



Notice of a meeting of Cabinet

Tuesday, 22 January 2019

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 meetings held on 4 and 18 December 2018	(Pages 3 - 20)
4.		PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
		SECTION 2 :THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
		SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
		SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
		SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
5.		CHELTENHAM TRANSPORT PLAN-UPDATE REPORT Report of the Cabinet Member Development and Safety	(Pages 21 - 48)

6.		HOUSING REVENUE ACCOUNT NEW BUILD AT MONKSCROFT VILLAS Report of the Cabinet Member Housing	(Pages 49 - 60)
7.		ABANDONED TROLLEYS Report of the Cabinet Member Development and Safety	(Pages 61 - 80)
		SECTION 6 : BRIEFING SESSION • Leader and Cabinet Members	
8.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	
		SECTION 9 : LOCAL GOVERNMENT ACT 1972-EXEMPT BUSINESS	
9.		LOCAL GOVERNMENT ACT 1972-EXEMPT BUSINESS The Cabinet is recommended to approve the following resolution:- “That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely: Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
10.		A PROPERTY MATTER Report of the Cabinet Member Finance- ITEM DEFERRED	

Contact Officer: Beverly Thomas, Democracy Officer, 01242 264246
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Cabinet

Tuesday, 4th December, 2018
6.00 - 6.55 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing) and Andrew McKinlay (Cabinet Member Development and Safety)
Also in attendance:	Councillor Matt Babbage, Councillor Dilys Barrell, Councillor Tim Harman and Councillor Klara Sudbury

Minutes

- 1. APOLOGIES**
Councillors Clucas and Hegenbarth.
- 2. DECLARATIONS OF INTEREST**
There were none.
- 3. MINUTES OF THE LAST MEETING**
The minutes of the meeting held on 6 November were approved and signed as a correct record.
- 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**
There were none.
- 5. REPORT OF THE SCRUTINY TASK GROUP -URBAN GULLS**
Councillor Sudbury and two other Members of the Scrutiny Task Group, Councillors Barrell and Harman were invited to address Cabinet.

They made the following points :

- Thanks were given to those officers who had assisted in the work of the group, namely Mark Nelson, Duncan Turner and Sophie McGough.
- When considered at the recent Overview and Scrutiny meeting the Committee did not take a vote on the report. The committee had questioned why the task group had not considered egg oiling in more detail but the group had closely followed the Terms of Reference agreed by O&S and this had not been specifically raised as an issue and no officers, members of the public or Councillors had raised it as an issue. That said during the review it had become apparent that there was a level of dissatisfaction with the availability of egg oiling treatment as the focus of the £9 100 was on treating eggs in Kingsditch and on the High Street rather than in other areas such as Tivoli or St Lukes which appeared to be areas of concern.

- The increase to the budget of £10k would be spent on new things and she gave the example of the media plan and the potential purchase of a drone. Since publishing the report Members had been aware that Worcestershire were considering commissioning a private operator to undertake training/licensing
- The drafting of a Supplementary Planning Document was in the view of the task group an important consideration and it was hoped that ideas from Gloucester and Bath in this respect could be shared.
- It was highlighted that gull populations in the town was on the increase which coincided the views of residents
- The task group was grateful for the support of the Cabinet Member. Flexibility would be required and officers would have the chance to comment on technical issues.
- Drones were widely used. If acquired it could be potentially be used by other parts of the council.
- It was important that a written strategy of what council already did in terms of gulls was produced

In responding to the report the Cabinet Member Development and Safety thanked the members of the scrutiny task group. It was an excellent report and would have a wider impact. He believed that at this stage it was premature to accept the recommendations as laid out but would request officers to look at the detail and come back with a report. He confirmed that the £10k offered to address the issues remained and he welcomed the potential solutions that the task group had identified although it was not necessary at this stage to allocate the budget for specific actions.

The Leader added that it was therefore proposed for Cabinet to note the report but to produce a formal response in due course.

The Chair of the Scrutiny Task Group thanked Cabinet for their comments and looked forward to receiving the formal Cabinet response.

RESOLVED THAT

- 1. The report be welcomed**
- 2. A formal Cabinet response to the report be brought back to a future meeting.**

6. GAMBLING ACT POLICY STATEMENT

The Cabinet Member Development and Safety introduced the report and explained that the Gambling Act 2005 required that the council produce, consult on and publish a statement of the principles that they proposed to apply when exercising their functions under the Act.

The Act also required that the Statement of Principles should be kept under review and must be re-published at least every three years.

Cheltenham Borough Council published its existing Statement of Principles in February 2016.

The Cabinet Member informed that consultation had now been undertaken on a revised policy statement in line with changes to legislation, national policy and best practice guidance. Draft changes of note were as follows :

- **Local Area Profiles** :these allowed 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.
- **Local Risk Assessments**: this provision reflected the Gambling Commission's Social Responsibility (SR) code 10.1.1 which required 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.
- **Exchange of Information** :updated to reflect the recent changes to data protection and privacy laws.

The report set out the outcome of the consultation and sought Cabinet approval for the adoption of the policy by Council.

RESOLVED THAT

1. **the proposed changes to the Statement of Principles and consultation responses be noted;**
2. **Council be recommended to approve the policy statement.**

7. HOUSING SUPPLY :CABINET MEMBER WORKING GROUP

The Cabinet Member Housing referred to Council's unanimous approval of its Housing Investment Plan on 15th October 2018 Council. This plan set out the potential to provide loan funding of up £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. At the Council meeting Cllr Babbage had proposed an amendment which was approved to request the establishment of a cross party Cabinet Member Working Group. This would provide greater oversight and challenge, and would in turn provide greater confidence that the Authority was maximising the opportunities that were available to deliver affordable homes over and above what the market might otherwise provide. The Cabinet Member wished to put on record his thanks to Cllr Babbage for his valued input.

RESOLVED THAT

A cross party Cabinet Member Working Group (CMWG) be set up 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.

8. TREASURY MID-TERM REPORT 2018/19

The Cabinet Member Finance introduced the report and explained that treasury had changed significantly over the last few years with movement away from holding deposits in high street banks and diversifying its treasury management into new areas.

The Council's treasury management strategy for 2018/19 was approved in February this year. Central to the strategy was the successful identification, monitoring and control of risk. She informed Members that CIPFA had published new versions of the Prudential Code for Capital Finance in Local Authorities and the Treasury Management Code of Practice but had yet to publish the local authority specific Guidance Notes to the latter. The Ministry for Housing, Communities and Local Government published its revised Investment Guidance which came into effect from April 2018.

The Cabinet Member reported that the updated Prudential Code included a new requirement for local authorities to provide a Capital Strategy, to be approved by Council in February 2019 covering capital expenditure and financing, treasury management and non-treasury investments.

The Cabinet Member highlighted the following :

- The treasury management summary position from April to September showed that the council had net borrowings of £53.569 arising from its revenue and capital income and expenditure, as set out at 3.1
- The council's strategy to fund a number of capital asset purchases has been the use of temporary borrowing and then take long term borrowing from the Public Works Loan Board. 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 had saved £940k in interest over the life of the borrowing when compared to the original business cases.
- 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 was illustrated in table 3 of the report.
- In February 2018 the 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. It anticipated an investment outturn of £477,700 at a rate of return of 2.03% for this financial year. Estimated surplus for investment income was £149.5k for the financial year.
- Net loans and investments were 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 would come in on budget.

The Cabinet Member thanked all officers involved in ensuring the council achieved the best from its investments and borrowings. She reminded Members that this report would be considered by Council on 10 December.

RESOLVED THAT

The contents of the summary report of the treasury management activity during the first six months of 2018/19 be noted.

9. COUNCIL TAX PREMIUM ON EMPTY PROPERTIES

The Cabinet Member Finance reminded Members that council had discretionary powers to set the level of council tax discount on empty properties and CBC had already used its discretionary powers to set discount levels in respect of empty properties and second homes as detailed in appendix 2. In December 2017 the Council agreed 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. She reported that new legislation had now come in to force extending discretionary powers to increase the level of premium from April 2019. The rating allowed the following :

- 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

The Cabinet Member informed that in October this year, 119 properties in Cheltenham had been empty for more than 2 years and were subject to the premium. In October 2017 the number of properties which had been empty for more than 2 years was 80.

She explained that 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. Although the number had increased in Cheltenham over the past year the Government had reported that nationally, where councils had been charging the premium consistently year on year, there had been a significant reduction in the number of homes being charged the premium.

The Cabinet Member highlighted the importance of encouraging empty homes being brought back into use, more so than the generation of additional council tax income. She then made reference to two letters of representation from investors at Honeybourne Gate and one from the management company requesting that in their particular circumstances consideration be given to exempting them from the scheme. Whilst appreciating the particular difficulties they found themselves in, the potential reward needed to be considered against any risks. She therefore believed it would be difficult to make an exception in this case and invited Cabinet to share their views.

Members felt strongly that whilst recognizing the important role the private rented sector played locally, in view of the housing crisis it was unacceptable

that significant sums of money were being invested in properties in the town and then were being left empty. Introducing a maximum premium on empty properties would be a significant incentive for those investors anticipating an increase in market value. Members supported the view that the additional income, albeit small, was to be welcomed but more so was the opportunity it now had to bring empty properties back into use.

The Leader supported the proposals and welcomed this serious tool it now had at its disposal .

The Cabinet Member thanked Members for their comments. She would respond to the letters received. They had after all invested in what was deemed at the time a much needed facility in the town but having marketed them were now unable to sell. This report would be considered for decision at Council on 10 December.

RESOLVED THAT

Council be recommended to :

- a) Increase 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) Increase the Premium for those properties which have been empty for 5 years or more to 200% from April 2020**
- c) Increase the Premium for those properties which have been empty for 10 years or more to 300% from April 2021**

10. CHELTENHAM BOROUGH COUNCIL RESPONSE TO TEWKESBURY BOROUGH PLAN PREFERRED OPTIONS CONSULTATION

The Cabinet Member Development and Safety introduced the report and explained that Tewkesbury Borough Council had notified us of the publication of their Preferred Options Consultation Document which formed part of the preliminary stages of plan making for their Borough Plan. The public consultation ran 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 had been arranged to allow this report to be considered by Cabinet.

The Tewkesbury Borough Plan would form part of the statutory local development plan for Tewkesbury, along with the Joint Core Strategy and Neighbourhood Plans. The Preferred Options document identified additional (to those identified in the Joint Core Strategy) specific locations for smaller scale development, including allocations for housing and employment. Further policies had been included to guide development within Tewkesbury Borough up to 2031.

The Cabinet Member informed that generally the document was welcomed but it was felt that a number of policies would benefit from additional wording or further work. Specifically policies which allocated 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. The Cabinet Member explained that this was an early stage of plan making and carried 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.

The Cabinet Member referred Members to the draft letter at Appendix 2 of the report which made representations on policies RES1, RES12, CIL, GRB1 and on Gloucestershire Airport.

