The Cabinet Member reported that there were no variances to report in the Housing Revenue Account (HRA). HRA capital of the existing stock showed the current forecast for capital expenditure on existing stock was £7,666,000, a reduction of £396,000 in comparison to budget (£8,062,000). Within that figure there had been the following significant project variations:-

- External Works (£143,000 reduction from budget of £543,000).
- Windows & Doors (£121,000 reduction from budget of £2,425,000)
- Door Entry Systems (£95,000 reduction from budget of £130,000)

In terms of the HRA capital on new builds or acquisitions as set out in 6.4 the Cabinet Member Finance drew members' attention to the fact that good progress on development sites in both 2017/18 and the current year had reduced the pressure to identify potential acquisitions this year. It was proposed that any unspent budget would be rolled forward as required into 2019/20.

The monitoring report for the collection of council tax and business rates income was outlined in Appendix 2. She wished to pay particular thanks to the Head of Revenues and Benefits and her team as a predicted collection rate of over 98% did not happen without a lot of proactive hard work.

In conclusion the Cabinet Member stated that the net effect on the general fund of the variances reported was that the outturn position was expected to be delivered within budget.

The Cabinet Member Development and Safety referred to the projected £65k overspend for the High St Public Realm works but highlighted that this was a worse case scenario as due to delays by contractors some costs were likely to be recovered. He also made reference to the off street car parking income and that the overall position was likely to be £70k surplus above budget which would be a significant net contribution to balances.

RESOLVED THAT

the contents of this report including the key projected variances to the 2018/19 budget and the expected delivery of services within budget be noted.

8. BUDGET STRATEGY AND PROCESS 2019/20

The Cabinet Member Finance introduced the report and explained that this would be the final year of the four year funding settlement. She reported that in July this year the government released a technical consultation on the local government finance settlement for 2019/20 to which this Council made a formal response. The headlines from that consultation were:

- Confirmation of the 4 year offer as set out in 2016/17;
- Under the council tax referendum principles, the flexibility to increase council tax by the greater of up to 3% or £5 based on a Band D property; The medium term financial strategy was already predicated on the basis of a 2.99% increase
- A proposal to remove negative Revenue Support Grant (RSG) in full via the governments share of business rates receipts; The removal of this would equate to an increase in funding of around £390K
- Proposals to increase the baseline target for New Homes Bonus (NHB) which was currently 0.4%; if there was an increase in the baseline target it could negate this benefit. An increase to 0.6% would reduce our funding by c. £100k whereas an increase to 0.8% would equate to a reduction of c. £200k and effectively mean no additional NHB would be received in 2019/20 despite the fact that Cheltenham delivered an additional 368 new homes for occupation over the last 12 months.
- An invitation to bid for a pilot programme for 75% business rates retention for 2019/20. Gloucestershire had applied to the government to pilot the 75% Business rates retention. She reported that an important change to the 75% pilot scheme was that there would **not** be a “no detriment” clause. Under the existing pilot, this had ensured that Gloucestershire was no worse-off than the individual authorities would have been in aggregate under the 50% scheme. She explained that significant growth had been achieved across the pool since business rates retention commenced in 2013/14. Detailed modelling acknowledged the significant financial risk that the NHS appeal created, but also acknowledged that this Council could not mitigate this risk by being outside the pool or pilot. The modelling actually acknowledged that there would be a greater financial risk to the council if it were to leave the existing pool.

The MTFS projections were in the process of being updated to reflect the best estimates of the financial pressures impacting on the Council. The estimate of the funding gap for 2019/20, based on the previous iteration of the MTFS was £2.096m. As in the previous year, given the current uncertainty surrounding business rates retention, new homes bonus and the Ubico contract sum, it was prudent to defer the full publication of the MTFS to the Cabinet meeting in December as part of the interim budget proposals. This would enable the Cabinet to react positively to any changes announced and ensure that the MTFS was robust and fit for purpose.

The Cabinet Member explained that part of the drive towards financial

sustainability included identifying new opportunities to generate income and investment in projects which provided good financial returns. The commercial strategy aligned closely with other key strategies including place-making, economic growth, digital transformation, workforce and skills development, investment and asset management. This sent out the combined message that Cheltenham Borough Council had entered a new era of business enterprise, growth and innovation. CBC would work with partners who shared the council's ambition and values and would continue to put the best interests of Cheltenham residents at the heart of everything.

The Cabinet Member Finance elaborated that in February this year some aspirational targets were set which had already resulted in overachieving the new revenue income target through the adoption of the car parking strategy, development of a new crematoria, and the acquisitions of 4 new commercial investment properties Ellenborough House, Sainsbury's, Café Nero and 53-57 Rodney Road. In addition, investment in public realm across the town had attracted major new businesses such as John Lewis and Partners and Urban Outfitters which had a positive effect on both business rates income and the vibrancy across the town.

The Cabinet Member explained that the Budget Scrutiny cross party working group would continue to support the budget process and she referred to the proposed key stages in the process for setting the budget for 2019/20 at Appendix 2.

Finally, she stated that In the current exceptionally difficult national funding situation, the Cabinet's overriding financial strategy had been, and remained to drive down the Council's net costs via a commercial mind-set. The aim was to hold down council tax as far as possible, now and in the longer term, while also protecting frontline services from cuts – an immensely challenging task in the present climate with so much uncertainty surrounding future funding.

In concluding the Cabinet Member wished to thank officers for their commitment and exceptionally hard work.

RESOLVED THAT

- 1. the budget setting timetable at Appendix 2 be approved.**
- 2. the budget strategy outlined in section 5 be approved**
- 3. the estimated funding gap of £2.096m in 2019/20 and the large amount of work done so far to close this gap be noted.**
- 4. the intention for this Council to remain in the Gloucestershire Business Rates Pool in 2019/20 as outlined in section 6 be noted and that it be noted that Gloucestershire has applied to the Government to pilot 75% Business Rates Retention in 2019/20.**
- 5. the Section 151 Officer and the Cabinet Member for Finance be requested to consider suggestions from the Budget Scrutiny**

Working Group in preparing the interim budget proposals for 2019/20 as outlined in section 7.

9. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Healthy Lifestyles informed that she had awarded £5k to the Cheltenham Film Festival which would take place in May/June 2019. She hoped that in line with other funding, this would provide young people and the university with the opportunity to present films.

The Cabinet Member Healthy Lifestyles advised that a Member Seminar would be taking place on Wednesday giving an assessment of childrens' needs in Cheltenham which formed part of the year of action.

She also told Cabinet that she had attended a workshop the previous week with Social Enterprise UK which examined the role of social value in contracts. A full report would be forthcoming in March 2019.

The Cabinet Member Healthy Lifestyles paid tribute to the hard work involved in the events being hosted as part of the Cheltenham Remembers project. She thanked officers, the Everyman Theatre, the Cheltenham Trust, Service organisations, University of Gloucestershire and Evenlode Productions as well as Layla Mann who had undertaken much research for the project.

The Cabinet Member Development and Safety informed that Phase 1 of the High Street project which included the work outside John Lewis was now complete. This acted as a template for ongoing High Street works. This was the first time that the council had undertaken major public realm works using skills inhouse. It had been a very valuable learning experience and he congratulated all those involved.

The Leader reported that all three JCS councils had now adopted the JCS Issues and Options and the CIL recommendations. The JCS Issues and Options would now be subject to consultation from 12 November to 11 January 2019.

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

Cabinet Member Housing	Council response to the government's Social Housing Green Paper	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1145
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Chairman

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Cheltenham Borough Council

Cabinet

4th December 2018

Scrutiny Task Group Review – Urban Gulls

Accountable Member	Councillor Klara Sudbury, Chair of Scrutiny Task Group
Accountable Officer	Mike Redman, Director -Environment
Executive Summary	<p>A review of Urban Gulls was initiated by the Overview and Scrutiny Committee in June 2018, following a high level of dissatisfaction about the Council's response to controlling the urban gull population in residential areas.</p> <p>Research suggests that the number of urban gull colonies has increased from 239 in 2000 to 473 in 2015, as a result of higher temperatures in towns allowing earlier breeding, street lighting allowing night time foraging, our refuse, on-street waste and landfill sites which provide an excellent food source and also buildings which provide safe nesting sites away from natural predators.</p> <p>The group considered the key problems caused by urban gulls including noise nuisance, potential health risk and damage to buildings from gull droppings, as well as the challenges in finding and treating their nests. The group considered a range of evidence and spoke to a number of key partners, including Ubico and the Cheltenham Business Improvement District (BID) as well as looking at best practice from Gloucester City and Bath & North East Somerset Councils. They also consulted with 64 local residents and business owners via an online survey and drop-in session to understand the extent of the problem. They concluded that key to addressing the issues was denying habitat, i.e. make successful nesting in Cheltenham less easy through treating more gulls eggs each year and encouraging businesses and residents to gull-proof their own properties, reducing access to food sources, including food waste, litter etc, and the need for Cheltenham Borough Council (CBC) to take a strategic lead, working alongside partners, residents and businesses to tackle the problem together.</p> <p>The findings and recommendations of the task group are set out in detail in the attached Scrutiny Task Group Report. These recommendations are to be approved by the Overview and Scrutiny Committee at their meeting on the 26 November 2018.</p>
Recommendations	<p>That the Cabinet endorse the task group recommendations as set out in the task group report (and also outlined below)</p> <ol style="list-style-type: none"> 1) Increasing the budget available to control the Urban Gull population in the 2019-20 budget by £10k; 2) Creating a written Urban Gull Strategy, setting out CBC's approach to controlling the urban gull population;

- 3) **The Leader of CBC to write to the Government to ask them to reconsider funding national research on urban gulls;**
- 4) **Establishing what powers the council has to enforce property owners to gull proof their property or treat nests on their property and ask Alex Chalk MP to press for any legal loopholes in these powers to be addressed at a national level;**
- 5) **Using part of the proposed increase in the urban gull budget to develop a media plan that will raise awareness of the issues around gulls;**
- 6) **Considering a community project which engages local universities, businesses and communities in research, similar to Bath and North East Somerset Council, to record the extent of the gull population in Cheltenham.**
- 7) **Purchase a drone to survey for nests subject to necessary regulations, any unplanned costs associated with this to be met from the proposed increase in the overall gulls budget.**
- 8) **Explore whether it is possible to seek an informal arrangement with Gloucestershire County Council to get roads temporarily closed more easily, to allow a more nimble approach to treating nests.**
- 9) **Recognising that in the short timescale available it will not be possible to find and treat every nest, CBC should take a more proactive approach to treating nests on residential properties. Where CBC cannot safely access the property to treat the nest, give information to property owners about private contractors who may be able to undertake this work.**
- 10) **Conduct a review of existing litter bins in Cheltenham to determine how many of Cheltenham's existing bins can be retro-fitted with gull-proof flaps, or changes to the aperture (opening). When litter bins are due to be replaced, they should be replaced with gull-proof bins and the Cabinet should consider whether 'Belly Bins' might be a value for money longer term investment.**
- 11) **Replace the food waste storage bins at the Swindon Road depot and ensure the 'spotting compound' is cleared frequently. Review if moving the food waste bins into the shed area makes a difference during the nesting season 2019.**
- 12) **Place a condition on any new planning consent for takeaways (in new buildings or change of use applications) that they must provide a gull-proof bin outside of the premises.**
- 13) **Place a condition on licensing permissions for mobile catering units that they have a gull-proof bin whilst trading.**
- 14) **Through the planning process seek to 'design out' opportunity sites for gulls to nest on new buildings, either by the design of roofs, or conditions seeking gull-proofing.**

- 15) **Produce a Supplementary Planning Document (as B&NES and Gloucester City Councils have) with advice on gull-proofing buildings.**
- 16) **Work alongside the Cheltenham BID and other business organisations to consider the possibility of sponsorship of gull-proof litter bins**
- 17) **Work with the BID and other business organisations to encourage traders to present their waste correctly.**
- 18) **Receive feedback from Cheltenham BID on how effective the red and white chequer boards were.**
- 19) **CBC should produce an educational leaflet aimed at town centre and commercial businesses, to be distributed via email by the BID, as well as other interested business organisations around January time.**

Financial implications	<p>There is a request to increase the Urban Gull budget by £10k for 2019/20. This would need to be approved through this paper and then included as a growth item in the 2019/20 Budget setting papers, for approval by full council in February 2019. It is assumed that this additional £10k will fund all of the other 19 recommendations set out above.</p> <p>Contact officer: Andrew.knott@cheltenham.gov.uk ,Tel: 01242 264121</p>
Legal implications	<p>All species of gull are protected under the Wildlife and Countryside Act 1981.</p> <p>There are no provisions within current legislation to allow the control of birds for the purpose of relieving nuisance or damage to property. However, there is an established system of licensing to allow for the control of some wild birds.</p> <p>Further legal implications are highlighted in the Scrutiny Task Force Group Report.</p> <p>Contact officer: Vikki.fennell@teWKesbury.gov.uk Tel: 01684 272015</p>
HR implications (including learning and organisational development)	<p>The report highlights a number of options to reduce the impact of Gulls in Cheltenham. Capacity to implement will need to be monitored carefully and additional resources requested where necessary</p> <p>Contact officer: Julie McCarthy, HR Manager Publica Group limited working on behalf of Cheltenham BC. Tel 01242 264355 julie.mccarthy@publicagroup.uk</p>

Corporate and Community Plan implications	<p>Taking forward the recommendations will help improve the environment of Cheltenham and will improve residents' lives that are currently affected by urban gulls</p> <p>Contact officer: Richard.Gibson@cheltenham.gov.uk Tel: 01242 264280</p>
Environmental and climate change implications	<p>A number of the recommendations for controlling the urban gull population, particularly those around the provision of appropriate bins and managing trade waste will deliver a positive benefit for the local environment.</p> <p>Contact officer: gill.morris@cheltenham.gov.uk, 01242 264229</p>
Property/Asset Implications	<p>Urban Gull control is required to avoid damage and clean-up costs to property, notwithstanding the quiet enjoyment and healthy working environment of building occupiers and tenants alike.</p> <p>Contact officer: simon.hodges@cheltenham.gov.uk</p>

Report author	Contact officer: Sophie.mcgough@cheltenham.gov.uk , Tel: 01242 264130
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Scrutiny Task Group Report and Appendices

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If nothing is done by Cheltenham Borough Council to control the urban gull population, it will grow exponentially.		13/11/2018	2	3	5	Reduce				
	Disturbance during the nesting season may negatively impact on local residents and visitor's experience of staying in our town.		13/11/2018	3	3	6	Reduce				
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

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**CHELTENHAM BOROUGH
COUNCIL**

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URBAN GULLS

**SCRUTINY TASK GROUP
REPORT**

November 2018



EXECUTIVE SUMMARY

A review of Urban Gulls was initiated by the Overview and Scrutiny Committee in June 2018, following a high level of dissatisfaction about the Council's response to controlling the urban gull population in residential areas.

Research suggests that the number of urban gull colonies has increased from 239 in 2000 to 473 in 2015, as a result of higher temperatures in towns allowing earlier breeding, street lighting allowing night time foraging, our refuse, on-street waste and landfill sites which provide an excellent food source and also buildings which provide safe nesting sites away from natural predators.

The group considered the key problems caused by urban gulls including noise nuisance, potential health risk and damage to buildings from gull droppings, as well as the challenges in finding and treating their nests. The group considered a range of evidence and spoke to a number of key partners, including Ubico and the Cheltenham Business Improvement District (BID) as well as looking at best practice from Gloucester City and Bath & North East Somerset Councils. They also consulted with 64 local residents and business owners via an online survey and drop-in session to understand the extent of the problem. They concluded that key to addressing the issues was denying habitat, i.e. make successful nesting in Cheltenham less easy through treating more gulls eggs each year and encouraging businesses and residents to gull-proof their own properties, reducing access to food sources, including food waste, litter etc, and the need for Cheltenham Borough Council (CBC) to take a strategic lead, working alongside partners, residents and businesses to tackle the problem together.

As such, the Task Group recommends:

A Strategic Approach

- 1) Increasing the budget available to control the Urban Gull population in the 2019-20 budget by £10k;
- 2) Creating a written Urban Gull Strategy, setting out CBC's approach to controlling the urban gull population;
- 3) The Leader of CBC to write to the Government to ask them to reconsider funding national research on urban gulls;
- 4) Establishing what powers the council has to enforce property owners to gull proof their property or treat nests on their property and ask Alex Chalk MP to press for any legal loopholes in these powers to be addressed at a national level;
- 5) Using part of the proposed increase in the urban gull budget to develop a media plan that will raise awareness of the issues around gulls;
- 6) Considering a community project which engages local universities, businesses and communities in research, similar to Bath and North East Somerset Council, to record the extent of the gull population in Cheltenham.

Increase the Number of Eggs Treated in Residential Areas;

- 7) Purchase a drone to survey for nests subject to necessary regulations, any unplanned costs associated with this to be met from the proposed increase in the overall gulls budget.
- 8) Explore whether it is possible to seek an informal arrangement with Gloucestershire County Council to get roads temporarily closed more easily, to allow a more nimble approach to treating nests.

- 9) Recognising that in the short timescale available it will not be possible to find and treat every nest, CBC should take a more proactive approach to treating nests on residential properties. Where CBC cannot safely access the property to treat the nest, give information to property owners about private contractors who may be able to undertake this work.

Effective Management of Waste

- 10) Conduct a review of existing litter bins in Cheltenham to determine how many of Cheltenham's existing bins can be retro-fitted with gull-proof flaps, or changes to the aperture (opening). When litter bins are due to be replaced, they should be replaced with gull-proof bins and the Cabinet should consider whether 'Belly Bins' might be a value for money longer term investment.
- 11) Replace the food waste storage bins at the Swindon Road depot and ensure the 'spotting compound' is cleared frequently. Review if moving the food waste bins into the shed area makes a difference during the nesting season 2019.

Planning and Licensing

- 12) Place a condition on any new planning consent for takeaways (in new buildings or change of use applications) that they must provide a gull-proof bin outside of the premises.
- 13) Place a condition on licensing permissions for mobile catering units that they have a gull-proof bin whilst trading.
- 14) Through the planning process seek to 'design out' opportunity sites for gulls to nest on new buildings, either by the design of roofs, or conditions seeking gull-proofing.
- 15) Produce a Supplementary Planning Document (as B&NES and Gloucester City Councils have) with advice on gull-proofing buildings.

Working with the Business Community

- 16) Work alongside the Cheltenham BID and other business organisations to consider the possibility of sponsorship of gull-proof litter bins
- 17) Work with the BID and other business organisations to encourage traders to present their waste correctly.
- 18) Receive feedback from Cheltenham BID on how effective the red and white chequer boards were.
- 19) CBC should produce an educational leaflet aimed at town centre and commercial businesses, to be distributed via email by the BID, as well as other interested business organisations around January time.

1. INTRODUCTION

- 1.1. A review of Urban Gulls was initiated by the Overview and Scrutiny Committee in June 2018 in response to a request by Councillors Sudbury, Harman, Seacome and Barrell. A high level of dissatisfaction about the Council's response to controlling the urban gull population in residential areas had been expressed to councillors and council officers by residents, as well as members of the Urban Gulls Forum.

“The mental torment of the screeching gulls is a nightmare. Even with windows closed we’re woken every night. Having an adverse effect on tourist income as residents are warning visitors not to come to Cheltenham because of the noise and mess. Needs to be seriously addressed now”.

- 1.2. The problems posed by gulls are no longer confined to seaside towns, as large colonies have now established themselves in the urban realm. The potential health risks, noise nuisance, building damage and scavenging are some of the key challenges local authorities face. As such, it was agreed that an evidence-based review of the current approach and potential solutions was needed.
- 1.3. This report sets out the findings and recommendations arising from the scrutiny review by the scrutiny task group.

2. MEMBERSHIP AND TERMS OF REFERENCE

- 2.1. Membership of the task group:

- Councillor Klara Sudbury (Chair)
- Councillor Diggory Seacome
- Councillor Tim Harman
- Councillor Dilys Barrell

- 2.2. Terms of reference agreed by the O&S committee:

- i. Reducing the availability of food sources – for example through public engagement and education;
- ii. Fully understanding the barriers/challenges in treating gull nests and considering options that would overcome those barriers/challenges;
- iii. Making properties less attractive as nesting sites; and
- iv. Identifying the availability of funding sources/incentives to assist with gull-proofing measures.

3. METHOD OF APPROACH

- 3.1. The task group met on 8 occasions where they considered the various issues around controlling the urban gull population in Cheltenham, including identifying and treating nests, preventing nesting from taking place and reducing food sources.
- 3.2. The group organised a drop-in session which took place at the Municipal Offices on the 10th October. The drop-in session was attended by local residents, members of the Urban Gulls Forum and businesses who shared their experiences of how they are affected by nesting gulls and what they think the council could do to better control the urban gull population in Cheltenham.



Members of the Urban Gulls Task Group at the drop-in session

- 3.3. The drop-in session consisted of a mapping exercise to determine the areas most affected and a survey which attendees were asked to complete (a copy of which is included at Appendix 2 of the report). This survey was also available for interested parties to fill in online and advertised via social media.



Attendees talking to members of the Gull Task Group at the drop-in event

- 3.4. At the drop in session, there were displays of effective gull-proofing measures that can be used on properties to prevent gulls being able to nest and two hawks were also brought along by their handlers to explain how they can be used to deter gulls from nesting. This is an option that has been used this year with success, paid for by local residents, in two roads in Park Ward, Cheltenham.
- 3.5. The group heard evidence from a range of people, namely,
- Mark Nelson, CBC Enforcement Manager;
 - Duncan Turner, CBC Community Protection Officer;
 - Representatives of Ubico;
 - The Cheltenham BID;
 - Alex Chalk MP;
 - The CBC Cabinet Member Andrew McKinlay; and
 - A CBC Planning Officer.
- 3.6. The task group considered a broad range of evidence including:
- The approaches to controlling Urban Gull populations taken by Bath and North East Somerset and Gloucester City Councils;
 - The law relating to the protection of birds and the statutory powers available to control the urban gull population;
 - Practical barriers to treating gull nests in Cheltenham;
 - CBC's current approach to egg oiling;
 - How food waste is stored and handled in Cheltenham by UBICO;
 - What legal powers were available to local councils to compel property owners to gull proof their properties or have nests treated;
 - Experience of CBC's previously offered subsidised gull-proofing measures;
 - The impact on members of the public and the concerns of local businesses affected by gulls.
- 3.7. Members of the task group would like to thank everyone who attended their meetings and contributed to the review and also thank those officers who provided support to the work of the group, particularly Mark Nelson and Duncan Turner.

4. THE EXTENT OF THE PROBLEM

- 4.1. As identified by the scrutiny task group, there is a considerable lack of research into the life-cycle and behaviour of gulls. However, studies from Brown and Grice (2005) highlight that from the period of 1976 – 1994 the population of urban nesting gulls in England increased at a rate of 17% per annum. An article in the Independent, 2015 states that 'research suggests the number of urban colonies has increased from 239 in 2000 to 473 in 2015'. Peter Rock suggests a possible trebling, or even quadrupling of numbers of gulls nesting on roofs since 2000. Conservatively, he suggests 25,000 in the Severn Estuary in 2015 (The Independent, 2015).
- 4.2. Studies suggest that the large influx of gulls to urban areas is a result of higher temperatures in towns allowing earlier breeding, street lighting allowing night time foraging, our refuse, on-street waste and landfill sites which provide an excellent food source and also buildings which provide safe nesting sites away from natural predators. In 2015, the government committed £250,000 in its budget to fund new research that would help tackle the problems that gulls are causing in cities and towns; however, following reprioritisation of Government funding in 2015 this research was scrapped. Several

universities, such as Middlesex University and the University of the West of England are now studying urban gull behaviour and papers about various aspects of the life of gulls are starting to appear.



- 4.3. Herring Gulls and Lesser Black-Backed Gulls nest in the residential areas of Cheltenham and on industrial units in the Kingsditch area. As established by the task group, Gulls have a long lifespan and are social creatures who like to nest in colonies, once a pair gains a foothold others follow. If they breed successfully, they will return year on year and problems caused by increasing gull populations can escalate rapidly. The Professional Pest Controller Magazine, September 2018, states that both Herring and Lesser black backed Gulls generally have a life span of about 30 years and reach sexual maturity at about 4 years old. However, according to Peter Rock (2005) pairs have been known to breed at 3 or even 2 years old and a breeding pair will lay 2-3 eggs per year.
- 4.4. The Pest Control Procedures Manual 2015, produced by the Chartered Institute of Environmental Health identified several key challenges faced as a result of urban gulls:
 - i. **Scavenging and Waste Spillage** – Gulls are attracted by food waste spillages.
 - ii. **Contaminated Objectionable Environment** – Gull droppings contaminate roads, pavements, street furniture, buildings and gardens.
 - iii. **Potential Health Risk** – Birds are known to carry salmonella, campylobacter and E coli bacteria species.
 - iv. **Building Damage and Additional Maintenance and Cleaning** – Buildings can be damaged by droppings and nest material, sometimes blocking gutters and drains causing further problems.
 - v. **Food Safety and Health** – Aerial droppings can contaminate food in different scenarios, including when food is unloaded at manufacturing sites, also bacteria can be introduced into the

food production process through contaminated internal drainage. Bacteria can be brought into the home by such things as footwear, buggies and bicycle tyres.

- vi. **Noise Nuisance** – Early morning first light awakenings (usually around 4:00am) can disrupt the sleep of residents and visitors staying in hotels. The Task Group was told about gull noise causing sleep disturbance by local residents, but found little specific academic research about this. However, in the “Summary of Adverse Effects of Noise Pollution” by Louis Hagler, MD, based on World Health Organisation Guidelines for Community Noise, it is stated that noise pollution is a major cause of sleep disturbance. Noise pollution during sleep causes increased blood pressure, increased heart rate, increased pulse amplitude, vasoconstriction, cardiac arrhythmias and increased body movement. Secondary effects are fatigue, depressed mood and well being, and decreased performance.
- vii. **Gull Attacks** – Attacks by aggressive and competing birds can take place, particularly when they are defending young and around food. The RSPB advises people to avoid areas where birds have chicks or eggs, but if this is not possible to have a hat or umbrella as birds swoop on the highest part of you!
- viii. **Reputational damage** – Because of the noise and other issues associated with large numbers of gulls, the reputation of towns and cities as nice places to live and visit can suffer. Also, the reputation of local councils can be harmed if people believe they are not doing enough to tackle the issue.

5. LEGAL POSITION IN RELATION TO URBAN GULLS

- 5.1. All species of gull are protected under the Wildlife and Countryside Act 1981 and the Wildlife (Northern Ireland) Order 1985. This means it is illegal to intentionally injure or kill any gull, or damage or destroy an active nest or its contents. It is recognised in law, however, that there will be circumstances where control measures are necessary.
- 5.2. Simple nuisance or minor damage to property are not legally sanctioned reasons to kill gulls. The UK administrations can issue licences, which permit nests to be destroyed or even birds to be killed, if there is no non-lethal solution and if it is done to prevent serious damage to agriculture, the spread of disease, to preserve public health and safety and air safety, or to conserve other wild birds (RSPB, 2018).

6. CURRENT SITUATION IN CHELTENHAM AND APPROACH OF THE BOROUGH COUNCIL TO CONTROLLING THE URBAN GULL POPULATION

- 6.1. In 2017/18, to introduce some sustainability to the year-on-year egg replacement programme, it was decided to introduce a small fee for egg replacement and to subsidise bird proofing, if residents decided to take this up. The result was that there was a drop-off in commercial premises that were willing to participate in the egg replacement programme and no residential owners took up the option of subsidised bird proofing. Residents demonstrated an unwillingness to undertake bird-proofing at their own expense, even at a subsidised rate and believed that these works should be funded by the Council.
- 6.2. Before the commencement of this year's gull nesting season, officers explained to the Urban Gulls Forum that, to get best use out of the available resources, commercial premises were to be targeted, which statistically had the greatest population of nesting gulls in Cheltenham. The charges, that reduced participation the previous year, were to be dropped in order that a full programme of commercial premises egg replacement could be carried-out, thereby maximising the impact on the gull population within the resources available. The anticipated reduction in gull population achieved by this approach would benefit residents, businesses and visitors alike.

- 6.3. This approach proved very successful and 408 eggs were treated in 137 nests on commercial premises. The Council was also fortunate to be able to use the resources of the fire authority, which helped with access to roofs to tackle the gull problem in the Tivoli area. The area was surveyed and 4 nests were identified, although only 2 nests were accessible containing 5 eggs, which were subsequently treated.
- 6.4. The current arrangements, whereby council resource is invested mainly in business areas such as Kingsditch and the town centre, are effective in reducing the overall gull population in the town, but are considered ineffective in dealing with problems in often densely populated residential areas.
- 6.5. With the assistance of Enforcement Manager Mark Nelson and Community Protection Officer Duncan Turner, the group identified a number of operational issues which create barriers to effectively treating large numbers of urban gull eggs, particularly in residential areas. These include:
- During the nesting season there is only a short period of time (2-3 weeks) to identify the nests and deal with the eggs;
 - The cherry pickers used for access to find nests and treat the eggs require time to set up and in some cases are unsuitable for particular streets;
 - Nests can often be well hidden and it is therefore difficult to locate them;
 - The fact that road closures are often needed to set the vehicle up;
 - Phone, power lines and trees can hinder the ability to reach nests;
 - Adverse weather conditions can make egg oiling difficult;
 - Nests are sometimes inaccessible to the operator of the cherry picker.

7. THE ROLE OF THE URBAN GULLS FORUM

- 7.1. The Urban Gulls Forum was established some years ago to bring together residents who had raised concerns about the nuisance caused by gulls. Residents attended meetings from areas most affected by the issue including Tivoli, Lansdown, St Luke's and Pittville. The group was attended by Council Members mainly from the areas affected including Cllrs Sudbury, Seacome, Mason and Harman. Mark Nelson, Duncan Turner and other Officers also attended when relevant.
- 7.2. The group put forward ideas from residents about ways of combating the Gulls Issue including the red and white squared chequer board used by one resident successfully to deter nesting and the need to promote gull proofing. Various views were discussed to raise public awareness of the issue and seek more support from CBC. Following a suggestion made at the Group, the Fire and Rescue Service responded to a request to deploy a Fire Snorkel to assist with egg treatments in Tivoli Street and Andover Road. The Fire and Rescue service have offered to help again in the future.
- 7.3. The ideas put forward by the group formed a basis for the recent drop-in session. A number of residents who have supported the group have expressed an interest in remaining involved with helping to improve the Gulls issue and they are a useful network.

8. OUR FINDINGS

The Approach of Bath and North East Somerset

- 8.1. Bath and North East Somerset (BaNES) is a unitary council which has been working with Middlesex University, the University of the West of England, schools and local residents to examine the gull issue. A written gull strategy has been produced for the period 2016-2019. The strategy includes posters on litter bins asking people not to feed the gulls, education and enforcement around correct

presentation of waste, a campaign urging the use of food recycling bins, a leaflet about preventing gulls nesting, door knocking, provision of reusable rubbish bags in certain areas and annual treatment of roofs on 7 council-owned buildings. The planning process is engaged to try to “design out” possible nesting sites. All these measures are intended to reduce the gull’s access to food, and to disrupt habitats. The group believe a similar urban gulls’ strategy should be devised for Cheltenham, outlining the councils approach and strategy for dealing with gulls.

- 8.2. There is an emphasis on creating a partnership between local people, businesses, tourist and public agencies, neighbouring councils and central government. Central government is to be urged to produce a national strategy to mitigate the problems caused by urban gulls (BaNES Council, 2015).

Recommendation - Produce an Urban Gull Strategy setting out Cheltenham Borough Council’s approach to controlling the urban gull population.

Recommendation - The Leader of Cheltenham Borough Council to write to the Government to ask them to reconsider funding national research on urban gulls.

Recommendation - Consider funding a community research project which engages local universities, businesses and communities in a research project, similar to BaNES Council to record the gull population in Cheltenham

Gloucester City Council

- 8.3. The task group made contact with Gloucester City Council to identify what steps they were taking to deal with the issue of urban gulls, following a report in Gloucestershire Live which stated that Gloucester had seen a 35% reduction in the number of nests and a 50% drop in the number of eggs collected by pest controllers (Gloucestershire Live, 2017).
- 8.4. Gloucester has been treating eggs in nests on roofs since 2001. An information leaflet about “preventing nesting on your roof” was produced in November 2016 and is available on the website. It is recommended that ideally, nesting sites should be “designed out” of buildings, or measures taken to deny access to potential nesting sites. Encouragement is given to designers to incorporate this idea when preparing planning applications.
- 8.5. Gloucester uses a private contractor to remove eggs and nests from businesses in the city centre and along Bristol road. Measures to deter gulls are undertaken at their landfill site and gull measures in the city are funded by income from the landfill site (Gloucester City Council, 2018).

Cabinet Member

- 8.6. Members of the Task Group met with the Cabinet Member, Cllr Andrew McKinlay, to discuss the progress of their work, outline the key issues considered so far and possible recommendations. Cllr McKinlay welcomed the holistic approach being taken by the task group and asked them to present a clear set of recommendations particularly in regard to any potential request for an increase in the budget for controlling the urban gull population. Cllr McKinlay indicated that there could be an additional £10,000 available to add to the existing gull budget, subject to a growth bid being submitted and supported.

Recommendation - Increase the budget available to control the Urban Gull population in the 2019-20 budget by £10k.

UBICO

- 8.7. The Task Group met with representatives from UBICO to discuss issues that had been raised about how food waste was handled at the depot. There were concerns that the lids to the bins containing the food waste were often left open and accessible to gulls between use and concerns that the ‘spotting

compound' (the area where the waste from litter bins is stored before it is transferred to Wingmoor Farm) was a potential food source for the gulls. UBICO confirmed that the food waste bins had been moved inside the warehouse and initial indications suggested that this had reduced the numbers of gulls in the area. UBICO advised that the mechanisms for closing the bins were extremely outdated and the deteriorated seals resulted in leachate discharge (liquid material that drains from land or stockpiled material and contains significantly elevated concentrations of undesirable material).

- 8.8. UBICO acknowledged that there were issues with the spotting compound and that this was now being emptied on a more regular basis. The task group were shown a video and a series of pictures of the food waste bins being stored inside the warehouse and the mechanism by which the waste was emptied into it. Members noted that moving towards the breeding season, the management of the site to reduce easy access to food for gulls was critical.



Belly bins can store more waste than traditional litter bins and are gull proof

Recommendation - Replace the food waste storage bins at the Swindon Road depot and ensure the 'spotting compound' is cleared frequently. Review if moving the food waste bins into the shed area has made a difference during the nesting season 2019.

- 8.9. Members also considered issues around public litter bins, as gulls are known to pull food waste from them. The group discussed the potential for gull proof litter bins to be introduced in the town centre and outside takeaways. It was suggested that a planning condition be applied to all new fast food businesses stating that they must have a gull-proof bin outside of their premises. It was agreed that litter bins that had reached the end of their life should be replaced with gull-proof bins.

Recommendation - Place a condition on planning consent for takeaways (in new buildings or change of use applications) that they must provide a gull-proof bin outside of the premises.

- 8.10. Bath, along with other towns and cities such as Worcester, has introduced hi -tech 'Belly Bins' to try to reduce the access gulls have to food waste. These larger bins are solar powered, compress litter, can store more waste and therefore need to be emptied less often. The bins open using a handle or a foot pedal, and are self-closing once litter has been deposited – making it impossible for gulls to pull any waste out of them. There are costs associated with these bins which can be bought as well as leased. There might also be savings if belly bins were considered as a replacement for existing town centre bins because they require less frequent emptying.
- 8.11. It was also established that gull-proof flaps could be installed on litter bins retrospectively although it was unclear if this was possible on the current models used in Cheltenham. Members also discussed the possibility of trialling hessian sacks for use on streets in Cheltenham which did not have space for

wheelie bins, the idea being that residents would place black bags inside of the hessian sacks when refuse was put out for collection so that gulls were not able to pull them apart.

Recommendation - Conduct a review of the existing bins in Cheltenham, to determine how many of Cheltenham's existing bins can be retro-fitted with gull-proof flaps or changes to the aperture (opening). When litter bins are due to be renewed, they are replaced with gull-proof bins and the Cabinet consider whether 'Belly Bins' might be a value for money longer term investment.

Cheltenham BID

- 8.12. The BID provided feedback on behalf of local businesses. The BID had identified that the state of the bins around the town centre was poor and the option of replacing them was being discussed with CBC. It was agreed that it would make sense to replace them with gull proof bins (although there is a need to be conscious of the fact that some of the current bins include a place to stub out cigarettes). It was suggested that the bins that were most scavenged by gulls be replaced first with gull-proof bins.
- 8.13. The BID reported that many of the town centre problems with gulls were caused by businesses failing to put their rubbish out on the right day, or at the right time, meaning there is a potential food source for the gulls. They advised that the BID was currently trying to address this, by working with businesses that do this most frequently. The intention to trial hessian sacs on commercial properties was discussed with the BID, which agreed to support the initiative. The group identified Montpellier as a potential location for the trial, due to the large number of food outlets located there.
- 8.14. The group also discussed the possibility of producing an educational leaflet aimed at town centre and commercial businesses. The BID agreed they would be happy to send it out to those on its distribution list around January time, before the nesting season.
- 8.15. The BID were also interested in the red and white painted chequer board, made and used at a residential property in Cheltenham to discourage gulls from nesting. The BID intended to find two businesses to trial the use of a similar red and white painted chequered board to see if it helped prevent nesting. Members of the Task Group welcomed this suggestion.



Red and white chequer board made by a local resident that has so far stopped gulls nesting on their property

Recommendation - Work with the BID and other business organisations to encourage traders to present their waste correctly.

Recommendation - Receive feedback from Cheltenham BID on how effective the red and white chequer boards were.

Recommendation - CBC to produce an educational leaflet aimed at town centre and commercial businesses, to be distributed via email by the BID, as well as other interested business organisations around January time.

Recommendation - Work alongside the Cheltenham BID and other business organisations to consider the possibility of sponsorship of gull-proof litter bins.

Recommendation - Support Cheltenham BID to find a location for businesses in Montpellier, or the town centre, to trial the use of hessian sacks to store bin bags for presenting at kerbside.

Planning Officer

- 8.16. The Chair of the Task Group met with a member of the planning team to discuss the issues around securing gull proofing to buildings or litter bins for takeaways through the planning process. This is a key issue the group wanted to consider, as both Bath and Gloucester have separately identified the need to take a 'design out' approach to make it more difficult for gulls to nest. This could be by correctly installing gull-proofing measures, but also by encouraging developers' to design their buildings in a 'gull unfriendly' way. As referred to previously, Gloucester City Council has produced a booklet with really valuable advice for developers and anyone interested in gull-proofing their property.
- 8.17. The Planning team advised that new food establishments tend to come about through the change of use of existing buildings, where the options to 'design in' gull-proofing measures are limited. Secure waste and recycling storage facilities are always sought on these types of applications which should limit gull activity. Buildings with large expanses of flat roof can attract nesting gulls they advised that they had attached conditions to schemes of that nature requiring gull-proofing measures. However, the planning department acknowledged that they would need to be careful that such conditions comply with the tests set out in the legislation so it would very much need to be dealt with on a case by case basis.

Recommendation - Place a condition on licensing permissions for mobile catering units that they have a gull-proof bin whilst trading.

Recommendation - Through the planning process seek to 'design out' opportunity sites for gulls to nest on new buildings, either by the design of roofs, or conditions seeking gull proofing.

Recommendation - Produce a Supplementary Planning Document (as BaNES and Gloucester City Councils have) with advice on gull proofing buildings.