The Leader added that at the recent Gloucestershire Airport Company AGM the response relating to the airport was fully supported by the Company.

RESOLVED THAT

the representations on the Tewkesbury Borough Plan Preferred Options Consultation contained in the letter at appendix 2 be agreed.

11. TOWN CENTRE SECURITY

The Cabinet Member Development and Safety introduced the report and provided an overview of security issues affecting Cheltenham town centre, the safety and functioning of which was critical to the well-being of the local economy and the population which it served.

The Council recognised that it had a key leadership role as well as operational responsibilities in relation to the town's security, but that its strategic objectives could 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.

He informed that the authority had 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.

The Cabinet Member referred to the key outcomes associated with joint investment through this project as outlined in the appendix.

Members welcomed the much needed resource and strategy which could provide additional benefits to the wider town. The Leader welcomed the lead the council was taking on this by working in partnership which facilitated more resource being invested in the area. He hoped it would be a success. He informed that as he was the council's representative on the BID he had declared an interest when the BID was discussing the request for funding.

RESOLVED THAT

1. the strategic priorities for town centre security as set out in section 2.1 of this report be endorsed;
2. the offer of £15k per annum grant funding from the Cheltenham Business Improvement District (BID) be accepted to support a more

intensive programme of security-related activities in the town centre over the next two years;

3. the use of an additional £50k per annum in each of the next two years be approved 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.

12. GARDEN WASTE CHARGES

The Cabinet Member Clean and Green Environment introduced the report and informed that since the introduction of the Garden Waste Collection Service in 2011 the charge had increased on only three occasions. Through the consultation on the service redesign it was viewed as a well regarded service and had an excellent customer retention rate with current subscription rates of 17,498. He reported that the costs of provision of the service, such as diesel and the living wage, had increased however and in order to meet these additional costs it was proposed to increase the charge from £42-£45. The prompt payment discount would however be retained at £3 reduction. He also informed that it was proposed to suspend the service during the Christmas and New Year break as from Christmas 2019 so 2 collections in total would be dropped. The decision had been taken that it was preferable to advise customers in advance during the time of year when there was limited garden waste collected. Other authorities were also considering reducing the number of collections and he added that the CBC charge in comparison to them remained competitive.

RESOLVED THAT

- 1. An increase in the garden waste collection charge from £42/year to £45/year per bin be approved**
- 2. The prompt payment discount be retained at £3 per bin for households renewing their subscription ahead of their annual renewal date;**
- 3. The spring offer discount be 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. 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**

5. 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.

13. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Clean and Green Environment informed that he had attended the Joint Waste Committee the previous week which gave him the opportunity to advise that the council had formally taken the decision to leave the committee. A letter had been submitted to the Joint Waste Team from legal to start the notice period.

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

Leader	UBICO Board Composition	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1163
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Chairman

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Cabinet

Tuesday, 18th December, 2018
6.00 - 6.35 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

None.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the extraordinary meeting held on 28 November 2018 were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

There were none.

5. GROUNDS MAINTENANCE SERVICES WITHIN THE HOUSING REVENUE ACCOUNT

The Cabinet Member Housing introduced the report which outlined the culmination of a detailed review of CBC's grounds maintenance service on Housing Revenue Account land, provided by UBICO and managed by Cheltenham Borough Homes. The review was prompted by the need to provide a more accurate and equitable charging system for grounds maintenance coupled with a desire to address outstanding quality issues in the service provided by UBICO. The outcomes had been welcomed by tenants and officers. He made reference to the benchmarking data with regard to the quality of service standards at Appendix 2 and the anomalies which would be addressed as outlined in paragraph 3 of the report. He highlighted that those households facing an increase in their service charges would have them increased incrementally over a 3 year period to better enable them to adapt to the changes.

All changes had been discussed with tenants and would bring about a better quality of service.

RESOLVED THAT

1. **CBC enter into the deed of variation with UBICO for the delivery of these changes to the grounds maintenance services in the contract dated April 1st 2012 for grounds maintenance and other services (the contract identifies CBH as the managing agents). The changes to commence on April 1st 2019.**
2. **It be noted that any anomalies in current service provision (as detailed in Section 3 of this report) will be rectified, subject, where appropriate, to any financial approvals being first obtained from CBC.**
3. **Authority be delegated to the Managing Director Place & Growth, in consultation with the Borough Solicitor, to finalise the Deed of Variation to implement the objectives set out in this report. Also, authority be delegated to the Managing Director Place & Growth, in consultation with the Cabinet Member Clean and Green Environment and the Cabinet Member Housing to make any subsequent changes to the Grounds Maintenance Services to be provided by UBICO provided that any such changes have no significant financial impact on either the General Fund or the HRA.**

6. COUNCIL TAX DISCOUNT FOR CARE LEAVERS

The Cabinet Member Finance introduced the report and explained that care leavers were considered to be a particularly vulnerable group for council tax debt. Care leavers were faced with a new set of potentially overwhelming responsibilities without family support and the wider support network that most other young people could rely on. She reported that all 6 district councils together with the County Council were working to provide a common council tax discount scheme. The latest information from the County Council suggested there were 14 Care Leavers living independently in the Cheltenham area who may be eligible for a discount. It was proposed that a 100 % discount would apply to 18-21 year olds living independently and 50% where they were living with others. The full eligibility criteria arrangements for administering the scheme were detailed in appendix 2.

Members supported the proposals. It was important that those young people believed that they were valued and recognised and the discount would provide some relief from the financial pressures they faced. Members welcomed the fact that there was unanimity of thinking across the county, initiated by CBC and this work could spread to other elements of children's services in the future.

RESOLVED THAT

1. **Care Leavers be determined as a class for the purpose of Section 13A(1)(c) of The Local Government Finance Act 1992**
2. **The Council Tax Discount Scheme for Care leavers in appendix 2 be approved, to be effective from 1st April 2019**

3. **Decisions relating to the application of these reliefs be delegated to the Head of Revenues and Benefits and officers in the council tax team. In the case of a dispute an internal reconsideration is to be made by the Executive Director Finance and Assets.**

7. PROCUREMENT OF VEHICLES FOR THE DELIVERY OF ENVIRONMENTAL SERVICES IN CHELTENHAM

The Cabinet Member Clean and Green Environment introduced the report and explained that the redesigned recycling service launched in October 2017 enabled residents to recycle more materials at kerbside.

Whilst an increase in recycling was forecast as a result, the scale of the increase was not foreseen. This represented a success for the service, however additional resource was required and in early 2018 a spare recycling vehicle was hired from Cotswold District Council to provide additional recycling capacity to ensure all collections could be completed on the scheduled collection day.

The recycling service was currently operating without a spare vehicle which was causing difficulties in completing rounds particularly when more than one vehicle was off the road at any one time. To date a refuse vehicle had been used to collect recycling in the absence of a spare recycling vehicle, resulting in the need to collect mixed recycling materials in the vehicle which was then sorted into separate recycling materials when tipped. This method had caused negative public feedback.

To address the issue it was proposed that investments should be made from within existing capital budgets to purchase additional Romaquip recycling vehicles, the Romaquip vehicle on hire from Cotswold District Council and a new Romaquip recycling vehicle. This would maintain the existing service and provide operational resilience, resulting in a total fleet size of 13 vehicles. The Cabinet Member added that current household recycling performance was 53 % and this could develop further. He reported that in due course there would be consultation on a range of issues connected with environmental services including waste and recycling. He also added that it may be possible to operate weekly recycling services using the existing fleet, subject to a supporting business case.

Finally, the Cabinet Member wished to put on record his thanks to officers involved in bringing this proposal forward.

RESOLVED THAT

Cabinet approve the purchase of 2 Romaquip recycling vehicles funded from within existing capital budgets to maintain the existing service and provide operational resilience, resulting in a total fleet size of 13 vehicles:

- (1) The Romaquip recycling vehicle (currently in use by Cheltenham Borough Council) on hire from Cotswold District Council for the sum of £138,644.02;**
- (2) One new Romaquip recycling vehicle for the sum of £139,178.79, as**

a spare vehicle to avoid the need for mixed recycling collections when a recycling vehicle from the current fleet is out of service for any reason.

8. HOUSING REVENUE ACCOUNT REVENUE AND CAPITAL-REVISED BUDGET 2018/19 AND INTERIM BUDGET PROPOSALS 2019/20 FOR CONSULTATION

The Cabinet Member Finance introduced the report and explained that there had been significant changes in Government Housing Policy during the year, most notably the abolition of the HRA debt cap. This, together with the certainty on rent policy until 2025, would have a positive impact on HRA resources enabling the Council to increase investment in new build and stock improvements.

Rents would again be reduced by 1% in April 2019 being the final year of the four year policy that commenced in April 2016 and would finish in March 2020. The Government had previously confirmed that rent policy would then revert back to the previous guidelines of allowing annual increases of up to CPI + 1% per annum for the following 5 years before a further review.

The Cabinet Member reported that the 30 year HRA Business Plan had been updated to reflect:-

- Anticipated revenue outturn for 2018/19.
- The current development programme for the period from April 2019 to March 2022 which would deliver 105 new build units at a total cost of £14.83m.
- Contingency budgets for market acquisitions and the purchase of new affordable units on sites where Section 106 planning agreements were in place.
- A refreshed assessment of the 30 year “need to spend” on existing stock for both capital and revenue expenditure. This included a new showers programme which had been identified as one of the most popular improvements requested during both the 2017 survey of tenants and residents and the voids review undertaken by the tenant services improvement panel

The Cabinet Member paid tribute to CBH’s balanced approach to this budget which meant it would still be able to maintain existing service levels, retain the decent homes standard, continue delivery of the major windows and doors replacement, complete the new build programme, and deliver the new showers programme.

She wished to put on record her thanks to CBH’s finance team for bringing forward this budget.

The Leader reiterated his thanks to CBH referring to the changing policy of rent increases and decreases which it had well managed. The abolition of the debt cap meant there would be more opportunities going forward.

RESOLVED THAT

1. The revised HRA forecast for 2018/19 be noted.
2. The interim HRA budget proposals for 2019/20 (shown at Appendix 2) be approved for consultation including a proposed rent decrease of 1% and changes to other rents and charges as detailed within the report.
3. The proposed HRA capital programme for 2019/20 as shown at Appendix 3 be approved.
4. Authority be delegated to the Executive Director Finance and Assets, in consultation with the Cabinet Member for Finance, to determine and approve any additional material that may be needed to support the presentation of the interim budget proposals for consultation.
5. Consultation responses be sought by 31st January 2019.

9. GENERAL FUND REVENUE AND CAPITAL-INTERIM BUDGET PROPOSALS 2019/20 FOR CONSULTATION

The Cabinet Member Finance introduced the report and reminded Members that in February 2018 Members set a challenge to become an enterprising and commercially focused council working towards the objective of financial sustainability by the financial year 2021/22.

In response to the difficult national funding situation, the overriding financial strategy had been, and remained, to drive down the council's costs. 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 which represented an immensely challenging task in the present climate.