Communications

- 8.18. The group established that a programme of education and awareness was key to addressing the problem long term. This would include offering advice on presenting waste correctly, to minimise scavenging and highlighting methods to prevent gulls nesting on roofs. As such, the Chair of the task group met with members of Cheltenham Borough's communication team and discussed the potential for devising a media plan that would raise awareness of the issues around gulls. This could include, for example, 'Feed the Bins not the Gulls' posters, paid for social media campaigns and leaflets. Gull-proofing would also be actively encouraged by providing suitable advice online and through educational material.

Recommendation - Use part of the increase in urban gull budget to develop a media plan that will raise awareness of the issues around gulls.

9. CONSULTATION RESPONSES

- 9.1. At the drop-in session, 20 surveys were completed by members of the public in attendance. It should be noted that some attendees at the drop-in were there as community or business representatives. The same survey was put online and advertised widely in Cheltenham through social media. In total, 64 survey responses were received.

The Task Group acknowledges that given the scale of the survey and response rate, the feedback is not scientific, but rather, provides a flavour of where there are issues as well as useful information on the impact that nesting gulls have on people's lives.

“The gull problem is a community one and has to be dealt with by communal actions for maximum effectiveness”.

- 9.2. As noted earlier in this report, finding gulls nests which are often sited in hidden locations is not easy. Reports of nests being present on a roof are not always correct; also, the nest must be found before the chicks hatch. As the cherry picker takes time to set up and put away and also often requires a road closure to set up, it has proved very difficult with current resources to identify nest sites in residential areas and treat many eggs. The use of a drone, owned by Cheltenham Borough Council and used by a member of CBC staff, would mean that larger areas can be covered more quickly to find nests and identify if CBC would be able to access it via the cherry picker to treat the eggs. The Task Group was therefore particularly interested to hear if members of the public would agree with the use of a drone to identify nest sites. The group also discussed the potential for making an informal arrangement with Gloucestershire County Council, to get roads temporarily closed more quickly, as the time constraints often prove difficult.

Recommendation - Purchase a drone to survey for nests, subject to necessary regulations, any ‘unplanned for’ costs associated with this to be met by the proposed increase in the overall gull budget.

Recommendation - Explore whether or not it is possible to seek an informal arrangement with Gloucestershire County Council to get roads temporarily closed more easily, to allow a more nimble approach to treating nests.

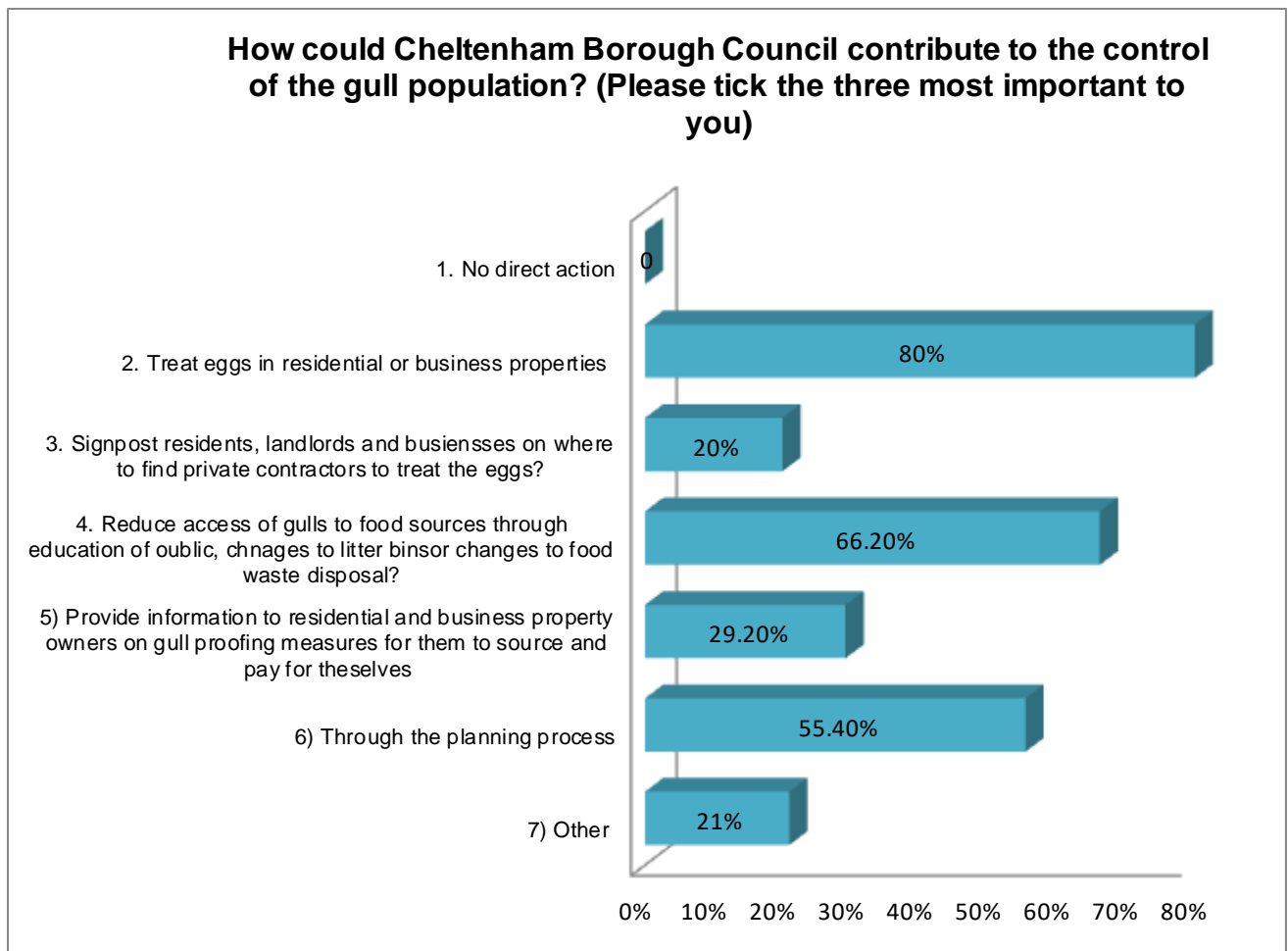
Recommendation - Recognising that in the short timescale available it will not be possible to find and treat every nest, CBC to take a more proactive approach to treating nests on residential properties. Where CBC cannot safely access the property to treat the nest, give information to property owners about private contractors who may be able to undertake the work



The use of a drone could help identify nest sites more effectively

- 9.3. Of those surveyed, 86% of respondents supported the suggested use of a drone owned and controlled by Cheltenham Borough Council, to more effectively identify nests. As far as the Task Group is aware, this is not an approach taken by other Local Authorities but if successful, could make it far more cost effective to find and treat nests in residential areas. The drone would not be equipped to treat the eggs, only to map where there are nests.

- 9.4. The feedback from the Task Group survey showed that 55.9% of the nests identified were located on private houses and 28.7% on a tenanted house/block of flats, 16.9% on industrial buildings and 3.4% on public buildings. Other areas were identified to have a gull problem including schools, playing fields, and balancing ponds on new housing developments.
- 9.5. From the mapping exercise and survey responses, it was apparent that in Cheltenham there are local areas where gulls tend to nest. There is no evidence to suggest the problems caused by gulls were town wide, rather in particular areas there are nest sites which cause noise disturbance or other problems for residents and businesses. The task group noted that this was in line with research which showed that gulls are social creatures that prefer to nest in colonies.
- 9.6. In response to the question “How could Cheltenham borough council contribute to the control of the gull population?” the following were the number of responses (it should be noted that respondents were able to tick the three options most important to them):



“The impact over the summer in 2018 was dreadful. The noise from the gulls woke us at first light every morning (approx. 4am). We could not sit in our gardens because of the racket they made. On occasions a baby gull would fall into a garden or into the road and the parents would act aggressively towards anyone nearby i.e. swooping and squawking. There was a lot of bird mess created on pavements and cars also.”

9.7. Nobody who completed the survey ticked the box suggesting that Cheltenham Borough Council should take no action. From this, it could be suggested that there is support for the council to take action to control the urban gull population, even though this is not a statutory service.

9.8. Further comments were made in response to this question:

- Fine people on the spot who drop food litter;
- Target specific hotspots;
- Fly hawks in the affected areas;
- Work on landlords to get them to engage with initiatives; and
- Pay for hawks to deter nesting.



A hawk used to deter gulls from nesting

9.9. The Task Group has been made aware, through the consultation process and elsewhere, of local residents who are working together to fund gull-proofing on their properties, egg treatment and the use of hawks to deter nesting. As previously mentioned, in Park Ward two streets paid for a hawk this year which was effective in preventing nesting in these streets, however, there is a suspicion that the gulls moved on and nested in streets nearby. There is another street in Park Ward where, following a very bad experience with nesting gulls this summer, residents worked together to pay for a private contractor to gull-proof their homes. In the Montpellier area, residents in two streets pay a private contractor to treat nests on properties affected. The Task Group welcomes this proactive approach

from local residents, but recognises that not all communities would be able to do this. We have had reports of absent landlords who are unwilling to gull-proof their properties, or to have nests treated. The Task Group is concerned that Local Authorities may not have enough legal powers to take action.

Recommendation - Establish what powers the council has to enforce property owners to gull-proof their property or treat nests on their property and ask Alex Chalk MP to press for any legal loopholes in these powers to be addressed at national level.

- 9.10. The Task Group considered the requests for CBC to use hawks as part of the strategy to deter gulls from nesting in Cheltenham. This is not an option the Task Group felt they could support, as the cost of this would be prohibitive. Similarly, if hawks are used in areas where nesting currently takes place, the gulls could simply move to places nearby. Thus, it would be a very expensive way to displace rather than solve the problem.
- 9.11. Concerns have been raised to the Task Group from inside CBC that there are residents who feed the gulls. Apart from one anecdotal report of a lady who used to feed the gulls in a park in Cheltenham, none of the evidence collected through the surveys, verbal feedback from residents and businesses, at the drop-in event, or discussions at meetings of the Urban Gulls Forum have identified this as an issue.

10. CONCLUSIONS

- 10.1. The impact on the mental well-being of people affected by the noise of the gulls during the nesting season is considerable, as expressed by people to the Task Group. There is also concern about the mess created by gulls and the risk of diseases being spread. As the visitor economy is significant in Cheltenham, with leisure and retail important as well as the hospitality sector, there is concern that the disturbance during the nesting season may be negatively impacting on visitor's experience of staying in our town.
- 10.2. If nothing is done by CBC to control the urban gull population, it could grow exponentially. This is because of the long life span of gulls, the relative safety of nesting in Cheltenham, plentiful food sources, the social nature of gulls, and the fact that each breeding pair can rear up to three chicks a year. This would be detrimental to the quality of life of local residents and could impact negatively on the visitor experience during the breeding season.
- 10.3. However, no single proven successful method for controlling the impact of urban gulls exists. The two common species of gull that nest in Cheltenham, the Lesser Black-backed and the Herring Gull have protected status. Therefore, any approach to controlling gulls must be both humane and approached from different angles to bring about improvements for residents, businesses and visitors. It would also be difficult to assess how successful any changes in current practice were, unless there was a regular up to date local survey of the gull population in Cheltenham.
- 10.4. The group acknowledged that because of financial and practical constraints, CBC is unlikely to be able to deal with this issue alone. Members of the Task Group therefore believe a partnership approach, with the Council taking a strategic role (but not working in isolation) to control the urban gulls population in Cheltenham, is the correct route to take.
- 10.5. As concluded by Bath and North East Somerset in their Urban Gull Strategy 2016-2019:

"In the absence of any statutory duty to act and the presence of diminishing budgets there is a need for a partnership approach involving local people, building or business owners, tourist and public agencies, neighbouring councils and central government."

10.6. Whilst the Task Group accept that controlling the urban gull population is a very difficult problem to tackle, Members believe there are ways that CBC can do things differently to improve on the current situation:

- Denying habitat, i.e. make successful nesting in Cheltenham less easy through treating more gulls' eggs each year and encouraging businesses and residents to gull-proof their own properties;
- Reducing access to food sources, including food waste, litter etc;
- For CBC to take a strategic lead, working alongside partners, residents and businesses to tackle the problem together.

11. PROGRESSING THE SCRUTINY RECOMMENDATIONS

11.1. In respect of the terms of reference set for us by the Overview and Scrutiny (O&S) committee, we feel confident that these have been met. As a task group, we feel it is important that we continue to monitor the situation with urban gulls and we would be happy to reconvene if the O&S committee feels it is appropriate.

11.2. In taking forward these recommendations, it is important to recognise that issues relating to urban gulls cannot be addressed by CBC alone. It is a national problem that requires Government intervention and a partnership approach to achieve the best outcomes for the people of Cheltenham. As such, the Council will be looking to partners to take forward these recommendations where appropriate.

11.3. The task group expects to report its findings and recommendations to the next appropriate meeting of the O&S Committee before taking the report to Cabinet. Assuming that our recommendations are accepted by Cabinet, the task group asks to be kept informed of any developments, and also believes that a review of the implementation of the recommendations should be conducted six months after being accepted by Cabinet.

Appendix 1



SCRUTINY REVIEW – ONE PAGE STRATEGY

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Urban Gulls
Specific topic area	Cheltenham Borough Council's approach to reducing the urban gull population.
Terms of Reference for the review	<ul style="list-style-type: none"> Reducing the availability of food sources – for example through public engagement and education Fully understand the barriers/challenges in treating gull nests and consider options that would overcome those barriers/challenges. Making properties less attractive as nesting sites; and The availability of funding sources/incentives to assist with gull-proofing measures.
Outcomes	<p>A comprehensive report on the issue, reported to O&S and to Cabinet, to help councillors as well as members of the public understand more about gulls and what the council can reasonably do to control and reduce the gull population.</p> <p>Deliver an evidence-based set of findings and recommendations, to enable the more effective control of the numbers of problem urban gulls in residential areas.</p>
How long should the review take?	The report of the working group should conclude in time to allow recommendations to feed into the Borough Council's budget process for 2019-20.
Recommendations to reported to:	CBC's Overview and Scrutiny Committee and Cabinet to inform any funding request through the budget setting process for 2019-20.
Membership:	Cllrs Diggory Seacome, Klara Sudbury, Dilys Barrell, Tim Harman (?)
FOR COMPLETION BY OFFICERS	
Officers experts and witnesses	Mark Nelson – Enforcement manager Duncan Turner – Pest control officer
Sponsoring officer	Mike Redman – Director of Environment
Facilitator	Sophie McGough – Democratic Services
FOR COMPLETION BY THE SCRUTINY TASK GROUP	
Are there any current issues with performance?	<ul style="list-style-type: none"> The current arrangements whereby council resource is invested mainly in business areas such as Kingsditch and the town centre are effective in reducing the overall gull population in the town, but are considered ineffective in dealing with problems in often densely populated, residential areas. The high level of dissatisfaction of many local residents has been expressed by emails to councillors and council officers in recent months, as well as feedback received about the council's response to the problem at meetings of the Urban Gulls Forum.

	<ul style="list-style-type: none"> • There have been barriers to getting properties bird-proofed, particularly in residential areas. • It is difficult and costly to identify nesting sites in residential areas. • The management of the operation of the civic amenity site at Swindon Road has been identified as an issue, providing a food source for the gull population • Bins provided around the town are generally not of a design which is gull-proof • Discarded takeaway food can be an issue in and around the town.
Other experts and witnesses	To be agreed
Other consultees	Members of the Urban Gull Forum Cheltenham BID Trader organisations Alex Chalk The Lido
Background information	Circulated
Suggested method of approach	To be agreed
How will we involve the public/media? Or at what stages	Various methods including through social media, drop in meeting etc.
Preferred timing for meetings	Fortnightly. Initial meeting proposed on 15 th August and 29 th August at 3 pm in the Montpellier room.

Appendix 2

Cheltenham Urban Gulls Survey

Thank you for completing this form. The information you provide will help members of Cheltenham Borough Council's Urban Gulls Task Group understand more about the issue in our town and how residents feel the problem can best be addressed. Please refer to the privacy statement overleaf to see how your information will be stored.

Name:

Address:

Email Address (optional):

1. Where, with as much information as you can provide, is the address or addresses of where urban gulls nest (if not applicable please say N/A)

.....
.....
.....
.....

2. On what type of building was the nest located?

Private House ☐

Tenanted House/Block of Flats ☐

Industrial Building ☐

Public Building (e.g. Library) ☐

Office Block ☐

Other (please specify) ☐

3. Would you support the use of a drone owned and controlled by Cheltenham Borough Council to more effectively identify nest sites in the area where you live and/or work?

Yes ☐

No ☐

Don't know ☐

4. How could Cheltenham borough council contribute to the control of the gull population? (please tick the 3 most important to you)

No direct action undertaken by the Council, it is not a mandatory service ☐

Treat eggs in residential or business properties where access to the nest is possible ☐

Signpost residents, landlords and businesses on where to find private contractors to treat the eggs ☐

Reduce access of gulls to food sources through education of public, changes to litter bins or changes to food waste disposal ☐

Provide information to residential and business property owners on gull proofing measures for them to source and pay for themselves ☐

Through the planning process, require developers to gull proof buildings likely to be attractive to gulls to nest on (such as industrial buildings or large blocks of flats) ☐

Any other suggestions (please specify)

.....

.....

.....

5. Do you have any further comments that you would like the Task Group to be aware of, for example the impact nesting urban gulls has on you or anything you think the group need to be aware of?

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Cheltenham Borough Council Cabinet – 4 December 2018 Gambling Policy Statement

Accountable member	Councillor Andrew McKinlay, Cabinet Member for Development & Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The Gambling Act 2005 requires that the council produce, consult on and publish a statement of the principles that they propose to apply when exercising their functions under the Act.</p> <p>The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.</p> <p>Cheltenham Borough Council published its existing Statement of Principles in February 2016.</p> <p>Consultation has been undertaken on a revised policy statement. This report sets out the outcome of the consultation and seeks Cabinet approval for the adoption of the policy by Council.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the proposed changes to the Statement of Principles and consultation responses; and 2. Recommend the policy statement for approval by full Council.
Financial implications	<p>There are no significant financial implications within this report.</p> <p>Contact officer: Andrew Knott , Andrew.knott@cheltenham.gov.uk, 01242 264121</p>

Legal implications	<p>Cheltenham Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.</p> <p>The council must also ensure that it complies with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006).</p> <p>The adoption of the revised Statement of Principles is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and therefore Cabinet must be asked to consider the draft Statement of Principles and to recommend to Council that it be adopted.</p> <p>Contact officer: vikki.fennell@tewkesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>There are no HR implications within this report.</p> <p>Contact officer: Clare Jones, clare.jones@publicagroup.uk</p>
Key risks	As identified in Appendix 1
Corporate and community plan Implications	
Environmental and climate change implications	None
Property/Asset Implications	<p>None</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

1. Background

- 1.1 Cheltenham Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 1.2 The council must also ensure that it complies with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.
- 1.3 Consultation has been undertaken on a revised policy statement between September and November 2018. This report sets out the draft policy statement revisions, consultation feedback and is seeking approval from Cabinet for Council to adopt the revised policy statement.

2. Gambling Act 2005

- 2.1 The Gambling Act 2005 is the primary legislation regulating all forms of gambling activity in the UK. Under the Act, gambling is defined as:
 - 2.1.1 gaming (within the meaning of section 6);
 - 2.1.2 betting (within the meaning of section 9); and
 - 2.1.3 participating in a lottery (within the meaning of section 14).
- 2.2 The Act sets out a number of licensing objectives that the council is bound by when discharging any of its functions under the Act:
 - 2.2.1 preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - 2.2.2 ensuring that gambling is conducted in a fair and open way; and
 - 2.2.3 protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. Policy statement revisions

- 3.1 The policy statement has generally been updated with changes to legislation, national policy and best practice guidance. Draft changes of note:
 - 3.1.1 A new section on **Local Area Profiles** has been added. These allow the council to draw up a profile of the borough with particular emphasis on the effect of gambling establishments on local communities and then to use this data to inform decision making in relation to the council's functions under the Gambling Act. The policy statement sets out a commitment to engage with the County Council's Public Health Team to develop such a local area profile.
 - 3.1.2 A new section on **Local Risk Assessments** has been added. This provision reflects the Gambling Commission's Social Responsibility (SR) code 10.1.1 which requires gambling operators to undertake local risk assessments for their licensed premises. These risk assessments must implement policies, procedures and control measures to mitigate gambling related risks. These must be presented to the council when it makes decisions in relation to new gambling establishments and changes to existing ones.
 - 3.1.3 The section on **Exchange of Information** has been updated to reflect the recent changes to data protection and privacy laws.
 - 3.1.4 The Government recently announced the outcome of its review of **fixed odds better terminals**

(FOBTs) stakes. A reduction of the maximum stakes that these types of gaming machines can charge, from £100 to £2, will be implemented in April 2019. Whilst the regulation of gaming machine stakes is a matter for central Government, the policy will need to be revised at the appropriate time to reflect the changes to be introduced.