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 had a combined message that Cheltenham Borough Council had entered a new era of business enterprise, growth and innovation. CBC wished to work with partners who shared our ambition and values and would continue to put the best interests of Cheltenham residents at the heart of everything undertaken.

The key mechanism for carrying out this strategy was the commercial strategy, which sought to bring service costs in line with available funding and sought additional forms of funding. The development of a new

crematoria, and the acquisition of 4 new commercial investment properties (Ellenborough House, Sainsbury's, Café Nero and 53-57 Rodney Road) had already resulted in over-achieving the new revenue income target. In addition, public realm investment across the town had attracted major new businesses such as John Lewis and Partners which has had a positive effect on both business rates income and vibrancy across the town.

The starting point for the 2019/20 budget has been a projected funding gap of £2.019m. Closing a gap of this size is a huge challenge for the council, but the challenge is being met by a proactive approach to identifying efficiencies and additional income. This work has already made significant progress towards closing the gap, having identified at this early stage potential efficiencies and additional income of £1.621k, leaving £398k to fund from reserves, assuming a 2.99% council tax increase is approved.

The Cabinet Member explained that the outcome of this budget had been based on a number of substantive consultations throughout the year and the public's views on the strategy for closing the financial gap created by cuts from central government was now sought.

The Cabinet Member gave thanks to the Executive Director Finance and Assets, Paul Jones, who had met with the Minister to lobby heavily for this authority on the significant difference the negative RSG and proposed changes to new homes bonus would have on Cheltenham. She was pleased to report that the provisional local government settlement proposed no changes to the new homes bonus next year and had provided some additional money for those councils in need. As a consequence, the council had an additional £190k to support the 2019/20 budget proposals.

Finally, she explained that the 2019/20 budget was the result of a great deal of activity and hard work throughout the year and she thanked all involved. She believed this budget would deliver for the residents of the town.

Members welcomed the proposals and paid tribute to the significant investment the council had made in the town which reflected the positive change in approach for the benefit of the town as a whole.

The Leader reminded Members that the budget would now go out for consultation and would be considered by Council in February.

RESOLVED THAT

- 1. The interim budget proposals be approved for consultation including a proposed council tax for the services provided by Cheltenham Borough Council of £209.08 for the year 2019/20 based on a band D property (an increase of 2.99%).**

2. The Medium Term Financial Strategy (MTFS) projection, outlined in section 3 and Appendix 3 be noted.
3. The growth proposals, including one off initiatives at Appendix 4, be approved for consultation.
4. The proposed capital programme at Appendix 6, as outlined in Section 6 be approved.
5. Authority be delegated to the Executive Director Finance and Assets, in consultation with the Cabinet Member for Finance, to determine and approve any additional material that may be needed to support the presentation of the interim budget proposals for public consultation which will include any changes arising from the provisional settlement.
6. Consultation responses be sought by 25th January 2019.

10. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Healthy Lifestyles informed that there would be a “No Child Left Behind” summit in January 2019. She thanked those Members who had already indicated that they wished to be Children Champions.

On 3 January an all party group within Cheltenham would be meeting with representatives from the health trust to ensure facilities were maintained at Cheltenham General.

She reported that she had attended a recent OECD conference and Cheltenham had been recognised as an organisation investing in its residents in terms of housing. Cheltenham illustrated how local authorities could be entrepreneurial in their own right which generated better services for people. She wished to put on record her thanks to both housing and finance officers involved.

The Cabinet Member Development and Safety referred to the Car Parking Strategy implemented in March 2018. He informed that a review was underway regarding the charging regime for car parks to ensure it matched the objectives of the car parking strategy.

11. CABINET MEMBER DECISIONS SINCE THE LAST MEETING OF CABINET

Cabinet Member	Decision	Link
Cabinet Member Housing	Affordable Housing Partnership Preferred Registered	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1164

	Providers	
Leader	Appointment to Outside Bodies- Cllr Peter Jeffries- Hesters Way Partnership Mrs Helen Hooper- Pates Grammar School Foundation	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1168
Cabinet Member Healthy Lifestyles	Cheltenham Film Festival	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1167

Chairman

Cheltenham Borough Council
Council – 21st January 2019
Cabinet - 22nd January 2019
Cheltenham Transport Plan – Update Report

Accountable member	Councillor Andrew McKinlay – Cabinet Member Development & Safety
Accountable officer	Tim Atkins – Managing Director (Place & Growth)
Ward(s) affected	All
Key/Significant Decision	Significant Council – Key Cabinet
Executive Summary	<ul style="list-style-type: none"> Phase 4 of the Cheltenham Transport Plan (CTP) has been in place since 28th June 2018, following the successful implementation of the proceeding phases. The CTP is delivering central government and (GCC) as transport authority policy, and also aligns with CBC's corporate strategy as approved on 26th March 2018. This report draws on the evidence from two technical appendices dealing with highway and environmental / economic matters. These highlight that the trial is having an overall positive impact and is successfully achieving objectives relating to modal shift, reduction in traffic, increased footfall and connectivity in the town centre and in particular assisting to strengthen Cheltenham's 'High Street' offer. Issues relating to air quality based on monitoring to date are broadly neutral. The report of the County Council's cabinet member sets out the details of issues relating to the trial relating to transport and highway matters. It highlights issues that have arisen during the trial and proposes the trial period be extended along with the introduction of a number of mitigations. It recommends that council notes and supports the findings of those reports and that Cabinet formally agree to the continuation of the trial with the proposed mitigations.
Recommendations	<p>1. Council is recommended to:</p> <p>a) Note and support the positive economic and environmental impact of the CTP set out in Appendix 2;</p> <p>b) Note the Gloucestershire County Council Lead Cabinet Member Briefing findings and recommendations (Appendix</p>

c) to extend the CTP trial for a further period with mitigation measures; and

d) Recommend that Cabinet agrees to the extension of the CTP trial.

2. Cabinet is recommended to:

a) Note the decisions of Council set out in 1(a), (b) and (c) above; and

b) Agree to the extension of the CTP trial; and

c) Authorise the Managing Director Place & Growth in consultation with the Cabinet Member of Development and Safety to work with GCC to facilitate the extension of the CTP trial.

Financial implications	Any long term public realm changes associated with mitigation measures may require a CBC financial contribution, in line with the existing CBC / GCC funding arrangement related to the project. Contact officer: paul.jones@cheltenham.gov.uk, 01242
Legal implications	None specific in respect of the report recommendations. The County Council holds the statutory powers and responsibilities in respect of traffic regulation. Contact officer: peter.lewis@tewkesbury.gov.uk, 01242 01684 272012
HR implications (including learning and organisational development)	None relevant to this report
Key risks	The key risks are set out in the risk matrix below.
Corporate and community plan Implications	The delivery of the CTP stage 4 and closure of Boots Corner to general traffic is a priority set out in the Council's Corporate Plan.
Environmental and climate change implications	An objective of the Local Sustainable Transport Fund is to encourage modal shift to more sustainable forms of transport (walking, cycling & public transport) thereby contributing to national targets to reduce carbon emissions.
Property/Asset Implications	None applicable Contact officer: Dominic.stead@cheltenham.gov.uk

1. Background

- 1.1 Phase 4 of the CTP has been in place since 28th June 2018, following the successful implementation of the proceeding phases.
- 1.2 The CTP is delivering central government and (GCC) as transport authority policy, and also aligns with CBC's corporate strategy as approved on 26th March 2018.

2. Update

- 2.1 GCC as the transport authority are recommending that CBC agree to extend the trial to allow for amendments and mitigation following consultation feedback and traffic monitoring analysis.
- 2.2 CBC have also considered the wider economic and environmental impacts given that the initial funding for the local sustainable transport fund was secured on the basis of reducing severance on the High Street and delivering regeneration benefits.
- 2.3 Detailed analysis has been undertaken and set out in the two technical reports provided in the appendices. The key issues / headlines arising from these are as follows:
 - In comparison to the 2015 pre-CTP traffic flows, CTP phase 4 has had a limited effect on the overall network to date, with survey sites showing increases broadly in line with expected levels of background traffic growth (circa 5-10%) or reductions in traffic since 2015. Four sites show larger (> 20%) increase.
 - These traffic impacts and wider concerns have been identified through both traffic monitoring and consultation feedback. Specific issues raised:
 - Concerns from blue badge holders; additional spaces were implemented pre-trial in the town centre and GCC plan to install further dedicated blue badge spaces as part of an amendment package.
 - Clarence Street/Clarence Parade traders have expressed concern over access; following meetings options for a revised access strategy in this area are being developed by GCC.
 - Concerns over signage; whilst all signage fully followed Department for Transport requirements it was felt prudent to reinforce the message for several weeks from late August, and the proposed revisions to the Clarence Street/Clarence Parade area will also allow an opportunity to reinforce the signage.
 - Concerns over increased traffic flows in Rodney Road; GCC plan to investigate traffic calming measures as a way to make the route less attractive.
 - GCC also note that they have completed a separate review of traffic signals on the A4019 corridor and have secured a commitment within the capital programme to make improvements along that corridor.
 - The economic measures as identified through the local sustainable transport fund bid and accompanying Treasury Green Book analysis predicted growth in employment, having recognised deadweight factors i.e.: output that would occur without the interventions. The number of anticipated jobs was 594 but the actual is circa 750.
 - Wider impacts such as modal shift (i.e. people changing their transport method away from private motor vehicles) are clearly positive with growth in Cheltenham bus passenger usage (against a national downward trend), increased footfall and cycle use at Boots Corner; all on the back of a circa 85% reduction in traffic at Boots Corner.

- Additional pollution monitoring continues but to date, levels remain below EU and national trigger levels with the exception of Poole Way, a pre-existing hotspot. Overall the impact in relation to air quality remains broadly neutral.
- Although there have been some negative impacts and concerns raised, which will be the subject of mitigation measures. The overall impact set out in the environmental and economic case is positive, with the town centre performing well despite the challenging retail environment.

2.4 Not continuing with the trial would put this Council and GCC at variance with government and local transport authority policy, risk undermining positive gains in modal shift and potentially inhibit the performance of the town centre.

3. Reasons for Recommendations

3.1 To deliver CBC corporate strategy, which itself is aligned to government and local transport authority policy and to support the economic performance of the town centre, in particular, the health of Cheltenham's High Street.

4. Alternative Options Considered

4.1 Not continuing with the CTP trial, but this will put CBC / GCC at variance with government policy, undermine positive gains in modal shift and threaten a reduction in footfall which in turn would damage the performance of the High Street.