- 3.1.5** The draft revised policy is attached at Appendix 2. The tracked changes on the draft revised policy is for Member's reference and information and will be dispensed with once the policy has been adopted.

4. Consultation and feedback

- 4.1** When reviewing its policy statement, the council is required to consult with:

4.1.1 the chief officer of police for the authority's area,

4.1.2 one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and

4.1.3 one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

4.2 The council is therefore required to consult with the chief officer of the police, persons who represent the interests of persons carrying on gambling businesses (such as trade organisations) and persons who represent the interests of persons who are likely to be affected by gambling (such as support groups and charities).

4.3 The Council must also advertise the publication of the reviewed policy statement by publishing a notice on its website and in one or more of the following places:

4.3.1 a local newspaper circulating in the area covered by the statement,

4.3.2 a local newsletter, circular, or similar document circulating in the area covered by the statement,

4.3.3 a public notice board in or near the principal office of the authority,

4.3.4 a public notice board on the premises of public libraries in the area covered by the statement.

4.4 Accordingly, consultation was undertaken between September and November 2018.

4.5 The consultation procedure is set out in regulations under the Gambling Act and was complied with during the consultation. A list of consultees is set out in the policy statement's appendix A for reference.

4.6 In total 5 consultation responses were received during the consultation period. These, and officers' responses, are attached at Appendix 3.

5. Adoption

5.1 The Gambling Policy Statement is designated as being part of the council's Policy Framework and as such the constitution, under Part 3B, delegates the authority to adopt the revised policy statement to Full Council.

6. Reasons for recommendations

6.1 In order to ensure the council complies with its statutory duties to review and adopted a revised policy statement by 2019.

7. Alternative options considered

- 7.1** Cabinet can resolve not to approve the draft changes to the policy statement. This however will render the policy statement out of date and ineffective as a regulatory tool.
- 7.2** Cabinet can also resolve to make further changes to the policy statement if it is of the view that the draft policy statement is lacking. Any such changes will require Council approval.

8. Performance management –monitoring and review

- 8.1** The performance of the policy statement will be monitored on the basis of its ability to properly regulate gambling activity in the borough in accordance with the policy statement's requirements.

Report author	Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 262626
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Draft Policy Statement 3. Consultation feedback and officer response
Background information	<ol style="list-style-type: none"> 1. Service records

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>Failure to publish a revised Statement of Principles within the required timescale would leave Cheltenham Borough Council in breach of its statutory obligations.</p> <p>This could lead to legal challenges, costs to the council and adversely affect the council's reputation.</p>	Licensing Team Leader	Nov 18	2	4	8	Accept	Approve statement for adoption.	Nov 18	Licensing Team Leader	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;

- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

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

Risk ref

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

Risk Description

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

Risk owner

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

Risk score

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

Control

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

Action

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

Responsible officer

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

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

Transferred to risk register

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

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STATEMENT OF PRINCIPLES GAMBLING ACT 2005



All enquiries should be directed to:

Licensing Section
Municipal Offices
Promenade
CHELTENHAM
GL50 9SA
Tel: 01242 [775200262626](tel:01242775200262626)
E-mail: licensing@cheltenham.gov.uk
Website: www.cheltenham.gov.uk

This Policy was approved on ~~12 February 2016~~xxx.

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PART A

1. The Licensing Objectives

1.1 In exercising most of their functions under the Act 2005 ("the Act"), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 It should be noted that the [Gambling](#) Commission ("Commission") has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

1.3 Cheltenham Borough Council ("the council") is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's Statement of Licensing Policy

2. Introduction

2.1 The council is required by the Act to publish a Statement of Principles ("Statement") which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The Statement must be then republished.

2.2 The council will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided in Appendix A. The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the [Authority council](#) to represent the interests of persons carrying on gambling businesses in the [Authority's council's](#) area;
- One or more persons who appear to the [Authority council](#) to represent the interests of persons who are likely to be affected by the exercise of the [Authority's council's](#) functions under the Act.

2.3 The council recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.

~~In developing a Statement that will deliver the licensing objectives locally, consultation has taken place in accordance with the revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector.~~

- 2.4 The Statement was considered for approval at a meeting of the Full Council on ~~12 February 2016~~ and will be published via our website www.cheltenham.gov.uk/licensing on or by ~~16 February 2016~~. Copies will be placed in the public libraries of the area as well as being available in the ~~Council Offices~~ council offices

Should you have any comments as regards this Statement please send them via email or in writing to the Licensing Section:

Address: Licensing Section, Municipal Offices, Promenade, Cheltenham, GL50 9SA

Email: licensing@cheltenham.gov.uk

- 2.5 It should be noted that this Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3. Area Profile

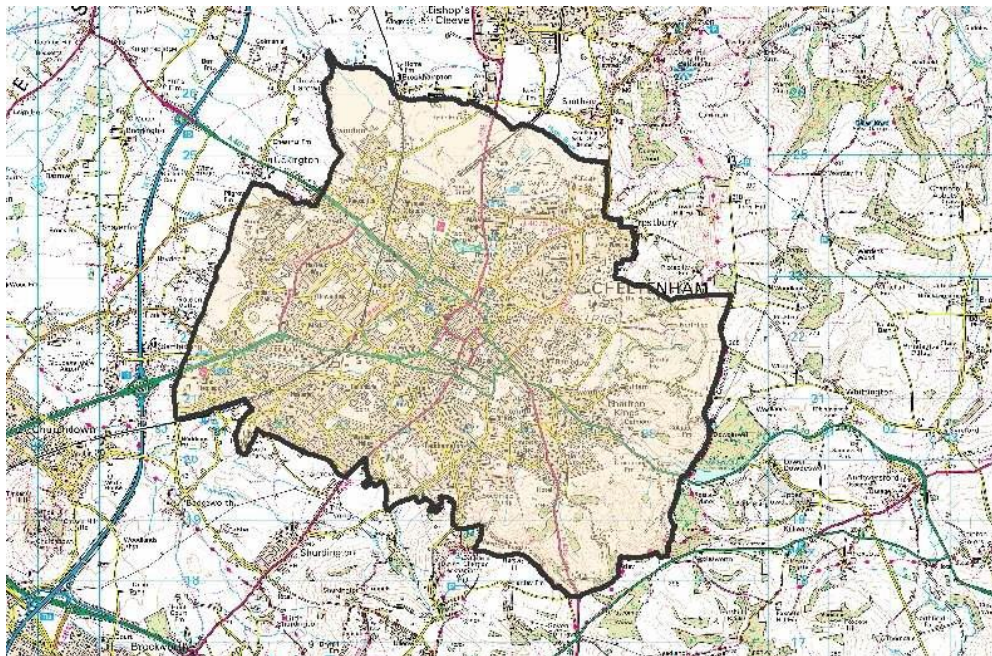
The Area

Until the late 1700s, Cheltenham was a small market town that became a fashionable resort after spa waters were discovered. Over the years it has attracted major employers and has gained a reputation for being an international festival town. This, together with its architectural heritage, educational facilities and quality environment, makes Cheltenham an attractive place to live, work and play.

| The borough, which includes 5 parishes, has a population of approximately [116 500](#) ~~144,000~~ who live in 20 wards. The borough is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares of which 17 % is designated as green belt and 22 % as an area of outstanding natural beauty.

Demography

| The population is approximately [116 500](#) ~~144,000~~, and these figures will continue to rise over the next 20 years.



| At the time of writing in 201~~8~~⁵, the borough had 18 licensed betting premises, 1 track licence and 1 licensed Adult Gaming Centre.

4. Local Area Profile

4.1 The council has not undertaken a local area profile at this stage. The council does recognise however that gambling related health harms is often unknown and complex. The council also recognise that nationally 0.7% of the UK's population are recognised as problem gamblers. This policy statement recognises that further work is necessary to understand the local picture of gambling related harm in the borough.

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4.2 Accordingly, it is the intention of the council to engage with the County Council public health team in developing a local area profile to assist applicants and licensees with their local area risk assessments.

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5. Local Risk Assessments

5.1 The Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.

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5.2 Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

5.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in this policy statement
- where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

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5.4 The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions take effect from 6 April 2016.

5.5 Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions are required.

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6. Declaration

6.1 In producing this Statement, the council declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Commission, and any responses from those consulted on the Statement.

57. Responsible Authorities

7.1 Responsible Authorities are public bodies that must be notified of applications and who are entitled to make representations to the council if they are relevant to the licensing objectives.

7.2 The council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise it about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the council's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.3 In accordance with the suggestion in the Commission's guidance for local authorities the designated the Gloucestershire Safeguarding Children Board for this purpose.

The contact details of all Responsible Authorities are attached as Appendix B.

68. Interested Parties

8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

8.2 "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Council which issues the licence or to which the application is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b)."

8.3 The council is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

8.4 Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Commission's guidance for local authorities.

8.5 It will also consider the Commission's guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

8.6 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected.

8.7 Likewise, parish councils likely to be affected, will be considered to be interested parties.

8.8 Other than these however, the council will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 8.9 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. For more information, please refer to the adopted Licensing Committee's adopted "Probity in licensing".

79. Exchange of Information

- 9.1 The council will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the General Data Protection Regulation and The Data Protection Act 2018 will not be contravened. The council will also have regard to any relevant guidance, regulations and the Act.
- 9.2 Should any protocols be established regarding information exchange with other bodies they will be made available upon request.
- 9.3 In fulfilling its functions and obligations under the Act, the council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the council will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.
- 9.4 Any matters of non-compliance with the Act will where appropriate be reported to the Commission.
- 9.5 The council will share information with other responsible authorities and the Commission where there is evidence of non-compliance with other legislation and regulatory regimes relevant to the operation of the applicant's business. — Licensing authorities are required to include in their Statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in schedule 6 to the Act.

~~— The principle that the council applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to any guidance issued by the Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.~~

~~— Should any protocols be established as regards information exchange with other bodies then they will be made available.~~

810. Enforcement

- 10.1 Licensing authorities are also required to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified

- 10.2 This council's principles are that:

It will be guided by the Commission's guidance for local authorities and will endeavour to be:

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

10.3 As per the Commission's guidance for local authorities, the council will endeavour to avoid duplication with other regulatory regimes so far as possible.

The council has adopted and implemented an inspection programme based on:

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Commission, in particular at Part 36
- The principles set out in this Statement of Principles

10.4 The main enforcement and compliance role for the council in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council but should be notified to the Commission.

10.5 Bearing in mind the principle of transparency, the council's enforcement/compliance protocols/written agreements are available upon request to the Licensing Section.

| **911. Council Functions**

11.1 The council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities.

11.2 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular the council will be responsible for:

- The licensing of premises where Activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits* to *Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.

- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Commission regarding details of licences issued (see section above on 'Information Exchange').
- Maintain registers of the permits and licences that are issued under these functions.

11.3 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Commission via operating licences.

A table outlining how the council will delegate its functions under this Act is attached at Appendix C.

PART B

PREMISES LICENCES : CONSIDERATION OF APPLICATIONS

1. General Principles

- 1.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
 - in accordance with any relevant code of practice issued by the Commission;
 - in accordance with any relevant guidance issued by the Commission;
 - reasonably consistent with the licensing objectives, and
 - in accordance with the Authority's Statement of Licensing Policy
- 1.3 It is appreciated that as per the Commission's guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion.

Meaning of "premises" – In the Act, "premises" is defined as including "any place".

- 1.4 Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.
- 1.5 The council will however pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.
- 1.6 The council takes particular note of the Commission's guidance which states that:

"Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

 - The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

The Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a 'street' (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

- 1.7 Part 7 of the Commission's guidance contains further guidance on this issue, which this authority will also take into account in its decision-making.

- 1.8 **Premises “ready for gambling”** - The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the council can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 1.9 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, an application for a provisional statement should be made instead.
- 1.10 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, the council will determine applications on their merits, applying a two stage consideration process:
 - First, whether the premises ought to be permitted to be used for gambling.
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.11 Applicants should note that the council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.12 **Location** – Demand related objections and issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can.
- 1.13 As per the Commission’s guidance, the council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 1.14 **Planning** – The council has a duty to only take into consideration relevant matters, i.e. those related to gambling and the licensing objectives. An example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 1.15 It notes in particular from the Commission’s guidance:

When dealing with a premises licence application for finished buildings, the council should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes, [policies and strategies](#) –

- 1.16 By consulting widely prior to this Statement being published, the council will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.
- 1.17 When considering any application, the council will avoid duplication with other regulatory regimes so far as possible. Therefore, the council will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of premises for gambling consistent with the licensing objectives. The council will seek to avoid any duplication with other statutory / regulatory systems where possible.
- 1.18 **Licensing Objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the council has considered the Commission's guidance and some comments are made below:
- 1.19 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - The council is aware that the Commission will be taking a leading role in preventing gambling from being a source of crime. The Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.
- 1.20 **Ensuring that gambling is conducted in a fair and open way** - The council has noted that the Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regards to tracks which is explained in more detail in the 'tracks' section below - page 15.
- 1.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The council has noted the Commission's guidance that states this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The council will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrance/machines, segregation of areas etc.
- 1.22 The council will also make itself aware of the Codes of Practice which the Commission issues as regards this licensing objective.
- 1.23 As regards the term "vulnerable persons" it is noted that the Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs".
- 1.24 The council will consider this licensing objective on a case by case basis. A list of organisations set up to give help and advice about problem gambling is attached as Appendix D.

1.25 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

1.26 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The council will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

1.27 The council will consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's guidance.

1.28 The council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff of the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

1.29 These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.30 The council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's guidance, the council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.31 It is noted that there are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

1.32 **Door Supervisors** - The Commission advises in its guidance that if a council is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons), it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

1.33 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

Sharing local Risk Assessments

1.34 The new code provision of 10.1.2 under the revised Licence Condition Codes of Practice from the Commission will come into force in April 2016. Under this provision it states:

1.35 *Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licenced premises, or otherwise on request.*

1.36 In accordance with the new LCCP requirement, the council will expect licensees to submit their local risk assessment when making an application in accordance with the code of practice's requirements.

2. Adult Gaming Centres

2.1 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the council that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 The council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

- 2.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

- 3.1 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the council, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The council may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

- 3.2 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 3.3 The council will, as per the Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

4. Casinos

- 4.1 *No Casinos resolution* - The council has not passed a 'no casino' resolution under Section 166 of the Act 2005, but is aware that it has the power to do so. Should the council decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision will be made by the Full Council.

5. Bingo Premises

- 5.1 The council notes that the Commission's guidance states:
- 5.2 "Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. "
- 5.3 A holder of a Bingo Premises Licence may make available for use, a number of Category B machines not exceeding 20% of the total number of gaming machines which are available for use.
- 5.4 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made

available for use these must be separated from areas where children and young people are allowed.

6. Betting Premises

- 6.1 *Betting machines* - The council will, in accordance with the Commission's guidance take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

- 7.1 The council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's guidance, the council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 The council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 The council may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 7.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 7.5 *Gaming machines* – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.6 *Betting machines* – The council will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 7.7 The Act requires applicants to submit plans of the premises with their application, in order to ensure that the council has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the council to plan future premises inspection activity.
- 7.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 7.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 7.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 7.11 This council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

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8. Travelling Fairs

- 8.1 The council is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 This council will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

- 9.1 Developers may wish to apply to the council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 Section 204 of the Act provides for a person to make an application to the council for a provisional statement in respect of premises that they:
- expects to be constructed;

- expects to be altered; or
- expects to acquire a right to occupy.

9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

9.6 In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this council notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Principles.

10.2 The request for the review will also be subject to the consideration by the council as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

The council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 10.3 Once a valid application for a review has been received by the council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Council, who will publish notice of the application within 7 days of receipt.
- 10.4 The council must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.5 The purpose of the review will be to determine whether the council should take any action in relation to the licence. If action is justified, the options available to the council are:
- (a) add, remove or amend a licence condition imposed by the Council;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 10.6 In determining what action, if any, should be taken following a review, the council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.7 In particular the council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.8 Once the review has been completed, the council must, as soon as possible, notify its decision to:
- the licence holder;
 - the applicant for review (if any);
 - the Commission;
 - any person who made representations;
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Review and Customs.

PART C

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the council for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 1.2 It should be noted that a council cannot attach conditions to this type of permit.
- 1.3 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm.
- 1.4 Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. The council will also expect, as per Commission guidance, that applicants demonstrate:
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to the council, that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Act has been committed on the premises.

Permit: 3 or more machines

- 2.2 If a premises wishes to have more than 2 machines, it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any

guidance issued by the Commission issued under Section 25 of the Act 2005, and *“such matters as they think relevant”*.

- 2.3 The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.5 It should be noted that the council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

3. Prize Gaming Permits

- 3.1 The Act states that a council may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” and “may, in particular, specify matters that the council propose to consider in determining the suitability of the applicant for a permit”.
- 3.2 This council expects that an applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
 - that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law;
 - clear policies that outline the steps to be taken to protect children from harm.
- 3.3 In making its decision on an application for this permit the council does not need to have regard to the licensing objectives but must have regard to any Commission guidance.
- 3.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:
 - the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines permits

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.2 Commission guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".
- 4.3 The Commission guidance also notes that "licensing authorities may only refuse an application on the grounds that:
 - (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Commission's guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:
 - (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

5. Temporary Use Notices

- 5.1 Temporary Use Notices ("TUN") allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN, according to the Commission, would include hotels, conference centres and sporting venues.

- 5.2 The council can only grant a TUN to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by TUN, and at the time of writing this Statement the relevant regulations (SI no.3157: The Act 2005 (Temporary Use Notices) Regulations 2007) state that TUNs can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards TUNs. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Commission guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”.
- 5.5 In considering whether a place falls within the definition of “a set of premises”, the council needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.6 This council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission’s guidance.

6. Occasional Use Notices

- 6.1 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.
- 6.2 The council will notify the Commission of any notices made under this provision and share with them any relevant information.

APPENDIX A

CONSULTEES

Current Licence Holders
Responsible Authorities
The People of Cheltenham
Cheltenham Borough Council Members
Parish Councils
Director of Public Health

Casino Operators' Association
British Amusement Catering Trade Association (BACTA)
British Casino Association (BCA)
Association of British Bookmakers Ltd (ABB)
The Bingo Association
Lotteries Council
Hospice Lotteries Association

Citizens Advice Bureau
Chamber of Commerce
Cheltenham Business Partnership Improvement District

GamCare, 2&3 Baden Place, Crosby Row, London, SE1 1YW
Gamblers Anonymous, PO Box 5382, London, W1A 6SA
Independent Betting Arbitration Service, PO Box 44781, London, SW1W 0WR

APPENDIX B

CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

COUNCIL LICENSING

Licensing Section
Cheltenham Borough Council
Promenade
Cheltenham
GL50 9SA

Telephone: [01242775200](tel:01242775200)
Email: licensing@cheltenham.gov.uk

LOCAL PLANNING AUTHORITY

Planning Enforcement
Built Environment Division
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Telephone: 01242 264138
Email: builtenvironment@cheltenham.gov.uk

THE COMMISSION

Victoria Square House
Victoria Square
BIRMINGHAM
B2 4BP

Telephone: 0121 230 6500
Fax: 0121 233 1096
Email: info@gamblingcommission.gov.uk

GLOUCESTERSHIRE CONSTABULARY

Licensing Unit
Community Engagement Dept.
Police HQ
No1 Waterwells
Quedgeley
Gloucester
GL2 2AN

Telephone: 01452 754482
Email: Licensing@Gloucestershire.pnn.police.uk

| The main Police switchboard number is [0845-090-1234](tel:0845-090-1234).

GLOUCESTERSHIRE FIRE AND RESCUE

Chief Fire Officer
Fire Service Headquarters
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Telephone: 01452 753333
Fax: 01452 753304
Email: fire@glosfire.gov.uk

GLOUCESTERSHIRE ACPC

Gloucestershire Safeguarding Children Board
Room 128
1st Floor, Block 4
Gloucestershire County Council
Shire Hall
Westgate Street
Gloucester GL1 2TG

Email: mail@gscb.org.uk

HM REVENUE & CUSTOMS

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
United Kingdom

Telephone 0300 322 7072 Option 7
Email nrubetting&gaming@hmrc.gsi.gov.uk

For relevant premises e.g. vessels, the following may also be Responsible Authorities:

SOUTH WALES AND BRITISH WATERWAYS

Canal & River Trust
The Dock Office
Commercial Road
Gloucester
GL1 2EB

E-mail enquiries.southwalessevern@canalrivertrust.org.uk

ENVIRONMENT AGENCY

Riversmeet House
Newtown Industrial Estate
Northway Lane
Tewkesbury
Gloucestershire
GL20 8JG

SECRETARY OF STATE ~~(Note in practice, the Secretary of State for Transport who~~

| [DCMS](#) ~~acts through the Maritime and Coastguard Agency)~~
2-4 Cockspur Street
London
SW1Y 5DH
Telephone: 020 7211 6200
email: enquiries@culture.gov.uk

APPENDIX C

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX D

LIST OF ORGANISATIONS THAT GIVE HELP AND ADVICE ABOUT PROBLEM GAMBLING

The following organisations are working to tackle problem gambling and may be able to help individuals and/or organisations.

Responsibility in Gambling Trust (RIGT)

10 Brick Street
London
W1J 7HQ
Tel: 207 518 0023
Fax: 207 518 0174
Email: enquiries@rigt.org.uk

Citizens Advice

Gloucester and District Citizens Advice Bureau
75 - 81 Eastgate Street
Gloucester
GL1 1PN
Tel: 01452 527202

Gam Anon

PO Box 5382
London
W1A 6SA
National Help Line: 08700 50 88 80
Midlands 0121 233 1335

Gamblers Anonymous (UK)

Birmingham 0121 233 1335

Gam Care

2nd Floor
7-11 St John's Hill
London
SW11 1TR
Tel: 020 7801 7000
Fax: 020 7801 7033
Email: info@gamcare.org.uk

Gordon House Association

43-47 Maughan Street
Dudley
West Midlands
DY1 2BA
Tel: 01384 241 292
Email: help@gordonhouse.org.uk

NCH Children's Charity
85 Highbury Park
London
N5 1UD
Tel: 020 7704 9037
Fax: 020 7704 7134

NHC South West
Horner Court
637 Gloucester Road
Horfield
Bristol
BA7 0BJ
Tel: 01179 354 440
Fax: 01179 512 470

National Debt Line
Tel: 0808 808 4000

APPENDIX E

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£100 (in multiples of £10)	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

APPENDIX F

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The council requires applicants to provide a risk assessment when applying for a premises licence or when applying for a variation to an existing licence. The council would expect relevant matters to include the following:

- institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, leisure centres, community centres and entertainment venues such as bowling allies, cinemas etc;
- locations where children may congregate including bus stops, café's shops, including those aimed at children such as toy shops and any other place where children are attracted;
- areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc;
- the demographics of the area in relation to vulnerable groups;
- the proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, homeless hostels and addiction and mental health support services or any place where people who have an alcohol or drug dependency may congregate;
- the ethnic profile of residents in the area;
- the proximity of places of worship such as churches, mosques, temples or any other place of worship or meeting place of any faith group;
- whether the premises is situated in an area of deprivation (refer to part a, paragraph 3, headed City of Gloucester);
- information held by the licensee regarding self-exclusions and incidences of underage gambling;
- gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- the proximity of pawn brokers or pay day loan shops;
- the proximity of other gambling outlets;
- the proximity of banks, public houses etc;
- whether the premises is in an area known to have high levels of crime and/or disorder;
- the proximity or areas used by street drinkers/rough sleepers and drug dealing activities;
- policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies, are protected. this could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;
- the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;
- the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available on request to a delegated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the police and the licensing authority must be notified as soon as is reasonable practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;
- keeping details of people who have self-excluded;
- keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.

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Consultee	Officer response
<p>HM Revenue & Customs</p> <p>Dear Colleague</p> <p>As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom</p> <p>Our contact telephone number is now 0300 322 7072 Option 7.</p> <p>Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk</p>	<p>Policy statement updated</p>
<p>Cllr Paul McCloskey</p> <p>I noted with interest, the following item in the policy:</p> <p>Cheltenham Borough Council STATEMENT OF PRINCIPLES GAMBLING ACT 2005</p> <p>8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:</p> <p>8.7 Likewise, parish councils likely to be affected, will be considered to be interested parties.</p> <p>And 8.6 mentions ward councillors. Can you assure me (and save me the time rummaging through them all!) that the definition of 'interested parties' as defined here in 8.6 & 8.7 is common across all the Licensing policies please?</p>	<p>Officers have responded to confirm that 'interested parties' is common across policy statements but interpretation could vary depending on the view an individual licensing authority will take.</p>
<p>GCC Public Health</p> <p>Many thanks for sending this through. I have sent the link onto the GCC councillors for Cheltenham, as required as part of the GCC motion on gambling-related harm from May.</p> <p>I hope it's OK if I also feedback a few comments.</p>	

<ul style="list-style-type: none"> • In relation to paragraph 4.1 and 4.2, I wondered whether it would be possible to alter paragraph 4.1 since a lot of gambling-related harm is unknown? Many people gamble and experience no adverse consequences. There are however some who do experience significant harm as a result of their gambling. National evidence suggests that 0.7% of people are problem gamblers. In addition individuals experiencing harm from gambling, or their families or carers, rarely present to health or social care services with problem gambling as their presenting condition, and it can manifest in a range of different ways, including physical and mental health problems, relationship breakdowns as well as social care and financial issues. • In relation to 5.2 I'm very sorry if I missed it but I wasn't quite sure what the 'relevant matters' were for consideration in a risk assessment. Some other Statement's I've seen list these (some in more detail than others) which I found quite helpful for thinking about licensing objectives. For example Gloucester's draft currently includes quite a long list (attached). Or Torbay had shorter version focusing on children and vulnerable adults (attached). Sorry again if these are elsewhere in the Statement and I missed them. 	<p>Paragraph 4.1 and 4.2 has been redrafted to take into account the comment.</p> <p>Appendix F has been updated to make "relevant matters" more explicit.</p>
<p>GamCare</p> <p>Hello,</p> <p>Thank you for your email, we appreciate your interest in our work.</p> <p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p>	<p>Comments noted.</p>

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.

- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

<p>Gambling Commission</p> <p>Ref the SoP out for consultation. Some thoughts:</p> <ol style="list-style-type: none"> 1. Page 3 – Figures are incorrect and relate to 2015 2. Page 4-Do you consider that more of a local steer might be appropriate regarding Local Risk assessments? While the requirement is to ‘produce upon request’ many LAs are inserting a requirement to have a copy on the premises. 3. Page 10 ‘The Commission’s Relevant access provisions.....’. These provisions are in the Act as part of the mandatory & default licence conditions, rather than being ‘imposed’ by the Commission. 4. Page 27 – I don’t understand the reference to the minister of state for transport in relation to DDCMS. Happy to be educated. 	<p>Figures updated.</p> <p>Appendix F has been updated to make “relevant matters” more explicit.</p> <p>Amendment made to clarify.</p> <p>Amendment made to clarify.</p>
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Cheltenham Borough Council

4th December 2018

Housing Supply – Cabinet Member Working Group

Accountable member	Peter Jeffries – Deputy Leader & Cabinet Member, Housing
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	All
Key Decision	No
Executive summary	On 15th October 2018 Council unanimously approved its Housing Investment Plan. This plan sets out the potential to provide loan funding of up to £100m to Cheltenham Borough Homes in order to bring about a step change in the delivery of affordable housing and private rented accommodation (to be let on a long-term basis) across the Borough. Members of the Council unanimously approved the recommendations detailed within the report, and also asked for a cross party Cabinet Member Working Group to be set up, as detailed in the recommendation below. Approval of this recommendation will provide greater oversight and challenge, and this will in turn provide greater confidence that the Authority is maximising the opportunities that are available to deliver affordable homes over and above what the market might otherwise provide.
Recommendations	To set up a cross party Cabinet Member Working Group (CMWG) to consider and recommend viability assessments received from Cheltenham Borough Homes. The CMWG will challenge each site proposal to prioritise and maximise the social benefit with an ambition to not only meet but exceed the council's minimum 40% social/affordable housing target.
Financial implications	None as a direct consequence of this report. Contact officer: Paul Jones, paul.jones@cheltenham.gov.uk, 01242 264365

Legal implications	<p>The legal implications for the Housing Investment project is set out in the report that went to Cabinet on the 11th September and Council on the 15th October 2018.</p> <p>The Cabinet Procedure Rules (Part 4B of the Authority's Constitution) at paragraph 2.10 states "The Cabinet may, for the purposes of advising it on any of its functions, appoint working groups comprising Members and Officers. The Cabinet may ask third parties to participate in working groups. The Cabinet may authorise working groups to report to Cabinet or Committees. Unless the Cabinet so requires, working groups need not be politically proportionate."</p> <p>Contact officer: Donna Ruck, Donna.Ruck@teWKesbury.gov.uk, 01684 272696</p>
HR implications (including learning and organisational development)	None as a direct consequence of this report.
Key risks	As detailed at Appendix 1 of this report.
Corporate and community plan Implications	This proposal supports the council's Place Vision, as well as the council's Housing & Homelessness Strategy 2018-23.
Environmental and climate change implications	None as direct consequence of this report.
Property/Asset Implications	<p>None as a direct consequence of this report.</p> <p>Contact officer: Dominic Stead, Dominic.Stead@chEltenham.gov.uk 01242 264151</p>

1. Background

- 1.1 On 15th October 2018 Council unanimously approved its Housing Investment Plan. This plan sets out the potential to provide loan funding of up to £100m to Cheltenham Borough Homes in order to bring about a step change in the delivery of affordable housing and private rented accommodation (to be let on a long-term basis) across the Borough. Members of the Council unanimously approved the recommendations detailed within the report. Furthermore Council requested that a cross party Cabinet Member Working Group be created to consider and recommend viability assessments received from Cheltenham Borough Homes. It was requested that this Working Group will be able to challenge each site proposal to prioritise and maximise the social benefit, with an ambition to not only meet but exceed the council's minimum 40% social/affordable housing target.

2. Reasons for recommendations

- 2.1 It is requested that Cabinet approves the proposed recommendation for the following reasons:
- 2.1.1 The setting up of a Cabinet Member Working Group to oversee the housing delivery programme was already envisaged as a crucial part of the proposed governance arrangements for the delivery of new homes, as outlined in the Housing Investment Plan that went to Council on 15th October 2018. The proposed recommendation will provide clarity that it is fully intended for this working group to have cross-party membership.
- 2.1.2 The proposed recommendation will enable the Cabinet Member Working Group to have an important role in ensuring that opportunities for delivering affordable housing over and above planning policy compliant levels are maximised. The Authority's ambition to deliver affordable homes over and above levels that which market forces would otherwise permit was also highlighted in the Housing Investment Plan that went to Council for approval on 15th October, and this ambition is clearly detailed within the Authority's Housing & Homelessness Strategy, which was approved by Cabinet in July 2018. The proposed recommendation is therefore consistent with this Authority's strategic priorities.

3. Alternative options considered

- 3.1 None.

4. Consultation and feedback

- 4.1 The proposed recommendation was supported unanimously by Members of Council at its meeting on 15th October 2018, and is supported also by senior officers within Cheltenham Borough Council and Cheltenham Borough Homes.

5. Performance management – monitoring and review

- 5.1 One of the remits of the Cabinet Member Working Group will be to agree the Terms of Reference, which will determine the frequency with which the group meets and considers proposals. Furthermore, the group will agree an Outcomes Framework to ensure that Officers across Cheltenham Borough Council and Cheltenham Borough Homes maintain a clear focus on delivering more affordable homes, as well as delivering private rented homes to be let on a long-term basis.

Report author	Contact officer: Martin Stacy, martin.stacy@cheltenham.gov.uk, 01242 264171
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Appendices	1. Risk Assessment
Background information	1. Report to Council dated 15 th October 2018: https://democracy.cheltenham.gov.uk/documents/s27058/2018_10_15_COU_Housing_Investment_Plan.pdf

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the proposed recommendation is not approved, then this will be inconsistent with Members' wishes of full Council on 15 th October 2018 and could create the perception that this Authority is not fully committed to maximising the delivery of affordable homes across the Borough.	Martin Stacy	5.11.18	2	4	8	Reduce	Cabinet approves the proposed recommendation.	4.12.18	Martin Stacy	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

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Cheltenham Borough Council
Cabinet – 4th December 2018
Council – 10th December 2018
Treasury Mid-Term Report 2018/19

Accountable member	Finance, Rowena Hay
Accountable officer	Section 151 Officer, Paul Jones
Accountable scrutiny	Treasury Management Panel
Ward(s) affected	None
Key Decision	Yes
Executive summary	The Treasury Management Strategy for 2018/19 has been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's <i>Treasury Management in the Public Services: Code of Practice</i> (the CIPFA Code) which requires the council to approve treasury management semi-annual and annual reports.
Consultation	The Treasury Management Panel considered this report on 19th November 2018 and recommended this on to Cabinet and Council.
Recommendations	Cabinet and Council : 1. Note the contents of the summary report of the treasury management activity during the first six months of 2018/19.

Financial implications	All financial implications are detailed throughout the report Contact officer: Andrew Sherbourne, andrew.sherbourne@cheltenham.gov.uk, 01242 264337
Legal implications	None specific arising from the report recommendations. Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01242 264216
HR implications (including learning and organisational development)	No direct HR implications arising from this report Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk. 01242 264355
Key risks	see appendix 2

Corporate and community plan Implications	None
Environmental and climate change implications	None

1. Background

- 1.1 In February 2011 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires members to approve the treasury management semi-annual and annual reports.
- 1.2 The Council's treasury management strategy for 2018/19 was approved at a meeting on 19th February 2018. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk is therefore central to the council's treasury management strategy.
- 1.3 Following consultation in 2017, CIPFA published new versions of the Prudential Code for Capital Finance in Local Authorities (Prudential Code) and the Treasury Management Code of Practice but has yet to publish the local authority specific Guidance Notes to the latter. Also in England the Ministry for Housing Communities and Local Government (MHCLG) published its revised Investment Guidance which came into effect from April 2018.
- 1.4 The updated Prudential Code includes a new requirement for local authorities to provide a Capital Strategy, which is to be a summary document approved by full council covering capital expenditure and financing, treasury management and non-treasury investments. The council will be updating its Capital Strategy later in 2018/19 for approval by full council in February 2019.

2. Economic update for the first six months

The following key points have been provided by the councils Treasury Advisors, Arlingclose.

- 2.1 Oil prices rose by 23% over the six months to around 82\$/barrel. UK Consumer Price Inflation (CPI) for August rose to 2.7% year on year, above the predicted forecast of the Bank of England's Inflation Report for August, as the effects of sterling's large depreciation in 2016 began to fade. The most recent labour market data for July 2018 showed the unemployment rate at 4%, its lowest since 1975. The 3-month average annual growth rate for regular pay, i.e. excluding bonuses, was 2.9% providing some evidence that a shortage of workers is providing support to wages. However real wages (adjusted for inflation) grew only by 0.2%, a marginal increase unlikely to have had much effect on households.
- 2.2 The Rebound in quarterly GDP growth in Q2 to 0.4% appeared to overturn the

weakness in Q1 which was largely due to weather-related factors. However, the detail showed much of Q2 GDP growth was attributed to an increase in inventories. Year on year GDP growth at 1.2% also remains below trend. The Bank of England made no changes to monetary policy at its meetings in May and June, however hawkish minutes and a 6-3 vote to maintain rates was followed by a unanimous decision for a rate rise of 0.25% in August, taking Bank Rate to 0.75%.

- 2.3** Having raised rates in March, the US Federal Reserve again increased its target range of official interest rates in each of June and September by 0.25% to the current 2%-2.25%. Markets now expect one further rise in 2018. The escalating trade war between the US and China as tariffs announced by the Trump administration appeared to become an entrenched dispute, damaging not just China but also other Asian economies in the supply chain. The fallout, combined with tighter monetary policy, risks contributing to a slowdown in global economic activity and growth in 2019.
- 2.4** The EU Withdrawal Bill, which repeals the European Communities Act 1972 that took the UK into the EU and enables EU law to be transferred into UK law, narrowly made it through Parliament. With just six months to go when Article 50 expires on 29th March 2019, neither the Withdrawal Agreement between the UK and the EU which will be legally binding on separation issues and the financial settlement, nor its annex which will outline the shape of their future relationship, have been finalised, extending the period of economic uncertainty.

3. Treasury Management Summary position 1/4/2018 to 30/9/2018

- 3.1** On the 31st March 2018, the Council had net borrowing of £53.569m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.18 Actual £m
General Fund CFR	42.651
HRA CFR	44.750
Total CFR	87.401
Less: Usable reserves	32.118
Less: Working capital	1.714
Net borrowing	53.569

- 3.2** The Council's current strategy has been to fund a number of capital asset purchases with the use of temporary borrowing and then take long term borrowing from the Public Works Loan Board (PWLb). At the back end of September the Council took out 38 Maturity loans with the PWLB for £43.083m to fund the purchase of several commercial properties within the Borough. The loans were taken out over 3yrs to 40yrs with the average rate of 2.57%. This has saved £940k in interest over the life of the borrowing when compared to the original business cases.
- 3.3** As at 31st March 2018 the Council held loans of £72.086m but has significantly

borrowed more as mentioned in paragraph 3.2, taking the balance to £139.125m as at 30th September 2018. £20m was taken on a temporary basis to fund the purchase of an asset before taking out the PWLB loan. This was repaid in mid-October 2018. The weighted average interest rate on these loans is 2.70% down from 3.42% in March 2018. Borrowing costs have risen to align with the additional borrowing. The costs are likely to rise from £2.424m to £3.065m, an increase of £641k; however these additional costs will be met in full from additional rental income from the commercial properties purchased this year and surplus investment income as detailed in paragraph 4.3.

Table 2: Treasury Management Summary

	31.3.18 Balance £m	Movement £m	30.9.18 Balance £m	30.9.18 Rate %
Long-term borrowing	64.286	41.839	106.125	3.31
Short-term borrowing	7.80	25.20	33.00	0.73
Total borrowing	72.086	67.039	139.125	2.70
Long-term investments	4.00	4.00	8.00	4.67
Short-term investments	11.00	35.20	46.20	0.74
Cash and cash equivalents	2.243	8.033	10.276	0.53
Icelandic	0.435	(0.007)	0.428	-
Total investments	17.678	47.226	64.904	1.95
Net borrowing	54.408	19.813	74.221	

4. Investments

- 4.1** The Council holds significant invested funds, representing income received in advance of expenditure plus balances, reserves held and money borrowed in advance of need. During the six month period the council's investment balance ranged between £16.625m and £65.234m due to timing differences between income and expenditure. The investment position is shown in table 3 below.