5. Consultation and Feedback

5.1 As set out in the GCC Lead Members Briefing document.

Report author	Contact officer: Jeremy.williamson@cheltenham.gov.uk 01242 264104
Appendices	1. Risk Assessment 2. The Economic and Environmental Case 3. GCC Lead Cabinet Member Briefing
Background information	See 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 the trial were to be abandoned prior to exploration of options and mitigation, then the positive gains in modal shift could be lost, along with a reduction in footfall which would impact upon the performance of the town centre			4	3	12	Reduce	Work with GCC on options and mitigation to respond to concerns identified in first phase of the trial.	Dec 2019	Tim Atkins	
	Changing traffic flows result in new pollution hotspots beyond EU and national trigger levels			4	2	8	Reduce	CBC pollution monitoring aims to capture areas of concern and allow for mitigation measures to be implemented	Dec 2019	Tim Atkins	
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 Transport Plan

Economic & Environmental Case

1. Background

- 1.1 The funding for what has become known as the Cheltenham Transport Plan was secured from the Department for Transport Local Sustainable Transport Fund in 2011 and is an agreed objective for CBC and Gloucestershire County Council (GCC) as reflected in the GCC Local Transport Plan (LTP) – specifically the 2015-2031 Implementation Report 2017. Specific objectives are set out at 2.1.CPS1 - Central Severn Vale Connecting Places Strategy – 2.1.5 Cheltenham Transport Plan. The Cheltenham plan also contributes to other targets e.g. LTP PI – 9 Increase use of bus and more recent initiatives such as the Department for Transport Cycle & Walking Investment Strategy 2017, which aims to make cycling & walking the natural choices for shorter journeys, or as part of a longer journey. GCC is identified as a pioneer authority and will be in the first wave to produce a Local Cycling and Walking Infrastructure Plan.
- 1.2 Additionally the implementation of phase 4 of the Cheltenham Transport Plan is listed in the CBC interim corporate strategy 2018-2019, adopted unanimously by CBC on 26th March 2018. More recently (January 2019) the National Institute for Health and Care Excellence says roads should be "safe, attractive and designed" to help people use their cars less. Transport systems and the wider built environment can influence people's ability to be active and NICE deputy chief executive Gillian Leng added: "Getting people to be more physically active by increasing the amount they walk or cycle has the potential to benefit both the individual and the health system whilst the Department for Transport said its own guidance "is crystal clear that street design should explicitly consider pedestrians and cyclists first".
- 1.3 To date the implemented phases of the transport plan have been judged by their impact on the performance of the town road network, as measured by the 27 traffic movement monitoring points and supported by *blue tooth* enabled journey time analysis. To respond to emerging policy guidance, additional measures have also been included, such as improved bus punctuality impacts and access for pedestrians and cyclists.
- 1.4 As we are now in the trial of the last phase, it is possible to start assessing the economic impact of delivery of the wider transport plan. Like the traffic impacts, it is necessary to consider evidence from a range of sources.
- 1.5 A starting point has been the original Local Sustainable Transport Fund (LSTF) bid submitted in 2011, which was supported by an economic impact assessment prepared on Treasury 'Green Book' guidance principles. This assessment considered both Boots' corner in Cheltenham and also King's Quarter in Gloucester, but the focus of this note will be limited to Cheltenham.
- 1.6 A significant premise of the LSTF proposals was to benefit retail turnover. It reflected earlier retail studies, which highlighted that poor pedestrian linkages between key town centre sites were a cause of high retail vacancies and an inhibitor to investment.
- 1.7 At the time of the bid to the Department for Transport, the proposed changes to the Cheltenham road layout were supported by local business and economic development stakeholders, following consultation undertaken by CBC as part of an earlier programme entitled Civic Pride.
- 1.8 The proposal to reduce the negative impacts of the ring road and ultimately limit vehicular access at Boots' Corner, whilst improving access for pedestrians, cyclists and buses, was seen as a tool to stimulate business investment generally in the town centre.

2. Update

- 2.1 Clearly, the world has changed significantly since 2011, in particular the world of retail, with significant closures in town centres, driven by the impact of on-line retail, the recession, aggressive 'company voluntary agreements' etc. The landscape has changed, irrespective of the Cheltenham Transport Plan and this is reflected in the MHCLG Future High Streets Fund initiative.
- 2.2 The strategy for the town centre/High Street post-recession has been similar to that contained in the Portas Review. 'They (High Streets/Town Centres) should become places where we go to engage with other people in our communities, where shopping is just one small part of a rich mix of activities.'
- 2.3 This recognition, that retail is a component of the wider mix necessary to achieve a vibrant town centre, has already been fully embraced in Cheltenham. The elements, other than retail, successfully supported in this period include town centre living (residential) at the Brewery and Regency Place, leisure notably at the Brewery Quarter, food & beverage across the whole town centre and employment uses with some major successes such as the conversion at Formal House, new build at Honeybourne Place and the planned refurbishment at the Quadrangle. Cheltenham also has a buoyant night time economy and has secured Purple Flag recognition of an evening and night-time economy which is appealing, welcoming and safe between the hours of 5pm and 5am.
- 2.4 The Treasury Green Book analysis predicted that the Brewery scheme would generate a mix of A1 (retail) and C1 (hotel) employment, based on the intervention scenario and in line with English Partnership's additionality guidance, took account of a range of effects for the project, including.
- 2.5 Deadweight (output that would have occurred without the intervention);
 - Displacement (the proportion of intervention outputs accounted for by reduced outputs elsewhere in the target area);
 - Leakage (the proportion of outputs that benefit those outside of the intervention target area); and
 - Multiplier (further economic activity - jobs, expenditure or income) associated with additional local income, local supplier purchases and longer term effects.
- 2.6 The total number of additional direct jobs was estimated to be 420 and indirect 174, the latter being based upon a formulaic approach within Treasury guidance. Total anticipated jobs generated was therefore 594.
- 2.7 In addition, the construction programme itself initially estimated at £25m for the shell and core was expected to generate 154 temporary person years' worth of construction employment. In reality a further £10m of expenditure was incurred on the shop/office fit outs generating another 62 temporary person years' worth of construction employment.
- 2.8 The actual outputs for this individual scheme are noted below, recognising that the scheme contained a 30,000ft² office component, not originally envisaged.
- 2.9 Actual outputs are: retail 155 direct jobs; hotel, leisure, food & beverage 76 direct jobs; office 300 direct jobs. Total direct jobs 531 against a target of 420, with a consequent uplift in indirect jobs of 46, plus 216 temporary person years' worth of construction employment (with a focus upon local contractors, Kier and Barnwood). So clearly exceeding the 2011 estimates with 26% more jobs created.

3. Additional Factors

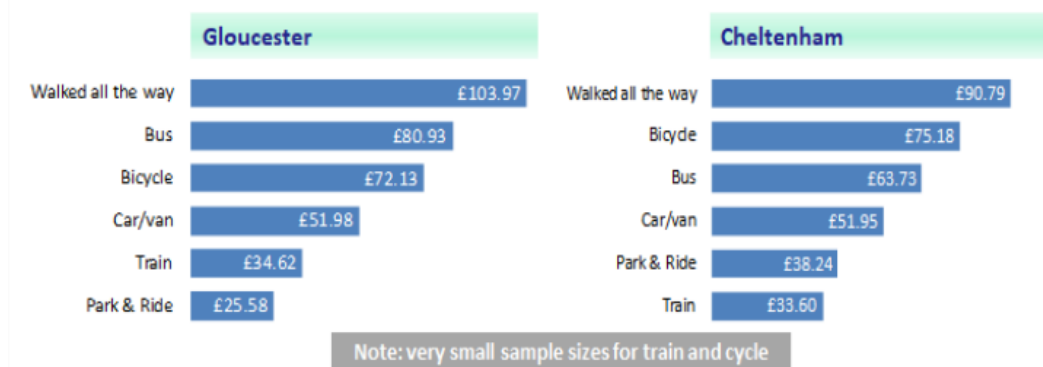
- 3.1 In addition to the direct jobs associated with the Brewery, we know that the LSTF has delivered wider benefits. The new John Lewis store (115,000ft²), at the other end of the High Street to the Brewery was predicated upon delivery of the first phase of the Cheltenham Transport Plan, and this has generated circa 200 new direct jobs, as well as 143 temporary years' worth of construction roles, based upon a construction value of c£23m.
- 3.2 There have been ancillary benefits from the LSTF too, such as town centre living. The Brewery delivered 34 new residential units and Regency Place, 164 units, located on the first phase of the Cheltenham Transport Plan (Albion Street), which has benefited from traffic calming, improved cycling and public service access.
- 3.3 Whilst the initial scheme was predicated upon a complete delivery scenario, it was decided to phase the scheme in order that each phase could be tested prior to further phases being delivered. Whilst this has elongated the programme and the current phase is a trial, it has not seemingly dented external assessments of the potential of the town, with Knight Frank citing Cheltenham High Street as #9 out of 200 places to invest in 2017 and Colliers International Midsummer retail report 2018 noting:
- 3.4 'Polarisation between the 'best and the rest' retail locations is becoming increasingly apparent throughout the UK and this is no different for the South West. The dominant centres in the region, such as Bristol, Bath, Cheltenham, Exeter and Plymouth, continue to benefit from good levels of demand and relatively low levels of vacancy. An example is Cheltenham, where rents remain unchanged from 2017 and the town will welcome a new 115,000 sq. ft. John Lewis department store in October of this year.'
- 3.5 Coupled with this has been a resurgence in office demand and whilst other factors have been at play, the ambitions of the Local Sustainable Transport Fund, as a government backed programme are clearly visible. LSTF aimed to encourage modal shift and this can be evidenced by schemes such as the Formal House conversion from storage to office space, which commands some of the highest rents in town, but has zero car parking. A situation that any commercial agent would have said was impossible a decade before, but which reflects a growing trend for employees to consider other modes of transport beyond private motor vehicle ownership. For this to be effective requires a commitment to pedestrians, cyclists and public transport users, as demonstrated by the Cheltenham Transport Plan.
- 3.6 Another measure often quoted is that of footfall, which has often been regarded as a proxy for spend; however, more recent research has demonstrated a causal link. Research released by Transport for London in November 2018 claims that people walking, cycling and using public transport spend more than motorists in local shops. TfL's "Healthy Streets Approach" designs streets for people that are easy to access by foot or bike; in these improved areas the number of people walking has increased by 93%, whilst time in the street (shops, cafes etc.) increased by 216% with a consequent knock-on for rental values by 7.5% and a 17% decline in retail vacancies.
- 3.7 This corresponded with a study undertaken independently by Accent in 2014 jointly funded by GCC and Stagecoach The Economic Impact of Public Transport in Gloucestershire exploring the travel patterns and spend of consumers in Cheltenham and Gloucester. This covered pedestrians, cyclists, bus patrons, car users and train passengers. This identified:
 - Walk was most frequently used access mode followed by bus;
 - That those who access a centre by bus, visit the centre about twice as often as those who access by car;

Page 30

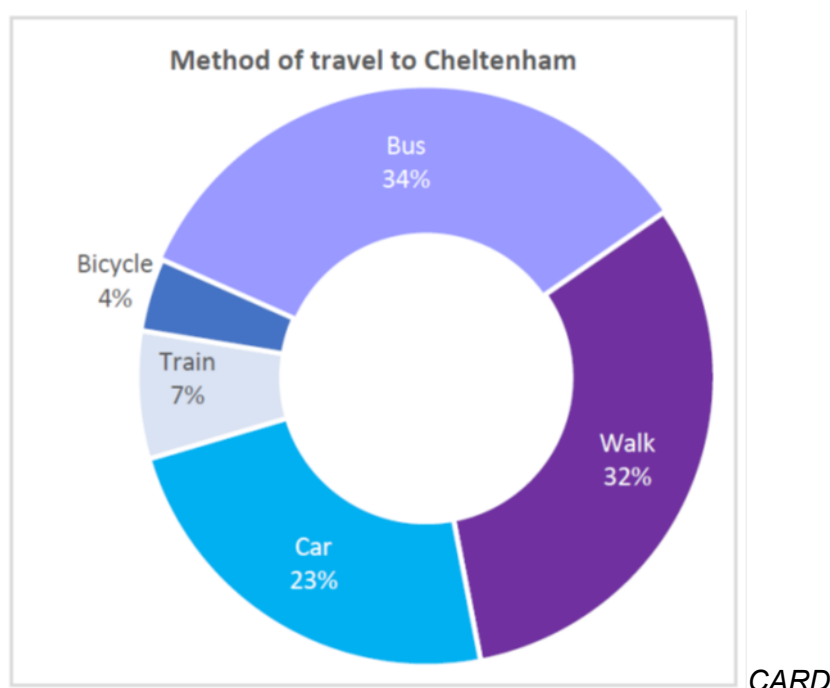
- Bus users spend more time in the centre than non-bus users and eat/drink out more;
- The most frequent activities in each centre were;

	Glos	Chel
– Shopping	62%	61%
– Eating/drinking out	18%	18%
– Using service	16%	14%
– Work there	15%	15%
– Window shopping	8%	12%

- Weekly spend by mode;



- 3.8 Before considering the data for Boots' Corner specifically, it is worth noting a Cheltenham BID survey undertaken in September-November 2016, identifying the modes of travel that the public deployed for their journeys to the town centre. This independent survey by CARD (Client Analysis and Relationship Development) identified that less than one in four town centre users came to Cheltenham by car, the majority arriving by bus, or on foot. The majority of drivers were residents living within or near Cheltenham. This conclusion is very similar to research carried out by GCC prior to the Cheltenham Transport Plan, that estimated that the majority of vehicles passing through Boots' corner were registered within 3 miles, suggesting that it was not necessarily a lifeline for the High Street / town centre, but simply a connecting route, that did not necessarily contribute to the vibrancy of the High Street; in fact, given the severance at Boots' Corner it was potentially detrimental to the performance of the High Street.



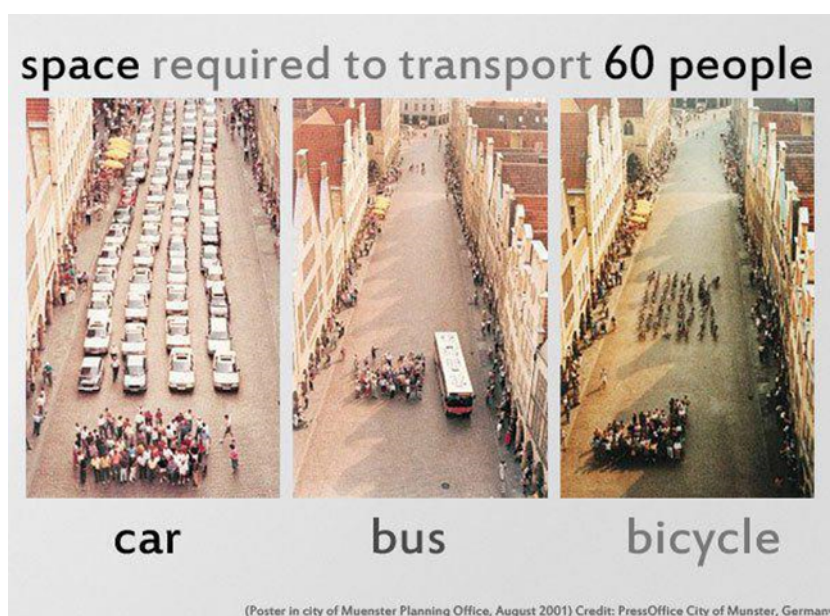
- 3.9 Specific data for Boots' Corner, as measured by an independent data collecting company, equally shows impressive pedestrian growth. Also, where works have completed, as at the Brewery, strong quarterly performance has been recorded since the start of phase 4 (the Boots' Corner trial) with significant footfall growth, reflecting both the wider High Street adjustment to include leisure and food & beverage and the greater connectivity associated with the trial. 15% year on year growth since the start of the trial contrasts strongly with the national position.
- 3.10 The data for Boots' Corner recorded across 4 weeks commencing 11th June 2018 (prior to the trial); 2nd July 2018; 8th October 2018 and 12th November 2018. This recorded pedestrian movements, cycle movements, individuals sitting down, wheelchair users and bicycles parked.

Week commencing	11/06/18	02/07/18	08/10/18
Pedestrian numbers	14,657	27,008	31,695
Cycle movements	220	674	694
Sitting down	1223	1455	2025
Wheelchair users	48	74	82
Bicycles parked	269	168	263

- 3.11 This data collected independently by G.John Surveys Ltd demonstrates an increase in excess of 100% pedestrian movement at Boots' corner since Cheltenham Transport Plan Phase 4 was implemented, which equates to 700 more pedestrian movements across Boots' Corner per hour. Equally, cyclist movement has increased by 215%, equating to 22 more cyclist movements across Boots' Corner per hour. This aligns with GCC LTP PI – 8 to increase the use of cycling within the County by 50% from 2015-2031. The number of people sitting in the space has also increased despite the later counts moving into less favourable weather for outdoor seating. Wheelchair use in the vicinity has risen by 70% which contradicts concerns raised by blue badge holders and noted in 4.2 below. Cycle parking fell when the railings were removed and before the new temporary racks were installed, but positively cycle parking occupancy at Boots' Corner has almost been restored to pre-trial level even though cycling and hence cycle parking tends to reduce over the winter months.
- 3.12 The wider footfall data sets for the Cheltenham town centre are not fully conclusive as a result of the disruption along the High Street and interference with the recording cameras; notably, as a result of the John Lewis development and public realm works. Whilst the records suggest a year on year slowdown which aligns with national trends, there has been no discernible change associated with Boots' Corner.
- 3.13 Maintaining bus patronage is a target for the GCC Local Transport Plan. Data produced by Stagecoach shows that Cheltenham's bus patronage has increased by 5,000 person journeys per week since the start of the trial; this excludes the Park & Ride contract recently taken over by Stagecoach – so is purely on a 'like-for-like' basis. Equating this to 'potential vehicle movements avoided' can be undertaken by utilising the Department for Transport vehicle occupancy data. <https://www.gov.uk/government/statistical-data-sets/nts09-vehicle-mileage-and-occupancy#history> The data for "all purposes" for 2017 (most recent data) gave a national occupancy of 1.55 persons per vehicle, although for commuting this fell to 1.16 persons per vehicle. On this basis, an additional 5,000 person journeys per week has probably resulted in between 3,225 to 4,310 fewer private vehicle movements per week on the network. This aligns with the GCC LTP 'Thinktravel' initiative that promotes sustainable travel, notably a reduction in

single occupancy car journeys with the principle of the 4 R's – Reduce, Retime, Reroute, Remode – in order to avoid the most congested times and locations on Gloucestershire's transport network. An example of this in action has been the Cheltenham BID arrangement with Stagecoach to provide discounted tickets for BID staff employees to encourage staff who have the option to consider more sustainable travel options.

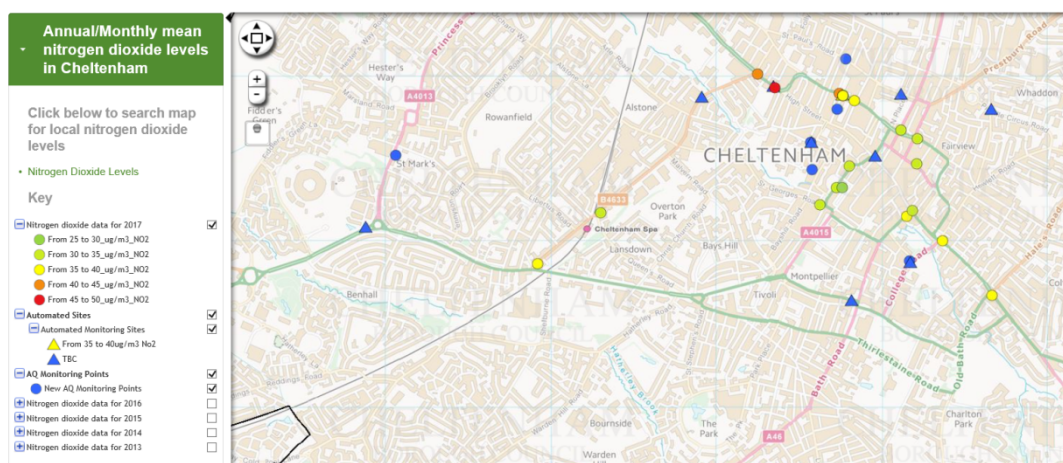
- 3.14 Whilst difficult to visualise, an exercise in Munster Germany in 2001 encapsulates the scale of road space that can be released through traffic mode re-assignment – see images below. This increase in bus patronage in Cheltenham is neither mirrored across Gloucestershire, or nationally, where a general 2% decline has been recorded. So to achieve growth of 4% in a declining market is an impressive result and reflects a mixture of investment in the fleet, service improvements, marketing and the impact of the Cheltenham Transport Plan. Whilst the GCC LTP Performance Indicator 9 aims to maintain the number of bus passenger journeys, Cheltenham is leading the field with tangible growth.



- 3.15 Equally important as bus patronage is bus punctuality, as this is a key determinant for many passengers. Stagecoach punctuality data in Cheltenham, as measured by GPS bus monitoring, has improved since the trial began, with 93.1% of buses on time since the trial began compared to a previous figure of 91.5% i.e. buses late running has dropped from 8.5% to 6.9%. This may appear a small improvement, but has to be considered against the 50,000 miles per week that Stagecoach buses drive in Cheltenham every week.
- 3.16 A further example of improved punctuality due to the trial was seen in November with the race meeting at Prestbury. Buses that had historically taken an hour to travel from the racecourse through town to the station and then return, were achieving the same journey with a 15% time saving.
- 3.17 Modal shift also has wider benefits, including reducing greenhouse gas emissions, consuming fewer non-renewable resources, saving on fuel costs, as well as significant health and well-being benefits, notably impacts upon childhood obesity and life expectancy. The stage 1 phase of the Cheltenham Transport Plan on Albion Street illustrated this with route B being the main beneficiary of the changes with its 7,000 passengers per week. Use of the new bus lane saves about 1,500 miles per annum, equating to a fuel saving of 190 gallons of diesel. The shorter route allows everyone travelling on the B from the London Road and Charlton Kings area to arrive in the town centre about 2 minutes quicker than they did before the bus lane was completed.
- 3.18 Additionally, in the case of Cheltenham with its large conservation area, modal shift will contribute to the protection and enhancement of the distinctive character of Cheltenham. For further

evidence of how space can be reclaimed by vehicle movement reduction, consider Queens Square, Bristol and the 1992 trial closure of the central dual carriageway that used to bisect the Square. The trial was deemed a success and Queens Square was restored to its former glory.