Table 3: Treasury Investment Position

	31.3.18 Balance £m	Net Movement £m	30.9.18 Balance £m	30.9.18 Rate of Return %
Banks & Building Societies (unsecured)	9.000	(1.000)	8.000	0.75
Local Authorities	3.000	36.000	39.000	0.76
Money Market Funds/ Call Accounts	1.946	8.330	10.276	0.53
CCLA Property Fund	3.000	-	3.000	4.08
Schroders Maximiser Fund	-	2.000	2.000	8.86
CCLA Diversified Income Fund	-	2.000	2.000	3.20
Total Investments	16.946	47.330	64.276	

- 4.2** Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking optimum rate of return, or yield. All investments made to date in this financial year have been in line with the approved lending list set in February 2018.
- 4.3** In February 2018 the Council's Investment income for 2018/19 was budgeted to be £328,200. The average cash balances representing the council's reserves and working balances, was £25.154m during the period this report covers. The Council anticipates an investment outturn of £477,700 at a rate of return of 2.03% for this financial year. Estimated surplus for investment income is £149.5k for the financial year.
- 4.4** Net loans and investments are estimated to be £593,500 over the original budget but after aligning budgets with the business cases for the commercial properties purchased the estimated year end will come in on budget.
- 4.5** The Housing Revenue Account (HRA) has benefited by holding higher reserves and balances at the start of the financial year plus the higher interest rate returns achieved has seen their investment interest increase by £116k. The 2018/19 budget has been updated to show this change.

5. Outlook for the remainder of 2018/19

- 5.1** Having raised policy rates in August 2018 to 0.75%, the Bank of England's Monetary Policy Committee (MPC) has maintained expectations of a slow rise in interest rates over the forecast horizon.
- 5.2** The MPC has a definite bias towards tighter monetary policy but is reluctant to push interest rate expectations too strongly. While policymakers are wary of domestic inflationary pressures over the next two years, it is believed that the MPC members consider both that (a) ultra-low interest rates result in other economic problems, and that (b) higher Bank Rate will be a more effective weapon should downside Brexit risks crystallise and cuts are required.
- 5.3** Arlingclose's central case is for Bank Rate to rise twice in 2019. The risks are weighted to the downside.

	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21
Official Bank Rate													
Upside risk	0.00	0.00	0.00	0.00	0.00	0.00	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Arlingclose Central Case	0.75	0.75	1.00	1.00	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
Downside risk	0.00	0.00	0.50	0.50	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75

6.1 Compliance

The Chief Finance Officer reports that all treasury management activities undertaken during the first six months complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 4 below.

Table 4: Debt Limits

	30.9.18 Actual £m	2018/19 Operational Boundary	2018/19 Authorised Limit	Complied? Yes/No
Borrowing	139.25	175.00	185.00	Yes
Total debt	139.25	175.00	185.00	

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Report author	Contact officer: Andrew Sherbourne, andrew.sherbourne@cheltenham.gov.uk 01242 264337
Appendices	Risk Appendix 1
Background information	Treasury Management Strategy, Council 19th February 2018

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	LOBO Loans - If £7m of these loans is recalled by the banks if they choose to exercise their option then we would need to have the resources on the day to repay. Alternative borrowing arrangements at today's current rates would be favourable for the Council	Section 151 Officer Paul Jones	24 th January 2012	1	2	2	Accept	If the loans are recalled the council could take out temporary borrowing which is currently much lower than the rates on these loans. Any capital receipts available could also be used to repay debt.	March 2019	Section 151 Officer Paul Jones	

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Cheltenham Borough Council
Cabinet 04 December 2018
Council 10 December 2018
Council Tax Premium on Empty Properties

Accountable member	Councillor Rowena Hay
Accountable officer	Jayne Gilpin, Head of Revenues and Benefits
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>Since 2013 Councils have been able to use their discretion to charge an additional 50% council tax, a premium, to long term empty properties which have been unoccupied and unfurnished for more than 2 years. This Council applied the 50% premium from 1st April 2018. New legislation has been introduced increasing the premium to 100% from April 2019 then further incremental changes once properties have been empty for 5 and 10 years. This report proposes increasing the premium in line with the new legislation.</p>
Recommendations	<p>Cabinet recommends that Council</p> <ul style="list-style-type: none"> a) Increases the Council Tax Empty Homes Premium to 100% from 1st April 2019 in respect of properties which have been unoccupied and unfurnished for more than 2 years b) From April 2020 increase the Premium for those properties which have been empty for 5 years or more to 200% c) From April 2021 increase the Premium for those properties which have been empty for 10 years or more to 300%

Financial implications	<p>Point 3.8 shows the potential additional council tax that could be raised as a result of the proposals in this report.</p> <p>However, it should be noted that the actual council tax collected may be lower than the figures stated as owners of empty properties may bring them back in to use more quickly.</p> <p>These changes will also impact on the Housing Revenue Account as they will apply to council owned empty properties managed by Cheltenham Borough Homes.</p> <p>Contact officer: Paul Jones, Executive Director, Finance and Assets paul.jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>Section 11b Local Government Finance Act 1992 (as amended) allows the Council to charge a council tax premium. Section 67(2) of that Act provides that the power to decide to introduce a premium can only be exercised by full Council.</p> <p>The Rating (Property in Common occupation) and Council Tax (Empty Dwellings) Act 2018 provides for the premium to be increased as detailed in 2.1 of the report</p> <p>Contact officer: peter.lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>None</p> <p>Contact officer: , @cheltenham.gov.uk, 01242</p>
Key risks	See Appendix 1
Corporate and community plan Implications	The proposal to increase the council tax premium will support the Council's priority to reduce the number of empty properties
Environmental and climate change implications	
Property/Asset Implications	<p>These changes will apply to any council owned empty properties</p> <p>Contact officer: dominic.stead@cheltenham.gov.uk</p>

1. Background

- 1.1** The Local Government Finance Acts of 2003 and 2012 introduced some amendments to the Local Government Finance Act 1992, giving discretionary powers for councils to set the level of council tax discount on empty properties.
- 1.2** Appendix 2 shows how the council has used its discretionary powers to set discount levels in respect of empty properties and second homes. It also shows the current and proposed premium levels.
- 1.3** At a full Council meeting on 11 December 2017 this Council decided to charge the 50% empty homes premium in respect of properties which have been empty and unfurnished for more than 2 years from April 2018.
- 1.4** Unoccupied and unfurnished properties are awarded a 25% discount for the first 6 months, followed by the full 100% liability once the 6 months has expired.
- 1.5** The premium becomes due once a property has been unoccupied and unfurnished for 2 years
- 1.6** The empty property classification starts when the property becomes unoccupied and unfurnished. It does not start again as a result of a change in owner or tenant.
- 1.7** If a property becomes occupied or furnished this must be for a period of at least 6 weeks before it can be treated unoccupied and unfurnished again.
- 1.8** New legislation has now come in to force extending discretionary powers to increase the level of premium from April 2019.
- 1.9** The decisions made so far support the council's strategy to bring empty homes back in to use more quickly and generate additional council tax income.

2. The Empty Homes Premium from April 2019

- 2.1** The Rating (Property in Common occupation) and Council Tax (Empty Dwellings) Act 2018 provides for the premium to be increased from 1st April 2019 as follows
 - From 1st April 2019 - 100% premium, 200% council tax liability, for properties which have been empty for 2 years or more
 - From 1 April 2020 - 200% premium, 300% council tax liability, for those properties which have been empty for 5 years or more
 - From 1 April 2021 300% premium, 400% council tax liability, for those properties which have been empty for 10 or more
- 2.2** Approval is being sought to increase the empty homes premium as detailed in 2.1 above and appendix 2 with effect from 1st April 2019.

3. Reasons for recommendations

- 3.1** In October 2018, 119 properties in Cheltenham have been empty for more than 2 years and are subject to the premium. In October 2017 the number of properties which had been empty for more than 2 years was 80.

- 3.2** Although the number has increased in Cheltenham over the past year the Government has reported that nationally, where Councils have been charging the premium consistently year on year, there has been a significant reduction in the number of homes being charged the premium.
- 3.3** The Government has introduced the changes as part of a number of measures to improve the housing market. It will increase council tax bill and incentivise owners to bring long-standing empty homes back into use.
- 3.4** Empty properties are reviewed regularly by the Revenues and Benefits Section and the Empty Homes Team.
- 3.5** A certain level of empty homes is inevitable and is a feature of a healthy housing market. However properties which have been empty and unfurnished for 2 years or more are often subject to deterioration that can affect the fabric of the property, can cause damage to neighbouring homes and can attract other anti-social problems to the area.
- 3.6** With increased pressure to find housing for people in need the Council wants to encourage homeowners to bring long term empty homes into use to the benefit of all residents. Increasing the empty homes premium to the maximum allowed will send a clear message to owners that it is not acceptable to keep properties empty for long periods, often creating a local nuisance and wasting housing resource.
- 3.7** There are a number of enforcement options available to the Council to make owners bring empty homes back into use, for example, Empty Dwelling Management Orders and Compulsory Purchase Orders. Using these enforcement powers will be considered in individual cases, based on the circumstances.
- 3.8** Based on the 119 properties and the council tax level for 2018/19 increasing the premium to 100% in 2019/20 would increase council tax income by approximately £12,000 for this Council, £73,000 for Gloucestershire County Council and £13,000 for the Police .
- 3.9** The Government has prescribed two classes of dwellings which are exempt from the premium. These are:
- a dwelling which would otherwise be the sole or main residence of a member of the armed services, who is absent from the property as a result of such service;
 - a dwelling, which forms part of a single property (an annexe) that is being treated by a resident of that property as part of the main dwelling

Information held indicates that none of the properties due to be subject to the premium fall in to either of these categories

4. Alternative options considered

- 4.1** The alternative would be to leave the empty Homes Premium at 50%. This does not provide any further incentive for property owners to bring properties back in to use

5. Consultation and feedback

- 5.1** There is no statutory requirement to consult on these proposals. The Empty Homes Team welcome additional measures to support bringing empty properties back in to use.
- 5.2** There is a legal requirement for the Council to publish any decision using these powers in a local newspaper within 21 days of the decision.

- 5.3** If Council approves the recommendation the Council Tax team will contact all council tax payers likely to be subject to the premium from April 2019 to advise them of the change. This will be done before the end of January.

6. Performance management –monitoring and review

- 6.1** The impact of these changes will be monitored closely.
- 6.2** The empty property discount classes and the premium will be reviewed annually and further changes will be considered as appropriate.

Report author	Contact officer: Jayne Gilpin, Jayne.gilpin@cheltenham.gov.uk, 01242 264323
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Council Tax discounts on empty properties
Background information	<ol style="list-style-type: none"> 1. The Local Government Finance Act 1992 http://www.legislation.gov.uk/ukpga/1992/14/contents 2. The Local Government Act 2003 http://www.legislation.gov.uk/ukpga/2003/26/contents 3. The Local Government Finance Act 2012 http://www.legislation.gov.uk/ukpga/2012/17/contents 4. The Council Tax (Prescribed Class of Dwellings (England) Regulations 2003 http://www.legislation.gov.uk/uksi/2003/3011/contents/made 5. The Council Tax (Prescribed Class of Dwellings (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/2964/contents/made 6. The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 http://www.legislation.gov.uk/uksi/2012/2965/contents/made 7. Report to council 11/12/2017 – Council Tax Premium on Empty Properties https://democracy.cheltenham.gov.uk/ieListDocuments.aspx?CId=143&MId=2706&Ver=4 8. The Rating (Property in Common occupation) and Council Tax (Empty Dwellings) Act 2018 http://www.legislation.gov.uk/ukpga/2018/25/contents/enacted

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If it becomes difficult to collect the higher council tax or owners use tactics to avoid the premium then the estimated additional income may not be fully realised	Jayne Gilpin	04/12/2018	1	3	3	Accept	Monitor and review		Jayne Gilpin	
	If owners continue to leave properties empty the number of long term empty properties will not reduce	Jayne Gilpin	04/12/2018	2	3	6	Accept	Monitor and consider enforcement action in individual cases		Jayne Gilpin	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

Council Tax Empty Property Classes Wef April 2019

Appendix 2

Discount Class	Discount/Premium Level up to and including 31 March 2019	Discount/Premium Level with effect from 01 April 2019	Discount/Premium Level with effect from 01 April 2020 These may be subject to further policy or legislative change prior to 01/04/2020	Discount/Premium Level with effect from 01 April 2021 These may be subject to further policy or legislative change prior to 01/04/2021
Class C Empty and unfurnished for up to 6 months *	25% discount	25% for up to 6 months	25% for up to 6 months	25% for up to 6 months
Class C Empty and unfurnished for more than 6 months, but less than 2 years *	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable
Premium Long Term Empty Properties Empty and unfurnished for more than 2 years*	50% Premium – 150% council tax payable	100% Premium – 200% council tax payable	100% Premium – 200% council tax payable where properties have been empty and unfurnished for more than 2 years, but less than 5 years 200% premium - 300% council tax payable where properties have been empty and unfurnished for more than 5 years	100% Premium – 200% council tax payable where properties have been empty and unfurnished for more than 2 years, but less than 5 years 200% premium - 300% council tax payable where properties have

				<p>been empty and unfurnished for more than 5 years but less than 10 years</p> <p>300% premium - 400% council tax payable where properties have been empty and unfurnished for more than 10 years</p>
<p>Class D</p> <p>Empty and unfurnished and undergoing major works/structural repairs to render them habitable – for up to 12 months *</p>	25% discount for up to 12 months	25% discount for up to 12 months	25% discount for up to 12 months	25% discount for up to 12 months
Second Homes - properties which are furnished but not occupied as anyone's main home	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable	Zero discount – 100% council tax payable

* In respect of classes C and D If a property is re-occupied or substantially furnished for a period of less than 6 weeks this will be disregarded for the purposes of determining the date it became empty and unfurnished. No further discount will be awarded unless the property is re-occupied for a period more than 6 weeks

Cheltenham Borough Council**Cabinet – 4th December 2018****Response to the Tewkesbury Borough Plan, Preferred Options Consultation**

Accountable member	Councillor Andrew McKinley
Accountable officer	Tracey Crews- Director of Planning
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>Tewkesbury Borough Council have notified us of the publication of their Preferred Options Consultation Document which forms part of the preliminary stages of plan making for their Borough Plan. The public consultation runs for a period of approximately six weeks between Wednesday 10th October 2018 and 5pm on Friday 30th November 2018. A short extension for Cheltenham Borough Council has been arranged to allow this report to be considered by Cabinet.</p> <p>The Tewkesbury Borough Plan will form part of the statutory local development plan for Tewkesbury, along with the Joint Core Strategy and Neighbourhood Plans. The Preferred Options document identifies additional (to those identified in the Joint Core Strategy) specific locations for smaller scale development, including allocations for housing and employment. Further policies have been included to guide development within Tewkesbury Borough up to 2031.</p> <p>Generally the document is welcome and supported, however it is felt that a number of policies would benefit from additional wording or further work. Specifically policies which allocate land for development within Shurdington, being in close proximity to the Borough boundary; Gloucestershire Airport and the approach being taken to Local Green Space designation, ensuring that approaches are consistent on any cross boundary sites.</p> <p>This is an early stage of plan making and carries limited planning weight at this time. At least one further round of consultation would be expected before the plan would be submitted to the Secretary of State for independent examination.</p>
Recommendations	1. Cabinet agrees the representations on the Tewkesbury Borough Plan Preferred Options Consultation contained in the letter at appendix 2.

Financial implications	<p>There are no financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote, Sarah.Didcote@publicagroup.uk 01242 264125</p>
Legal implications	<p>Development plan documents must be prepared in accordance with legislative requirements, including ensuring the compliance with the relevant Council's Statement of Community Involvement, and must contain a reasoned justification for the policies contained in it.</p> <p>The development plan for Tewkesbury borough is made up of the development plan documents which have been adopted or approved in relation to its area and the neighbourhood development plans which have been made in relation to that area.</p> <p>The Preferred Options Tewkesbury Borough Plan, upon which Cheltenham Borough Council as an adjacent local planning authority has been invited to make representations about what the plan ought to contain, has been produced for public consultation under Regulation 18 of the Town and County Planning (Local Planning) (England) Regulations 2012 as a key document in the Tewkesbury Borough Council's development plan. The consultation will inform the drafting of a version of the Tewkesbury Borough Plan for submission to the Secretary of State (which itself will then be subject to a period of publication for representations before it is submitted).</p> <p>At a later stage (Pre-Submission publication) one of the documents to be made available and submitted with the development plan document submitted for examination is a statement setting out which bodies/persons were invited to make representation under regulation 18, how they were invited to make such representation, a summary of the main issues raised and how those main issues have been addressed.</p> <p>Contact officer: Cheryl Lester, cheryl.lester@tewkesbury.gov.uk 01684 272013</p>
HR implications (including learning and organisational development)	<p>There are no HR implications to be considered</p> <p>Contact officer: Clare Jones, Clare.Jones@publicagroup.uk 01242 264364</p>
Key risks	
Corporate and community plan Implications	<p>Supporting positive and constructive plan making in areas adjacent to the Borough will help to support the Corporate Plan.</p>

Environmental and climate change implications	<p>A lack of alignment of local plans could result in an uncoordinated approach to development. It is important that future growth is plan-led to ensure that combined impacts on the environment and the infrastructure needs of the wider area are taken into account. The comprehensive approach to environmental impacts cannot be fully assessed through incremental and piecemeal growth.</p>
Property/Asset Implications	<p>No implications at this stage</p> <p>Contact officer: Dominic Stead Dominic.Stead@cheltenham.gov.uk</p>

1. Background

- 1.1** Tewkesbury Borough Council is preparing a new plan that seeks to guide where development should go in their borough. It is called the Tewkesbury Borough Plan. It will be used to guide planning decisions and include land which will be developed for housing, employment and other uses and provide the necessary infrastructure to support this.
- 1.2** The new Tewkesbury Borough Plan will be a single document covering the whole of Tewkesbury borough. It will set out the vision for the borough up to 2031, and provide a strategy for achieving it in line with the overarching direction provided by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. The Tewkesbury Borough Plan is analogous to the Cheltenham Plan, in that it is a district plan which directs local growth and will together with the Joint Core Strategy provide the planning framework for Tewkesbury Borough, along with Gloucestershire minerals and waste plans and any neighbourhood plans made in respect of the area.
- 1.3** The current stage of Tewkesbury's work on the Borough Plan, refines site allocations and policy options to guide and promote sustainable development in the borough. Tewkesbury Borough Council have previously sought people's view on earlier drafts of the plan with the last being the Draft Policies and Site Options consultation in February 2015, to which Cheltenham Borough Council submitted representation.
- 1.4** The document provides policies on a full range of subjects including Housing; Economy and Tourism; Green Belt, including areas for removal from the Green Belt and Gloucestershire Airport; Town centres and Retail; Quality Places, the Natural Environment; Communities, Health and Recreation; Transport and Accessibility.
- 1.5** It is proposed to remove the following areas of land from the Green Belt:
 - 8.3ha of land at Leckhampton Lane, Shurdington
 - 7ha of land to the east of Shurdington Road, Shurdington
 - 2.2ha of land at corner of Badgeworth Lane and A46, Shurdington
 - 5.9ha of land to south of Badgeworth Lane, Shurdington
 - 3.5ha of land adjacent to Ashville Business Park, Staverton
 - 1.6ha of land adjacent to Meteor Business Park, Staverton
 - 3.5ha of land adjacent to Bamfurlong Industrial Park, Staverton
- 1.6** The proposed removal of land from the Green Belt at Shurdington is to deliver housing development in accordance with the JCS strategy and enable growth in the village.
- 1.7** The other areas proposed for removal from the Green Belt are at Gloucestershire Airport. These are existing business parks along the B4063 and the area within the airport known as the 'South East Camp' which contains the operational airport buildings (i.e. terminal buildings, hangars and storage buildings).

2. Reasons for recommendations

- 2.1** Commenting on the Preferred Options document will help Tewkesbury Borough Council with their plan making and ensure the continuity between district plans and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

3. Alternative options considered

- 3.1** We could have chosen not to comment on the document on this occasion, but by commenting we can assist in helping to ensure the Joint Core Strategy is at the heart of plan making and inconsistencies are not created.