- 3.19 The Cheltenham Transport Plan should be viewed as part of a wider and longer term sustainable development programme and is reflected in emerging policies both nationally and locally to deal with new developments. It is already accepted that developments at west and north-west Cheltenham need to be connected to the rest of the town via sustainable corridors – cycle routes, bus routes etc.
- 3.20 Whilst modal shift may be positive at a macro level by reducing the overall generation of pollution, CBC has been monitoring pollution at a more localised level to reflect the existing challenges within a town centre environment. Current monitoring suggests that the picture has improved from when CBC first declared an Air Quality Management Area (AQMA). Whilst background circumstances have assisted, such as the availability of more hybrid vehicles, local actions have also had impacts. These include the Stagecoach upgrades to Euro6 compliant buses and Local Sustainable Transport Fund engagement measures to help individuals, families and employers consider their travel patterns and openly encourage alternatives to private vehicle transport. The council is currently undertaking air quality monitoring beyond the statutory requirements of the Act, in order to provide better data in relation to the Cheltenham Transport Plan, and has responded to concerns raised by installing additional monitoring points, as shown on the diagram below.



- 3.21 CBC has started to publish monthly reports of data from gas mesh pods, alongside the annual nitrogen dioxide data. Additionally, CBC has commissioned a 'Detailed Assessment' of local air quality and anticipates that the results will be received in Spring 2019. The intention is to review the existing AQMA based on this study and the legislative process will be followed accordingly. This might result in the existing AQMA being amended and a new local Air Quality Action Plan being produced to accompany this, setting out how the Council and partners intend to reduce current levels of air pollution within that area.
- 3.22 CBC is also part of a countywide Air Quality & Health Partnership facilitated by the County Council, which aims to deliver a consistent monitoring approach and behavioural change interventions across Gloucestershire.
- 3.23 GCC LTP Performance Indicator 13 aims to reduce levels of traffic derived Nitrogen Dioxide. For Cheltenham they cite 4 monitoring points of concern; 81 London Road (since removed as an area of concern) and 2 Gloucester Road, 422 High Street and New Rutland Court/Swindon Road (3 monitoring points in one area of concern), however more additional monitoring has been implemented to respond to concerns associated with phase 4 of the Cheltenham Transport Plan.

- 3.24 In terms of access to the town centre by car, there have also been numerous changes, as the Council pursues its parking and town centre access strategy, which was adopted in June 2017.
- 3.25 The authority realigned its parking pricing arrangements in March 2018, to facilitate a more level playing field when considering the cost of car use against other more sustainable transport modes, particularly bus use. Not all prices have been increased, but the policy does seek to discourage commuters from occupying town centre public parking spaces all day, whilst allowing improved access for shorter stay customers of the retail and service economy. In December 2018, GCC cabinet amended its on-street charges to better align with the CBC parking policy.
- 3.26 Pricing policy has also sought to encourage a better distribution of parking occupancy across the Council's own parking estate, whilst also setting a benchmark against which private providers can set their own tariffs.
- 3.27 Given the range of local authority parking changes and the evolving town centre offer, it is too early to draw firm conclusions from parking data, but for the April to September period in 2018, gross parking income to the authority increased by 7.6% compared to the same period in 2017. This certainly does not support a view that the Cheltenham Transport Plan is having a negative impact on town centre visits.

4. Potential Disbenefits

- 4.1 The initial phases of the Cheltenham Transport Plan were generally received positively, and for example, phase one demonstrated improved bus access times, greater cycling and reduced vehicle speeds. Any concerns raised through the early phases were mitigated through traffic management measures.
- 4.2 The Phase 4 trial has identified issues not previously raised. These are noted below.
- 4.3 Restricted access for blue badge holders, although prior to the trial more bays were introduced in the town centre. Options of shopmobility, lowering floor buses (n.b. all registered local bus services are low floor) and wheelchair accessible taxis do allow direct access to specific shops if required. Whilst these options exist, there is a need for better signposting for vulnerable users to ensure that the full range of options can be considered. Whilst some shoppers have suggested taking their spend to other centres, it is recognised that many other centres have restrictions at least as onerous and in some cases more restrictive than the Cheltenham Transport Plan phase 4 trial circumstances, e.g. Worcester, Bath, Oxford and Gloucester. GCC are actively seeking additional dedicated blue badge bays to allay concerns.
- 4.4 Loading and unloading issues, specifically in Clarence Street and Clarence Parade. It is understood from engagement with traders and GCC that a solution to meet their needs will be implemented in early 2019.
- 4.5 Traffic displacement impacts. The economic impact is difficult to gauge as there were existing and frequent hold-ups at peak times prior to the trial. Full details will be contained in the GCC traffic analysis when published. What the trial has done is to identify the pinch points and some potential remedies. However, as most prosperous towns and cities accept, an element of congestion is the price of high performance and should not be a justification for simply prioritising private cars over other users. The folly of building bigger and wider roads in towns simply to accommodate more one car/one passenger traffic is above and beyond the purpose of the LSTF funding, which was to encourage modal shift.
- 4.6 Pollution monitoring data identifies that the hotspot centred on Poole Way, which existed prior to the trial remains and further mitigating actions will be required. Initial results from additional monitoring in other locations identifies that some areas have increased pollution, levels but they remain below the EU and national trigger levels where interventions are required (with the possible exception of the northern section of Princess Elizabeth Way). Further data will be available in the Spring of 2019.

5. Summary

- 5.1 Whilst significant time has lapsed between the original bid and the implementation of the trial, it would appear that the outputs anticipated as a result of planned investment aligned with network changes has resulted in economic growth. These can broadly be summarised as follows.
- 5.2 **Retail impact** – notwithstanding the ‘draw effect’ of the new John Lewis store and the cachet for the town, other significant retailers have been drawn to the town. Retailers are very sensitive to changes that could impact upon their performance and given the number of new entrants generated since the start of delivery of the Cheltenham Transport Plan and the implementation of the phase 4 trial, such as Urban Outfitters, Luke, Everyman Barbers, The Botanist, India Jane and the retention of other names being lost elsewhere e.g. House of Fraser, one can conclude that retailers are optimistic about the change of direction being driven by the joint CBC/GCC initiative. Additionally, some elements buck national trends, such as Next completely rebuilding their store on the High Street, contrary to their national policy which favours ‘out of town’ or ‘edge of town’ locations e.g. as at Gloucester.
- 5.3 **Investment** - the linkage between the Blackrock / John Lewis investment at the former Beechwood shopping centre and the importance of phase 1 of the Cheltenham Transport Plan, demonstrates how importantly major investors consider traffic flows and town centre performance as part of their due diligence. It is anticipated that further investment will follow if the overall performance in the town centre can be maintained, especially given the footfall data and attraction of places such as the Brewery Quarter.
- 5.4 **Parking** – whilst often quoted as a barrier to town centre performance, the data for CBC-operated car parks does not demonstrate any collapse in patronage over the years that the transport plan has been implemented, or since the current trial. Equally, neither price adjustments nor the significant quantum of town centre construction work experienced over the last four years, has seemingly affected car park performance.
- 5.5 **Business confidence** – this is always difficult to measure and comment upon due to commercial confidentiality, however, the evidence from agents, investors and end users, as noted in 3.0 above, is mirrored by enquiries direct to CBC from operators wishing to locate in the town.
- 5.6 **Traffic flows and modal shift** – GCC will report on traffic flows in more detail as part of their detailed traffic impact analysis, but in terms of modal shift, it is pleasing to note that Stagecoach has reported a significant uplift in bus patronage and improved bus punctuality. The new social space created as part of the temporary package of works at Boots’ Corner itself has been extensively used and pedestrian movements have more than doubled at Boots’ corner itself, essentially reclaiming street space for the people.
- 5.7 **Spend** - no hard data exists to substantiate a true position, but previous studies elsewhere have demonstrated a causal link between modal shift, dwell time and spend per person. On the basis that evidence for modal shift exists and dwell time in the town centre is rising, it is not unreasonable to suggest that the general effect can only be positive on the array of traders; be they retail, food, beverage or entertainment. Clearly, there are also macroeconomic factors which will impact on spend, regardless of the local changes being pursued (e.g. Growth in on-line shopping, Brexit uncertainties etc.)

6. Conclusion

- 6.1 The Cheltenham Transport Plan is clearly delivering both adopted and emerging national and local policy and guidance on the need for streets to prioritise pedestrians first.
- 6.2 On the evidence so far available, the delivery of the Cheltenham Transport Plan suggests that Cheltenham is consolidating and improving its position as a regional town centre, with an inspiring mix of vibrant uses, supported by CBC as planning authority and GCC as highways partner. The

Transport Plan, aligned with other initiatives, is achieving the regenerative effect predicted and from an economic perspective, it can be concluded that the Cheltenham Transport Plan phases, including the trial at Boots' Corner have had a positive impact on the town centre, which has maintained and enhanced its vibrancy as a retail and social destination.

- 6.3 The number of direct jobs associated with the Brewery investment has surpassed original estimates, which in turn drives higher indirect jobs too, due to the formulaic linkage. An initial predicted estimate of 594 in total compared to 751. In addition, other investments such as the former Beechwood Arcade have resulted in new employment opportunities, with the investment decision linked to elements of the Cheltenham Transport Plan delivery.
- 6.4 Monitoring systems related to traffic flows will be considered in detail by GCC, but pedestrian, cycling and bus patronage data, suggest that modal shift is occurring as individuals are re-evaluating their options for journeying into the town centre. So the plan is contributing to the wider GCC LTP delivery.
- 6.5 Pollution monitoring continues, but to date levels remain below EU and national trigger levels, with the likely exception of Poole Way, a pre-existing hotspot.
- 6.6 Modal shift has long term benefits, including improving health and well-being as well as assisting transport network resilience. Additionally, the temporary works at Boots' Corner have encouraged extended dwell time, which is often linked to overall spend and commercial performance.
- 6.7 Evidence from elsewhere, suggests that the process of change can be challenging, but no urban areas have reversed traffic removal or traffic restriction schemes once embedded; the 1988 Promenade pedestrianisation scheme was controversial at the time, but no-one would now suggest that traffic should be re-introduced to that space.
- 6.8 Future opportunities can only be considered once a determination has been made on the trial. However, if the trial were to be made permanent, then it would be possible to consider and bring forward further measures to enhance the town centre. Potential options include reducing the number of vehicles, although that could pose a risk to accessibility for some, or reducing the impact of the vehicles allowed, for example, by restricting the space to Euro 6 electric vehicles, or alternative fuel vehicles only.

Lead Cabinet Member Briefing

Cheltenham Transport Plan Phase 4 - Amendments

Date	December 2018
Purpose of Report	Overview of CTP Phase 4 to date and recommendations for extending the trial.

Recommendations

Officers are recommending that Cheltenham Borough Council agree to extending the Phase 4 experimental trial for a further 6 to 8 months to allow for the following:

- for the trial, to be further monitored and evaluated so as to take into account the impact of traffic from Gold Cup Week.
- And for mitigation measures to be introduced to address the key consultation feedback and traffic monitoring analysis concerns;

That the Lead Cabinet Member, with the agreement of Cheltenham Borough Council, authorises the changes to the trial to be implemented.

Executive Summary

Phase 4 of the Cheltenham Transport Plan (CTP), the trial restriction of Clarence Street “Boots Corner” began on 28th June 2018. The trial is being undertaken by Experimental Traffic Regulation Orders (ETROs). Feedback received and analysis of traffic monitoring data since the commencement of the trial has highlighted four key transport themes:

1. Concerns / comments on traffic increases on other routes around the town and increases in journey time. Streets mentioned include St. George’s Street and Rodney Road;
2. Signage comments were primarily recorded in the initial month, but these have decreased following the additional traffic management introduced in early August;
3. Access for businesses on Clarence Parade and the western end of Clarence Street; and
4. Blue Badge Holder access to Pittville Street.

Correspondence with the local businesses has been ongoing since early in the trial to understand and resolve their concerns.

The data collected during the trial to date has shown a small number of traffic hotspots and has raised a number of other challenges, as set out above. It is considered that the challenges can be addressed through changes to the ETROs as well as introducing other traffic calming or signage features.

The revised concept would require changes to the bus gate restrictions resulting in a 24-hour bus gate in Clarence Street between Post Office Lane and Imperial Circus only. This limits the northbound traffic progressing along Clarence Street to buses and taxis. No restrictions for service vehicles would be required through the bus gate, as service access to all properties is possible either via Pittville Street or via Clarence Parade / Street. This would make the operation of the bus gate more straight forward and clearer for delivery drivers.

This approach removes Clarence Parade / western end of Clarence Street from the experimental area and directly addresses the concerns raised by the businesses in this area. This will require the implementation of two-way movement on one or both streets. Scheme design for this element is currently ongoing, at the request of CBC.

The Pittville St – North St corridor be covered by 24-hour Prohibition of Driving, with exemptions for buses, taxis and service access 6pm-10am.

Additional blue badge bays, beyond those implemented prior to the trial will be placed in Winchcombe Street, immediately north of the High Street, and a no-waiting at any time restriction put on Post Office Lane in order to further address the concerns of disabled users for access to the town centre.

The recommended revision to the experimental orders will require physical changes to the highway and changes to the current experimental legal orders. Initial discussions with the design team suggest that the earliest the changes could be made is Spring. This is subject to confirmation. Additional budget will be required to deliver the changes.

Revised Trial Timeline

Introducing these changes results in the need to further extend the consultation period for six months after the mitigation measures are introduced. The resulting timeline for the revised trial is as follows:

January	Mitigation measures outlined
January	CBC Council meeting considers the scheme and decides whether it wishes GCC to proceed on this basis.
February	TRO Committee updated on changes to the experimental order
Spring	Mitigation measures introduced
Mid 2019	Further consultation period
Late 2019	TRO Committee considers consultation feedback and data analysis
December 2019	Potential decision

Background

The purpose of this report is to provide an update on the feedback received on CTP Phase 4 over the first five months following the commencement of the experimental traffic orders.

Cheltenham Borough Council requested that the County Council introduce new traffic regulation orders in the town centre of Cheltenham, in order to alter current traffic patterns in the centre and deliver critical elements of the Cheltenham Transport Plan. This proposal intends to help to improve road safety and air quality issues around the town centre. It also would enable a vision for urban public realm improvements at Boots Corner, potentially creating an enhanced environment for pedestrians and improve connectivity on the high street.

The Cheltenham Transport Plan and the Traffic Regulation Orders required to deliver elements of the plan have been widely consulted on since summer 2013. This included an informal pre-consultation exercise and two statutory consultations which meet or exceeded legal requirements.

In July 2015, Gloucestershire County Council Cabinet resolved to: -

1. Accept the recommendations from the Traffic Regulation Committee made on 15 January 2015 relating to the inner-ring road changes, with the exception of the Boots Corner proposed trial;
 - (a) Make those elements of the traffic regulation orders relating to the Cheltenham Transport Plan, as detailed on the Traffic Regulation Order Proposed Restriction Changes Schedule at Appendix B of the decision report; and
 - (b) Defer a decision on the elements of the traffic regulation orders relating to Boots Corner.
2. Authorise the Commissioning Director: Communities and Infrastructure to implement the scheme through the following phased approach:
 - (a) Albion Street – October 2015 to February 2016
 - (b) Imperial Square and Oriel Road – April to July 2016
 - (c) Royal Well – Summer 2016
 - (d) Contingent on the successful implementation of the other schemes, a Boot's Corner experimental order and trial- scheme – Spring 2017

The delivery of the scheme has progressed broadly in line with the cabinet resolution, albeit with longer timescales than initially envisioned. Phase 1 was delivered in July 2016, Phase 2 in March 2017 and Royal Well Road in February 2018. The changes to the timescales of the phases were discussed and agreed with the relevant lead cabinet member at the time.

Current Phase 4 ETROs

The overall objective of the ETROs is to trial the restriction of the Clarence Street corridor (“Boots Corner”) to through traffic, whilst allowing servicing access and enabling civil enforcement.

The restriction is composed of four distinct orders;

- a Bus Gate ETRO;
- a Prohibition of Driving (PoD) ETRO;
- Waiting and loading ETRO; and
- One-way ETRO.

Clarence Street north of Imperial Circus and North Street are covered by the ETRO Bus Gate. This is operational between 10am and 6pm daily, with a small number of exemptions for access. Civil enforcement of the bus gate order commenced in early August via Automatic Number Plate Recognition (ANPR) camera.

Clarence Parade, the western end of Clarence Street, Pittville Street, the Promenade and Imperial Circus is covered by a 24-hour Prohibition of Driving (PoD) ETRO, with exemptions for servicing and access between 6pm and 10am.

The waiting and loading ETRO and one-way ETRO have been used to amend the local highway network to work with the bus gate and PoD in place.

Public Feedback to Date

The Cheltenham Transport Plan is a CBC sponsored project, which is being enabled in part by GCC as the highway authority and CBC partner. The GCC portal website has been used to provide a consistent, single point of contact for the project. The key objective of the use of the portal is to simplify the communication channel to improve the service for the public. Rather than contact one of the two organisations only to be told to contact the other, the portal website provides the public with a single contact point. Consequently, the portal is used for general enquiries, and to submit formal representations.

At the time of writing (December 2018), there were 798 entries to consultation portal website:

- 422 general enquiries; and
- 376 formal representations.

The bulk of the feedback questions the overall concept of the CTP, rather than any specific issue.

The key transport themes from the entries are:

1. Concerns / comments on traffic increases on other routes around the town and increases in journey time. Streets mentioned include St. George’s Street and Rodney Road;
2. Signage comments were primarily recorded in the initial month, but these have decreased following the additional traffic management introduced in early August;
3. Access for businesses on Clarence Parade and the western end of Clarence Street; and
4. Blue Badge Holder access to Pittville Street.

Correspondence with the local businesses has been ongoing since early in the trial to understand and resolve their concerns around access for deliveries and customers.

Network Traffic Effects

Pre-CTP traffic data collection

A baseline assessment of the pre-CTP traffic flows on a range of roads across Cheltenham was collected in November 2015 for two weeks, using GCC’s in-situ fixed Automatic Traffic Counters (ATCs) and additional traffic volume / speed surveys to cover other residential routes which may experience displacement effects.

The fixed Automatic Traffic Counters sites used:

- A4019 Poole Way south of Swindon Road;
- A46 St. Johns Ave north of Albion Street;
- A435 High Street east of St. James Street;
- A435 London Road west of Keynsham Road;
- A46 St Georges Road east of Royal Well Road;

- A46 Imperial Square at junction with Rodney Road;
- Ambrose Street north of Knapp Road;
- Rodney Road north of Imperial Square;
- A46 Albion Street west of St. Johns Road;
- Gloucester Place;
- Winchcombe Street;
- A46 North Place;
- Wellington Street;
- Bath Street;
- Clarence Street;
- St George Place; and
- A46 Royal Well Road.

The additional traffic volume / speed surveys were carried out for period of two weeks in early November 2015. The location of the residential additional survey sites:

- Monson Avenue;
- Clarence Square;
- All Saints Road;
- Fairview Road;
- Bayshill Road;
- College Road;
- St. George's Street;
- High Street;
- St. James' Square;
- Imperial Square (southern side); and
- Montpellier Spa Road.

The combined survey sites provide comprehensive coverage over the town, enabling a wide-ranging picture of existing flow volumes to be built up.

Since the 2015 baseline survey, decommissioning of two fixed ATC sites within the county has provided equipment to be re-allocated to establish a permanent ATC site in Clarence Square and an additional site on Winchcombe Street, South of Albion Street, to monitor traffic flow on the High Street - Rodney Road corridor.

September 2018 Traffic Data

A two-week data collection exercise was undertaken in Mid-September following the commencement of the new school year. This provides the first data set of the trial in neutral traffic conditions.

Figure 1 and Figure 2 below provide comparisons of the average 24-hour traffic flow at each site since the following the completion of each phase to date.