4. Consultation and feedback

- 4.1 This report relates to public consultation. The Planning Policy team will keep up to date on the progress of Tewkesbury Borough Plan.

5. Performance management – monitoring and review

- 5.1 Performance management of the Tewkesbury Borough Plan will be undertaken by Tewkesbury Officers. Cheltenham's Planning Policy Team will assess how comments submitted have been incorporated into future versions of the plan.

Report author	Contact officer: Hannah Millman, hannah.millman@cheltenham.gov.uk, 01242 264225
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Letter to the Tewkesbury Borough Plan Team 3. Illustrated Map of Gloucestershire Airport
Background information	<ol style="list-style-type: none"> 1. The Tewkesbury Borough Plan consultation webpages can be viewed at: https://www.tewkesbury.gov.uk/tewkesbury-borough-plan

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
CR125	If the Tewkesbury Borough Plan is not consistent with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy it could lead to a minor legal risk.	Tracey Crews	10/10/18	2	3	10	Reduce	Respond to consultations and work closely with officers to ensure consistency.		Hannah Millman	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											



CHEL TENHAM

BOROUGH COUNCIL

Planning Policy Manager
Tewkesbury Borough Council,
Gloucester Road,
Tewkesbury,
GL20 5TT

ask for: Hannah Millman
dd
number: 01242 264225
email: hannah.millman@cheltenham.gov.uk
date: 7th December 2018

Dear Mr Barker,

Tewkesbury Borough Plan Preferred Options Consultation

Thank you for consulting Cheltenham Borough Council on the Tewkesbury Borough Plan, Preferred Options, which is being conducted in accordance with regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The approach taken in the document is generally supported; with the proposed policies generally in conformity with the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) which was adopted in 2017. It is noted that the Tewkesbury Borough Plan is being prepared in line with the revised National Planning Policy Framework as published in July 2018.

The following in this letter makes comments on some of the aspects of the draft policies which we feel could benefit from greater clarification or where the view of the Council differs from what is being proposed. The comments provided were agreed by the Cabinet of Cheltenham Borough Council on 4th December 2018.

Shurdington

Policy RES1: Housing Site Allocations

Whilst policy RES1 is generally supported, the Council wishes to clarify whether any transport assessments undertaken specifically regarding sites proposed in Shurdington have taken into consideration committed development within the JCS and Cheltenham Plan. For example, significant development at Brockworth and Leckhampton will impact to some degree on the A46 which runs through Shurdington.

Policy RES12: Affordable Housing

Consideration should be given to increasing the affordable housing requirement on all sites proposed to be allocated at Shurdington. These sites will have wider impact than the immediate area of Shurdington, including parts of Cheltenham which should be accounted for. The relationship and impact of any changes proposed at Shurdington to Cheltenham Borough should be recognised.

Community Infrastructure Levy

Local Community Infrastructure Levy funds allocated to be spent in the Shurdington area should take account of demands on infrastructure beyond the settlement of Shurdington and into Cheltenham Borough.

Policy GRB1: Green Belt Review

It is difficult to understand from the proposals maps where Green Belt designation is to be removed, and what impact this would have on the wider context of the Green Belt. It is recognised that 23.4 ha is not an inconsiderable amount of land, a better understanding of where this is proposed is required before the Council can comment further.

Policy GRB 2 Gloucestershire Airport and Policy EMP1 Staverton/Gloucestershire Business Parks (Staverton)

The approach to the areas identified by these policies, enabling the development of land for employment uses are supported. However, given the operational challenges to the use of the north/south runway due to the prevailing wind direction, advanced consideration is underway to close this section. This opens up additional opportunities to expand the designations as shown. Attached is a plan which identifies those areas (shown in red) as currently identified within policies GRB2 and EMP1, and those areas (shown in blue) that we suggest are included for allocation within the Pre Submission version of the Tewkesbury Borough Local Plan.

On reviewing the mapping of GRB 2 against the mapping as attached, there are potentially some cartographic discrepancies. We request that we work with you in the redrafting of this Plan for the purposes of Pre Submission stage to ensure mapping is agreed.

Policy LAN5: Local Green Space

It is noted that Tewkesbury Borough Council are deferring designation of Local Green Space to Neighbourhood Plans, as permitted in the National Planning Policy Framework. However, we wish to ensure consistency in approach on any cross boundary sites, between the Cheltenham Plan and the Tewkesbury Borough Plan. Wording would be welcomed which recognises Local Green Space designations on the sites at North West Cheltenham and West Cheltenham and supports continued cooperation between the two authorities on any cross boundary Local Green Space designations.



CHEL TENHAM

BOROUGH COUNCIL

Omission

Cheltenham Borough Council is currently undertaking a review with its waste and refuse partner UBICO; the requirements for modern depot facilities which could also include a waste transfer station. What is clear is that the capacity of the existing depot site is challenged, taking account of existing uses and the demands arising from the expansion of Cheltenham as planned for through the JCS. Discussions are underway to assess where the best strategic location could be to position a new depot provision.

The Gloucestershire Waste Core Strategy recognises the demands arising by projected population growth and Core Policy WCS6 provides for the provision of residual waste recovery facilities.

Due to the tightly drawn administrative boundary of Cheltenham future options are likely to include sites within Tewkesbury Borough, within Zone C as defined by the Gloucestershire Waste Core Policy WCS6, potentially on sites in a green belt location. Whilst no specific site is currently identified, work will be undertaken over the coming months and we wish to record our willingness to work with you to feed into the Pre Submission of the Tewkesbury Borough Plan to identify a suitable site.

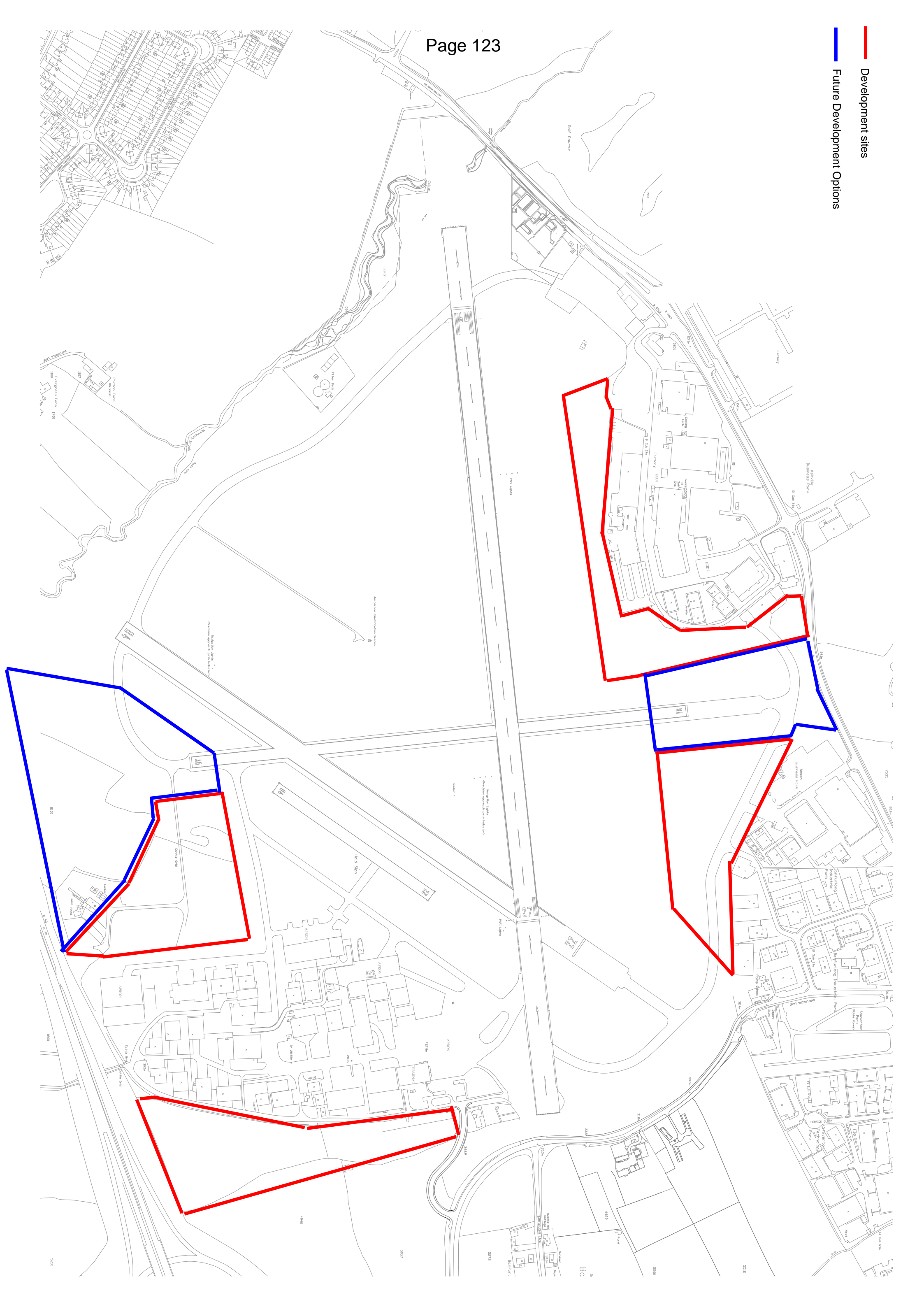
Yours Sincerely

Hannah Millman

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Development sites

Future Development Options



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Cheltenham Borough Council
Cabinet – 4th December, 2018
Town centre security strategy

Accountable member	Councillor Andrew McKinlay, Cabinet Member for Development and Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key Decision?	Yes
Executive summary	<p>This report provides an overview of security issues affecting Cheltenham town centre, the safety and functioning of which is critical to the well-being of the local economy and the population which it serves.</p> <p>The Council recognises that it has a key leadership role as well as operational responsibilities in relation to the town's security, but that its strategic objectives can only be realised through working together with a wide range of statutory and voluntary agencies and the wider public, to plan and secure the long term sustainability of the local environment and economy.</p> <p>The authority recently secured an offer of £15k per annum for two years from the Cheltenham Business Improvement District (BID) to support more intensive work in the town centre to target security related issues.</p>
Recommendations	<p>Cabinet is recommended to:-</p> <ol style="list-style-type: none"> 1. Endorse the strategic priorities for town centre security as set out in section 2.1 of this report; 2. Accept the offer of £15k per annum grant funding from the Cheltenham Business Improvement District (BID) to support a more intensive programme of security-related activities in the town centre over the next two years; 3. Approve the use of an additional £50k per annum in each of the next two years from resources secured from efficiencies generated within the enforcement team, as an indirect result of additional HMO licensing fee income in 2018-19, to underpin additional staffing for town centre support activities as set out in Appendix 2.

Financial implications	<p>As outlined in the report, it is proposed that an additional £65k per annum is committed in each of the next two years, to fund additional staffing and associated support costs to allow a more targeted approach to town centre security issues within Cheltenham.</p> <p>This will utilise funding of £15k per annum from the Cheltenham BID and £50k per annum from efficiencies already secured within the enforcement team via income from HMO licensing activities. In future years, costs will be offset by additional income generated by the town centre team, for example through fixed penalty notices for littering.</p> <p>Contact officer: Andrew Knott, andrew.knott@publicagroup.uk</p>
Legal implications	<p>The Council will need to follow its HR procedures regarding recruitment</p> <p>SOLACE is the team that coordinates concerns around Anti-Social Behaviour and any enforcement action required. One Legal provide the legal assistance to progress any legal action through the courts.</p> <p>Any instalment of new CCTV must be consulted upon and equipment appropriately identified and that information recorded in accordance with the requirements for CCTV. In any handling of personal information must be processed in accordance with the Data Protection Act 2018.</p> <p>Any virement of funds must be lawful in accordance with the Financial Rules of the Council if funds are transferred between different divisions/departments.</p> <p>Contact officer: donna.marks@teWKesbury.gov.uk</p>
HR implications (including learning and organisational development)	<p>Normal policies will need to be applied in relation to the remuneration of and recruitment to identified posts.</p> <p>Contact officer: clare.jones@publicagroup.uk</p>
Key risks	See Appendix 1
Corporate and community plan implications	None arising directly from this report.
Environmental and climate change implications	<p>It is important that Cheltenham town centre continues to offer retail and other services to local residents as its core business, as this is inherently the most sustainable and least environmentally impactful approach.</p> <p>In relation to the town's role as a sub-regional shopping destination and having regard to development planned within the Joint Core Strategy, it will be increasingly important in order to manage environmental impacts, including air quality, that options are promoted which provide a convenient but more sustainable means of accessing the town and its services.</p>
Property/Asset Implications	None arising directly from this report.

1. Background

- 1.1** There are a number of areas where the Council is seeking to secure long term improvements to Cheltenham town centre, in order to maintain and improve upon its position as a sub-regional centre for the sale of goods and services. The Cheltenham Transport Plan and investment by CBC in partnership with Gloucestershire County Council (GCC) in High Street public realm enhancements, are part of that proactive approach, which seeks to improve the visitor experience and promote walking, cycling and public transport as alternatives to access to the town by car.
- 1.2** At the same time, the authority is investing in works to upgrade the quality of its parking provision and is extending payment options to include contactless meters, whilst also looking at the environmental quality of the offer.
- 1.3** Investment in some key facilities has already taken place, with the opening of Brewery Phase II and more recently, an enlarged Next and new John Lewis store. Notwithstanding these developments, the authority recognises that there is an increasing challenge in relation to on-line shopping and High Street stores that fail to adapt to the changing landscape will not be sustainable.
- 1.4** In order to thrive, Cheltenham recognises that it needs to offer more than just a retail experience and it is well paced to achieve that, with the quality of the town's festivals, wide-ranging food offer and events calendar all making a valued contribution.
- 1.5** All of this work could be undermined if residents and visitors feel that the town centre environment is an unsafe space, either during the day, or into the night time and the authority is keen to ensure that any risk of this should be effectively mitigated.
- 1.6** To this end, the Council is already leading on improvements, including the upgrading of the town's public realm CCTV infrastructure, investing in initiatives in support of the night-time economy which have resulted in the award of Purple Flag status (first secured in 2016) and actively participating in a town-wide initiative to help address higher level antisocial behaviour issues, through a partnership led by Gloucestershire Police called Solace.
- 1.7** The Council now wants to go further, by having a zero tolerance approach to environmental crime, whilst also seeking to identify and tackle some of the underlying causes of ASB through a process of intensive engagement with both perpetrators and communities, to try and divert offenders onto a more productive life pathway. Gloucestershire is already making some positive steps forward in this respect, through its approach to safeguarding and restorative justice, informed by our understanding of the long term impact of early adverse experiences and trauma on children.

2. Strategic priorities for town centre security

2.1 Key strategic priority outcome objectives for town centre security are:

- To ensure that there is an effective response to identifying, recording and addressing incidents of antisocial behaviour, including sharing of data with partners where practically and legally feasible;
- To target the resolution of environmental issues, in recognition of the positive impact which a clean environment can have on reducing other forms of crime and antisocial behaviour;
- To seek to identify repeat perpetrators of envirocrime and antisocial behaviour, with a view to providing appropriate family support and/or restorative justice wherever practicable, as preferred alternatives to criminal sanctions;
- To provide outreach support to those who are genuinely street homeless and provide

signposting to appropriate accommodation;

- To continue to promote the safety of the night-time economy and retain our prestigious Purple Flag status.

2.2 The following key actions have been identified for the next two years:-

- Recruit to dedicated posts identified in Appendix 2 and ensure that job descriptions in relation to replacement posts are modified to support a more flexible approach in support of town centre security activities;
- provide staff and partner training to support town centre security and intensive engagement activities;
- Develop a performance framework for assessing progress against our key outcome priorities;
- Complete the upgrade of our town centre public realm CCTV infrastructure;
- Consult on, agree and report against the performance criteria which will allow the Cheltenham BID to assess and feedback to its members on the success of the initiative;
- Develop and adopt night-time economy strategy;
- Agree memorandum of understanding with day and night safe partners;
- Seek to retain Purple Flag status in relation to the night-time economy;
- Work with Ubico to improve standards in relation to street cleansing and graffiti removal.

3. Reasons for recommendations

- 3.1** Additional support to target a range of security-related issues in the town centre is considered appropriate to mitigate the risks outlined in Appendix 1, in partnership with a range of agencies with whom the authority is already engaged.

4. Alternative options considered

- 4.1** The nature of the partnership approach and the required flexibility of response to particular issues, means that there isn't one specific option being trialled and therefore no obvious alternative option.
- 4.2** Whilst the suggestion is that everything possible should be done to provide support and seek to modify the behaviours of those giving rise to security risks, the authority and its partners retain the option of utilising civil or criminal sanctions where this is deemed to be proportionate and in the wider public interest.

5. Consultation and feedback

- 5.1** The authority has consulted at length with both the Police and the Cheltenham BID and will continue to liaise in relation to the key priorities for action, which may change from time to time.
- 5.2** In addition, consultation has taken place internally with Safeguarding, Public Protection, Licensing, Enforcement and Solace representatives.

6. Performance management –monitoring and review

- 6.1** Performance needs to be monitored holistically across a range of service delivery outputs, but there is a strong case for also monitoring public opinion and satisfaction longitudinally, in relation to perceptions of the town and its environment. The recent Peer Review work has highlighted the need for this sort of monitoring to supplement other service outcome data.

6.2 Suggested performance criteria include the following:-

- No. of recorded incidents of antisocial behaviour by category responded to within 24 hours;
- No. of referrals of individuals to support agencies by category and support provided;
- No. of town centre envirocrime cases and number resolved;
- No. of businesses provided with advice about antisocial behaviour.

Report author	Contact officer: Mike Redman, Director of Environment mike.redman@cheltenham.gov.uk, 01242 264160
Appendices	1. Risk Assessment 2. Town Centre project update
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
TC01	If the Council and its partners fail to maintain and improve upon the local environment and safety of the town centre, there is a risk of adverse impacts on town's reputation and its economic performance	Mike Redman	Dec 2018	4	3	12	Reduce	Approve report recommendations		Sarah Clark	
TC02	If the Council and its partners do not ensure the safety of visitors to the town's night-time economy, there is a risk of adverse impacts on Cheltenham's reputation and economic performance	Mike Redman	Dec 2018	4	3	12	Reduce	Approve report recommendations		Louis Krog	
TC03	If the Council and its partners fail to maintain the cleanliness and visual appearance of the town centre, there is a risk that it will not attract visitors and others accessing services, with reputational and economic consequences	Mike Redman	Dec 2018	4	3	12	Reduce	Approve report recommendations		Mark Nelson / Karen Watson	
TC04	If the perpetrators of antisocial and criminal behaviour are not provided with appropriate boundaries and support,	Mike Redman	Dec 2018	4	3	12	Reduce	Ensure that a process of intensive engagement takes place with communities, to optimise support for	Oct 2018	Sarah Clark	

	there is a high risk of reoffending, with adverse social and financial consequences.							young people before adverse behaviours become entrenched.			
TC05	If the Council does not work proactively to address street homelessness, there are risks to the authority's reputation, the health of the individuals concerned and public perceptions of safety	Mike Redman	August 2018	4	3	12	Reduce	<p>Provide outreach support and work with housing organisations to help those in need</p> <p>Seek early intervention to support those who have experienced ACE's</p> <p>Ensure that aggressive street begging is prevented</p>	Oct 2018	Martin Stacy	
TC06	If funding from the Cheltenham BID is discontinued after two years, there may be an impact on the resources available to tackle security issues in the town centre	Mike Redman	Dec 2018	2	3	6	Accept	<p>The Cheltenham BID contribution, whilst welcome in terms of project initiation and partnership commitment, is a relatively small percentage of the total funds being made available to tackle town centre security issues.</p> <p>In the event that funding from this source is discontinued, the Council will need to reassess the priority of the scheme and related service demands at that</p>		Sarah Clark / Mike Redman	

								point.			
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

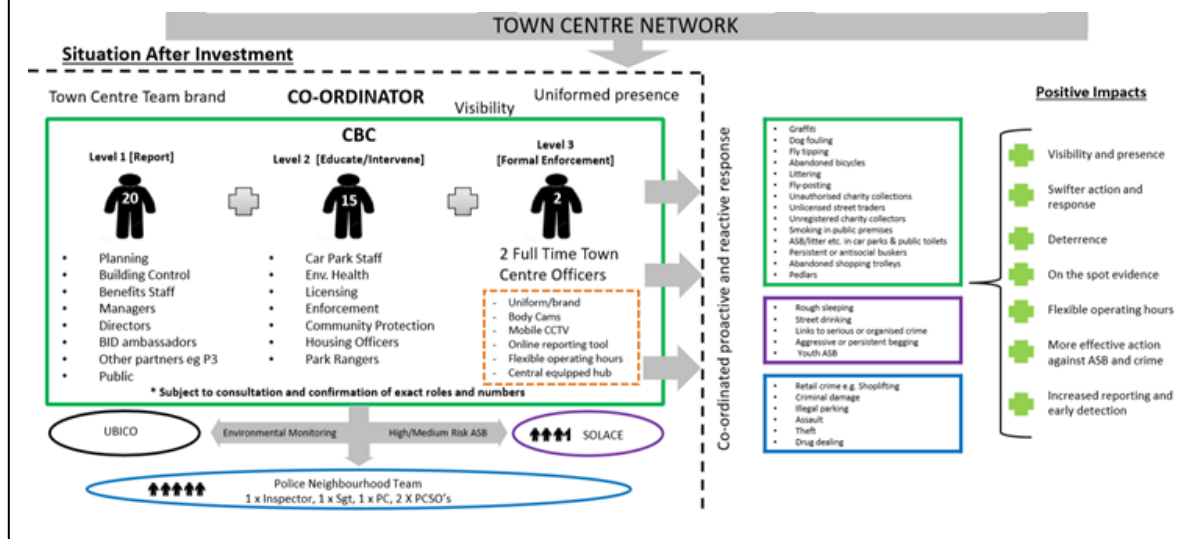
Town Centre Project Proposal – Update for Cabinet including priority actions and milestones

On 18th September 2018, an integrated approach to tackling anti-social behaviour and environmental crime within the town centre was discussed at an Informal Cabinet meeting.

Key outcomes associated with joint investment through this project:

1. A visible and effective town centre network of council officers, partners and police staff to help prevent and tackle ASB and crime issues, with action co-ordinated from a central hub (with potential capability to support day, evening and night time economies);
2. Delivery of an identified corporate priority to improve town centre security & public safety;
3. An on-line reporting facility for issues identified by a wide range of council staff, with antisocial behaviour and envirocrime challenged and enforced by a core group (estimated @ up to 15 in total) all supported by a rolling training programme, so that more officers are brought in as the project develops.
4. Use of body cameras and mobile CCTV to deter potential offenders and capture 'on the spot' evidence.
5. Police support when required to deal with offenders and crime – for example, control room verification of name and address details; and police resource for high and medium risk joint projects and operations, strengthening our operational relationship with the police.
6. Ability to scale up the number of staff in branded 'uniform' (e.g. T-shirts, jackets or high-viz vests) during peak times such as Race Week, Freshers' Week, Christmas late night shopping and BID events. There is the same opportunity to scale-up the uniformed team for projects or operations, tackling specific themes such as litter and waste education & enforcement. Core enforcement staff to wear branded uniform when on duty in the town centre.
7. Early identification of vulnerable individuals and potential safeguarding issues, providing intelligence for intensive engagement, intervention or signposting to support arrangements as appropriate.

The following schematic also demonstrates outcomes:



On 27th September 2018, CBC's Executive Board supported the outline proposal subject to funding being successfully secured. Subsequently, a proposal was taken to the Board of Directors for Cheltenham Business Improvement District (BID) on 3rd October 2018, requesting a contribution of £40,000 for each of the two years in the pilot (i.e. £80,000 in total). The BID meeting agreed to fund £15,000 in both years (i.e. £30,000 total).

On 12th October 2018, it was agreed with the Director of Environment that the shortfall of £50,000 over the two years could be met from revenue efficiencies already delivered within housing enforcement, as shown in the shaded green section of the table below setting out CBC's contribution. This means that the project has secured the full funding amount in the latest version of the proposal.

The project costs and an updated picture of how these will be met are given below:

Cheltenham Borough Council		
Item	Year 1	Year 2
Contribution to Co-ordinator role	-	£5,000
2 Full-time Town Centre staff	£65,000	£65,000
Touchdown hub, laptops & mobile devices, WiFi, management time	£5,000 (apportioned costs)	-
Smartphones for Level 1, 2 & 3 staff	£6,000	-
Online reporting forms £4k & annual maintenance	£4,000 (apportioned costs)	£1,000
ASB training programme (awareness; intensive use of powers; CCTV; enviro-crimes)	£3,000	£3,000
Equipment calibration & maintenance annual costs (CCTV & bodycams)	-	£1,500
Additional enforcement revenue funded		
Contribution to Co-Ordinator role	£20,000	£25,000
Equipment (2 x mobile CCTV + 3 x bodycams)	£2,500	-
Branding & uniform	£2,500	-
Town centre officer	£25,000	£25,000
Sub-total	£50,000	£50,000
TOTAL	£133,000	£125,500

Business Improvement District		
Item	Year 1	Year 2
Contribution to Co-ordinator role	£15,000	£15,000
TOTAL	£15,000	£15,000

Late Night Levy Fund		
Item	Year 1	Year 2
Contribution to Co-ordinator Role (to span ENTE)	£10,000	-
TOTAL	£10,000	£ -

Police & Crime Commissioner Fund		
Item	Year 1	Year 2
2 x Intensive Engagement Training Places	2 places	-
TOTAL	£?	£ -

On 20th November, 2018, the Cabinet member for Development and Safety requested that the Director of Environment should explore further options for increasing the level of staffing related to the Town Centre Security initiative and wider enforcement activities, in light of representations he was receiving from members about a perceived underprovision of enforcement resource to deal with the scale of current demands.

In light of this options review, the Director proposes:-

1. To utilise a further £25k per annum over the next two years from efficiencies within the enforcement team, to bolster staffing resources, bringing the total new investment in town centre security to £130k over two years (£100k from CBC and £30 from the Cheltenham BID); and
2. To ensure that a more generic enforcement role is developed and utilised in relation to available resources through the town centre project and that when appropriate vacancies arise in enforcement, public protection, parking, licensing etc., that consideration is given to how they too can be made more flexible and generic to deal with the range of challenges identified by this project.

Suggested Timeline:

The suggested milestones below are subject to review by the recently appointed Project Manager (Emma Morgan).

Activity		Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19
Kick off	Create project team											
	HR advice, staff & union consultation											
Staff	Recruitment process											
	Deliver training to staff											
Finance	Business cases											
Technology & Equipment	Procurement											
	Implement online forms											
Branding	UoG competition to design brand											
	Communications strategy											
Performance monitoring	Public launch											
	Performance monitoring											
	Formal evaluation											

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Cheltenham Borough Council**Cabinet – 4 December 2018****Garden Waste Charges**

Accountable member	Councillor Chris Coleman, Cabinet Member Clean and Green Environment
Accountable officer	Karen Watson, Client Manager – Environmental Services (interim)
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>The Authority's garden waste collection service began in February 2011. Since 31st March 2013 the number of garden waste bins collected under the scheme has seen a gross increase of around 1000-1,500 bins/year. Retention rates have remained high at around 95%, reflecting general satisfaction with the service; with the result that net take-up has been between 800-1000 bins/year in the earlier years, reducing to 530 in 2017/18. The actual total number of bins collected has increased from 12,781 as at 31st March 2013 to 17,498 as at September 2018.</p> <p>Since February 2011, the charge for collecting garden waste has increased on only three occasions: from £36/year to £37/year in February 2014; from £37/year to £38/year in February 2015, and from £38/year to £42/year in February 2017. Since the start, the Authority has offered a £2/year discount (increased to £3/year in February 2017) for existing customers who renew their subscription ahead of their annual renewal date (a 'prompt payment' discount) as well as a £2 'spring offer' discount (increased to £3/year in February 2017) for new bin applications, if customers subscribe between the period 1st February to 31st May.</p> <p>Subject to consultation, it is proposed that from February 2019, the Authority's garden waste collection charge will be increased from £42/year to £45/year per bin to reflect the increased cost of running the service such as the cost of diesel and increase in living wage.</p> <p>Existing customers who renew their subscription ahead of their annual renewal date, and new customers who take advantage of the 'spring offer' discount, will continue to benefit from the £3/year per bin 'prompt payment' discount or 'spring offer' as above and will see an increase of £3/year per bin whilst customers who do not take advantage of the discounts will see a £6/year rise in the cost of subscription per bin.</p> <p>Subject to consultation, it is also proposed that from February 2019 the number of collections of garden waste per customer per year will be reduced by 2 resulting in no garden waste collections for 4 weeks over the Christmas/New Year. Customers will be advised each year, subject to how</p>

Christmas falls, which collections will be suspended. Historically garden waste collections have been lighter over the Christmas/New Year period minimising inconvenience to customers. Suspending 2 collections (over 4 weeks) at this time of year when severe weather (snow) is more likely to cause service disruption, will enable the vehicles and crews to be used on other services where collections are heavier over Christmas and New Year, particularly residual waste (refuse), and also catch up collections are required due to not working bank holidays.

There will be no change to collections for December 2018/January 2019 however it is proposed, subject to consultation, that collections will be suspended weeks commencing: 23 December 2019, 30 December 2019, 6 January 2020, 13 January 2020. If this change is implemented, normal collections will resume Monday 20 January 2020.

Recommendations

That Cabinet recommends:

- 1. An increase in the garden waste collection charge from £42/year to £45/year per bin;**
- 2. The prompt payment discount is retained at £3 per bin for households renewing their subscription ahead of their annual renewal date;**
- 3. The spring offer discount is retained at £3 per bin for new customers who subscribe to the garden waste collection service during the period 1st February 2019 to 31st May 2019**
- 4. That appropriate consultation be undertaken with regard to:**
 - **An increase in the garden waste collection charge from £42/year to £45/year per bin;**
 - **The prompt payment discount being retained at £3 per bin for households renewing their subscription ahead of their annual renewal date;**
 - **The spring offer discount being retained at £3 per bin for new customers who subscribe to the garden waste collection service during the period 1st February 2019 to 31st May 2019;**
 - **reducing the number of garden waste collections over the Christmas/New Year period by 2 collections each year commencing 23 December 2019**

and authority be delegated to the Managing Director – Place and Growth, in consultation with the Cabinet Member for Clean and Green Environment, to decide whether or not to implement the above mentioned proposals after careful consideration of representations made and to take any steps as necessary to implement the decision.

<p>Financial implications</p>	<p>As detailed in section 2 to this report. The proposed changes to the fee structure is expected to generate additional income of £50,000 per annum, based on the volume of take up of the service as at 30th September 2018. This income will offset the additional cost of extra vehicle and crew costs incurred through the increased volume of activity.</p> <p>Contact officer: Paul Jones, Executive Director Finance and Assets paul.jones@cheltenham.gov.uk, 01242 264365</p>
<p>Legal implications</p>	<p>The Council is permitted to charge for the collection (but not disposal) of garden waste by paragraph 4(2) of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012. Section 45(3)(b) of the Environmental Protection Act 1990 further provides that any charge must be “reasonable” and thus any increase should not be contrary to this requirement. The Act does not define “reasonable” but the usual meaning is that the charges should be comparable with those levied by other authorities and service providers.</p> <p>Under Section 45(3)(a) of the Environmental Protection Act 1990 the duty to collect garden waste and ability to charge for such collection is dependent on the Council being specifically requested to collect the waste. Accordingly, the renewal process which involves customers actively seeking a new subscription rather than automatically renewing for another year at the increased charge is appropriate.</p> <p>With regard to the consultation it should be in accordance with the duties imposed by section 3(2) of the Local Government Act 1999 (as updated by revised Best Value Guidance Statutory Guidance of March 2015) and the Equality Act 2010 (as subsequently interpreted by case law and guidance). In terms of the Equality Act 2010 the Council has to bear in mind its wider Public Sector Equality Duty (PSED) when proposing service changes i.e. the duty to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this (Equality) Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.” (‘protected characteristics’ are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.)</p> <p>Again, in practical terms, the PSED requires any consultation regarding service change to be at the earliest opportunity, with persons possessing a protected characteristic who may be affected, be clear who it may affect and how, and give them the opportunity to express their views.</p> <p>Contact officer: Shirin Wotherspoon, shirin.wotherspoon@teWKesbury.gov.uk, 01684 272017</p>

HR implications (including learning and organisational development)	None as a direct result of this report. Contact officer: Clare Jones, Clare.Jones@cheltenham.gov.uk,
Key risks	<i>Please refer to Appendix 1 of this report</i>
Corporate and community plan Implications	The garden waste collection service supports the Authority's corporate outcome: Cheltenham's environmental quality and heritage is protected, <i>maintained and enhanced</i> .
Environmental and climate change implications	The Authority's garden waste collection service supports the environment by potentially diverting organic waste from landfill, thereby saving the cost of landfill tax and the associated production of methane and leachate. Residents who choose not to participate in the scheme can use the county council site at Wingmoor Farm
Property/Asset Implications	<i>None as a direct result of this report.</i> Contact officer: Garrie.Dowling@cheltenham.gov.uk

1. Background

- 1.1** The Authority's garden waste collections service began in February 2011. Since 31 March 2013 the number of garden waste bins collected under the scheme has seen a gross increase of around 1,500 bins per year. Retention rates have remained high at around 95%, reflecting general satisfaction with the service and the net take up of the service has been between 800-1000 bins per year in the earlier years, reducing to 530 in 2017/2018. The actual total number of bins collected has increased from 12,781 as at 31 March 2013 to 17,498 at 30 September 2018.
- 1.2** Since February 2011, the charge for collecting garden waste has increased on only three occasions; from £36 a year to £37 a year in February 2014, from £37 a year to £38 a year in February 2015 and from £38 a year to £42 a year in February 2017. Since the start, the Authority has offered a £2 per year early bird discount for existing customers who renew their subscription ahead of their annual renewal date (a prompt payment discount) as well as a £2 'spring offer' discount for new bin applications, if customers subscribe between the period 1 February to 31 May. In February 2017, the Authority increased both the prompt payment discount and the spring offer to £3 per bin.
- 1.3** It is proposed that from February 2019, the Authority's garden waste collection charge will be increased from £42 per year to £45 per year. The Authority intends to retain the £3 prompt payment discount, along with the £3 spring offer discount. This will mean that existing customers who renew their subscription ahead of their annual renewal date, and new customers who take advantage of the spring offer discount, will benefit from a £3 discount per bin but will also see a £3 increase in the 2019 subscription per bin, whilst customers who do not take advantage of the discount will see a £6 per bin rise in the cost of subscription.

2. Reasons for recommendations

- 2.1** The Authority has not increased the cost of garden waste subscriptions since February 2017 and in response to rising service costs such as an increase in fuel (diesel) and general inflation it is necessary to increase the price of garden waste subscriptions to help fund the cost of collection

whilst also reflecting the impact of inflation on the service. It is estimated that the impact of increasing charges will increase income by approximately £50,000 per year, which will offset the additional costs associated with the service.

- 2.2** In addition, the increasing number of customers subscribing to the garden waste service requires an additional vehicle and crew for 9 months of the year. The increase in charges for the service will also help offset these additional year on year costs for the authority by an estimated £50,000 per year additional income.
- 2.3** Finally, the proposed increase in charges for the garden waste collection service, if approved, will bring this Authority closer in line with our neighbouring Authority, Tewkesbury Borough Council, which also currently charges £45 per year for their garden waste collection service (albeit without any discount).
- 2.4** During the winter of 2017 and the early part of 2018, severe weather (snow) caused service disruption which was more difficult to manage at this time of year as a result of the adjusted schedule of collections already in place due to the Christmas and New Year bank holidays and therefore the need to schedule catch up Saturday collections.
- 2.5** Subject to consultation, the proposed reduction in the number of garden waste collections per year by 2 per customer will enable this resource (vehicle and crew) to be utilised to assist seasonal catch up collections or catch up collections required as a result of suspending services due to severe weather (snow) improving the overall waste and recycling service provided to customers at this time of year.

3. Alternative options considered

- 3.1** That the Authority does not increase the charges for the garden waste collection service. This has been rejected on the basis that there is a requirement to support the funding of the existing garden waste service and any additional costs associated with waste and recycling service disruption as a result of severe weather (snow) over the Christmas/New Year period.

- 3.2** That the Authority either leaves the number of collections the same but continues to risk greater service disruption to residents given the increasing frequency of severe weather over the Christmas/New Year period which is not considered acceptable, or it suspends the garden waste service over the winter period, i.e. 3 months. This would further reduce the service offered to customers bringing it in line with other local authorities. Given the winter is not the growing season, most customers should not be greatly inconvenienced by a 3 month suspension in collections however the financial saving would be greater and could be used to either improve waste and recycling services overall or offset the cost of the garden waste service. This option has been rejected at this point in time but may be reconsidered in future years.

4. Consultation and feedback

- 4.1** In advance of the October 2017 service change, the Authority undertook a consultation exercise with Cheltenham residents to understand which type of waste and recycling service they would prefer to receive. As part of the consultation exercise the Authority also asked how residents would prefer to pay for their new waste and recycling service. Of the four options provided: closing the Household Recycling Centre; increasing charges for garden waste collection; closing the recycling banks; or increasing the Authority's other fees and charges, a significant proportion of residents who took part in the consultation (i.e. 1913 out of 3092 – 62%) chose increasing the garden waste charges as their first or second preferred option. Whilst this does show a preference for increasing garden waste collection charges over some of the other options given, it should be noted that it is not known whether those who took part in this consultation were also users of the garden waste collection service.
- 4.2** In practice, majority of customers will look to take advantage of the £3 per year discount, thereby ensuring that the charge for the majority of customers will be £42 per year rather than the pre-discounted charge of £45 per bin per year.
- 4.3** Further consultation will be carried out prior to 1 February 2019 regarding the proposed reduction in the number of garden waste collections by 2 per year per customer over the Christmas/New

Year period which will minimise any service disruption due to severe weather (snow) is appropriate.

5. Performance management –monitoring and review

- 5.1** Performance in terms of take-up and income generated will continue to be monitored monthly/quarterly as part of the CBC-Ubico performance monitoring arrangements. Outcomes will be used to inform the thinking on any possible changes to the charges in the future.
- 5.2** As with any changes in service provision, it will be necessary to ensure good communication with customers regarding the suspension of garden waste collections over the Christmas/New Year period and feedback from customers will be monitored by customer services.

Report author	Contact officer: Karen Watson, Client Manager – Environmental Services (Interim), Karen.watson@cheltenham.gov.uk, 01242 264350
Appendices	1. Risk Assessment 2.
Background information	1.

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the proposed increase in charge to the garden waste collection service is not agreed, then the Authority may be unable to meet its requirement to generate an additional £50,000/year to support service provision and cover the cost of inflation. In addition, any service disruption as a result of severe weather may further increase service costs if the number of garden waste collections is not reduced by 2 over the Christmas/New Year period.	Karen Watson	22/11/2018	5	2	10	Reduce	Cabinet approves the proposed increase in charge for the garden waste collection service and a reduction in the number of collections per year	18/12/2018	Karen Watson	
	If the charge for the garden waste collection service is increased and the number of collections reduced by 2, then take up of the service may reduce, resulting in less income for the Authority.	Karen Watson	22/11/2018	2	2	4	Reduce	A reduction in the demand for the service has been taken into account in assessing the £50,000 additional income that it is anticipated will be generated as a result of the increased charges.	18/12/2018	Karen Watson	

Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

Guidance

Types of risks could include the following:

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

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

Risk ref

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

Risk Description

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

Risk owner

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

Risk score

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

Control

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

Action

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

Responsible officer

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

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

Transferred to risk register

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

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