Figure 1 – Summary of 24 hour traffic flows recorded at CTP temporary survey sites 2015 – September 2018

Summary of 24 hour two-way traffic flows at CTP Temporary ATC sites across Cheltenham 2015 to Sept 2018

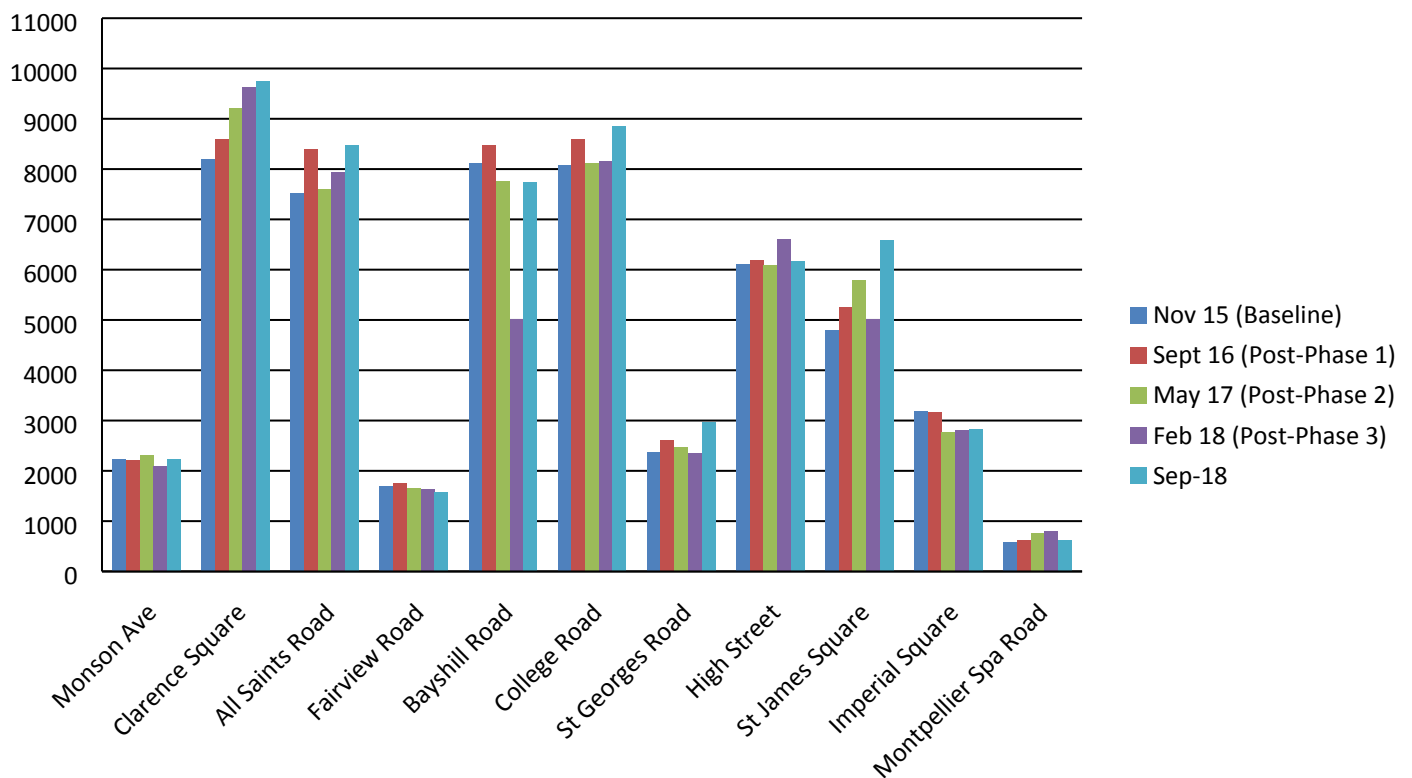
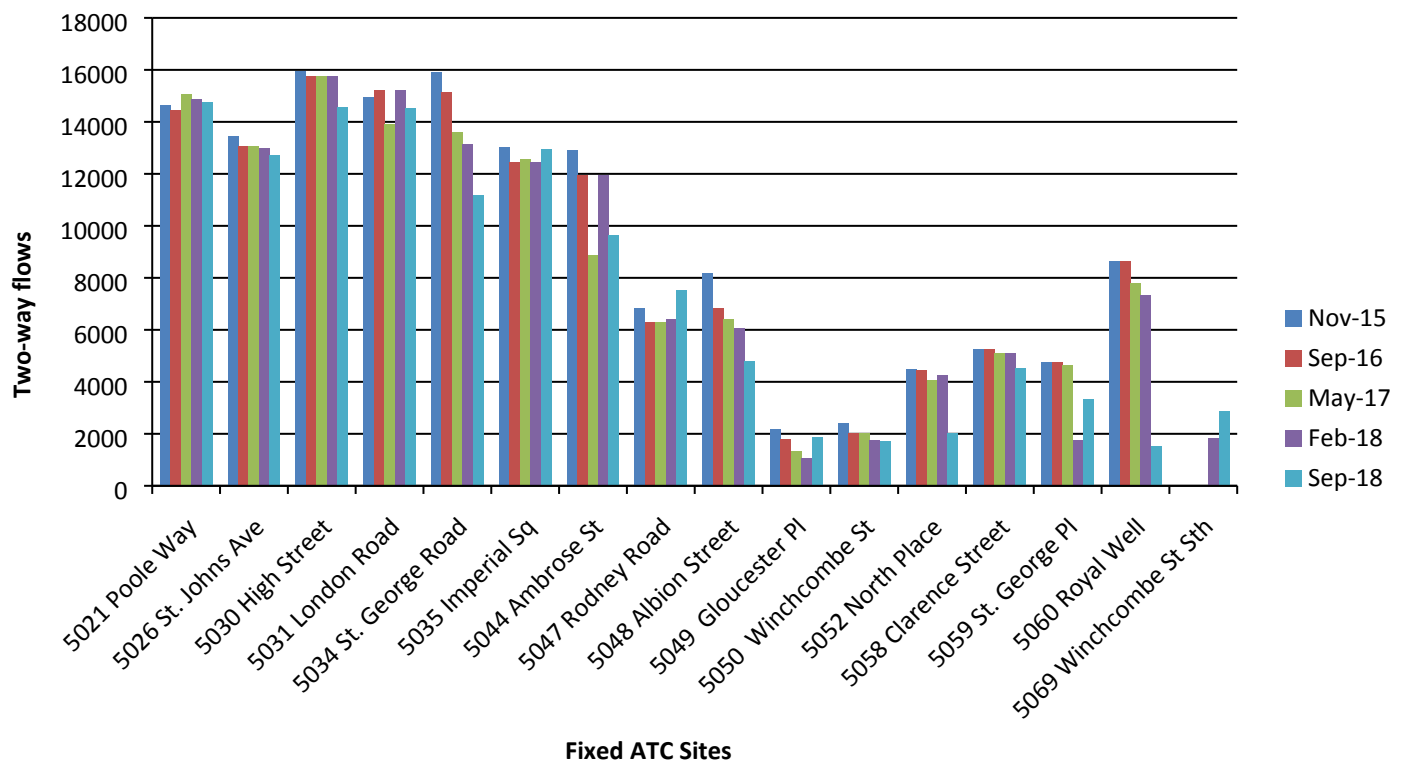


Figure 2 - Summary of 24 hour traffic flows recorded at CTP fixed ATC survey sites 2015 – September 2018

Summary of 24 hour two-way traffic flows at CTP Fixed ATC sites across Cheltenham 2015 to Sept 2018



The figures show that in comparison to the pre-CTP 2015 flows, CTP Phase 4 has had a limited effect on the overall network to date. Most of the survey sites show increases broadly in line with expected levels of background traffic growth (circa 5-10%) or reductions in traffic since 2015. Three sites show larger (>20%) increases in traffic;

- St. George's Street;
- St. James' Square; and
- Winchcombe Street South

November 2018 Traffic Data

A two-week data collection exercise was undertaken in November to provide a direct comparison with the November 2015 baseline data. Due to roadworks in the vicinity of Ambrose Street / High Street, the data collection was pushed back to the second half of November. Whilst November is a DfT defined neutral period, there is a possibility of increases in traffic associated with Christmas shopping in the second half of the month.

Figure 3 and Figure 4 below provide comparisons of the average 24-hour traffic flow at each site since the following the completion of each phase to date.

Figure 3 – Summary of 24-hour traffic flows recorded at CTP temporary survey sites 2015 - Nov 2018

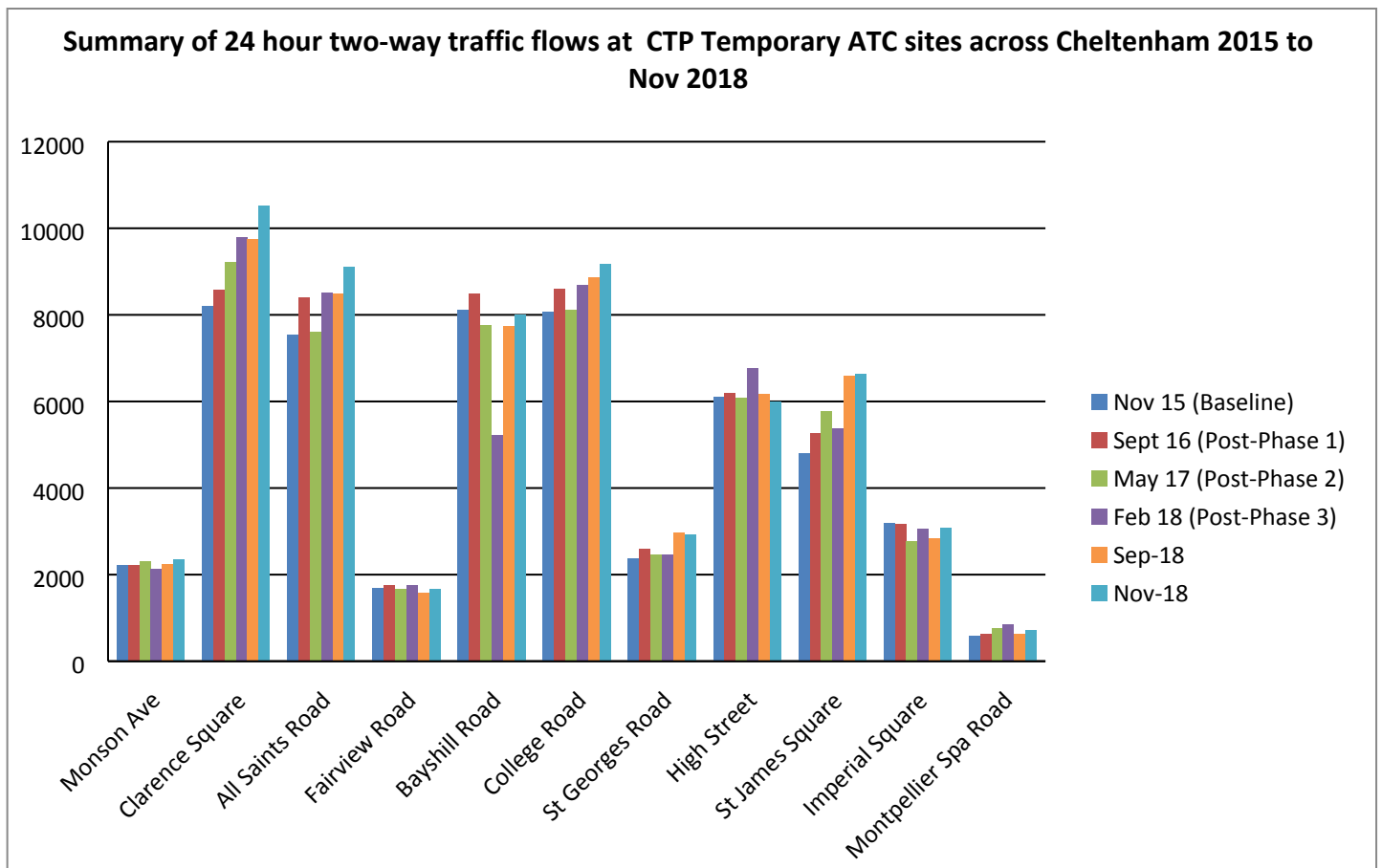
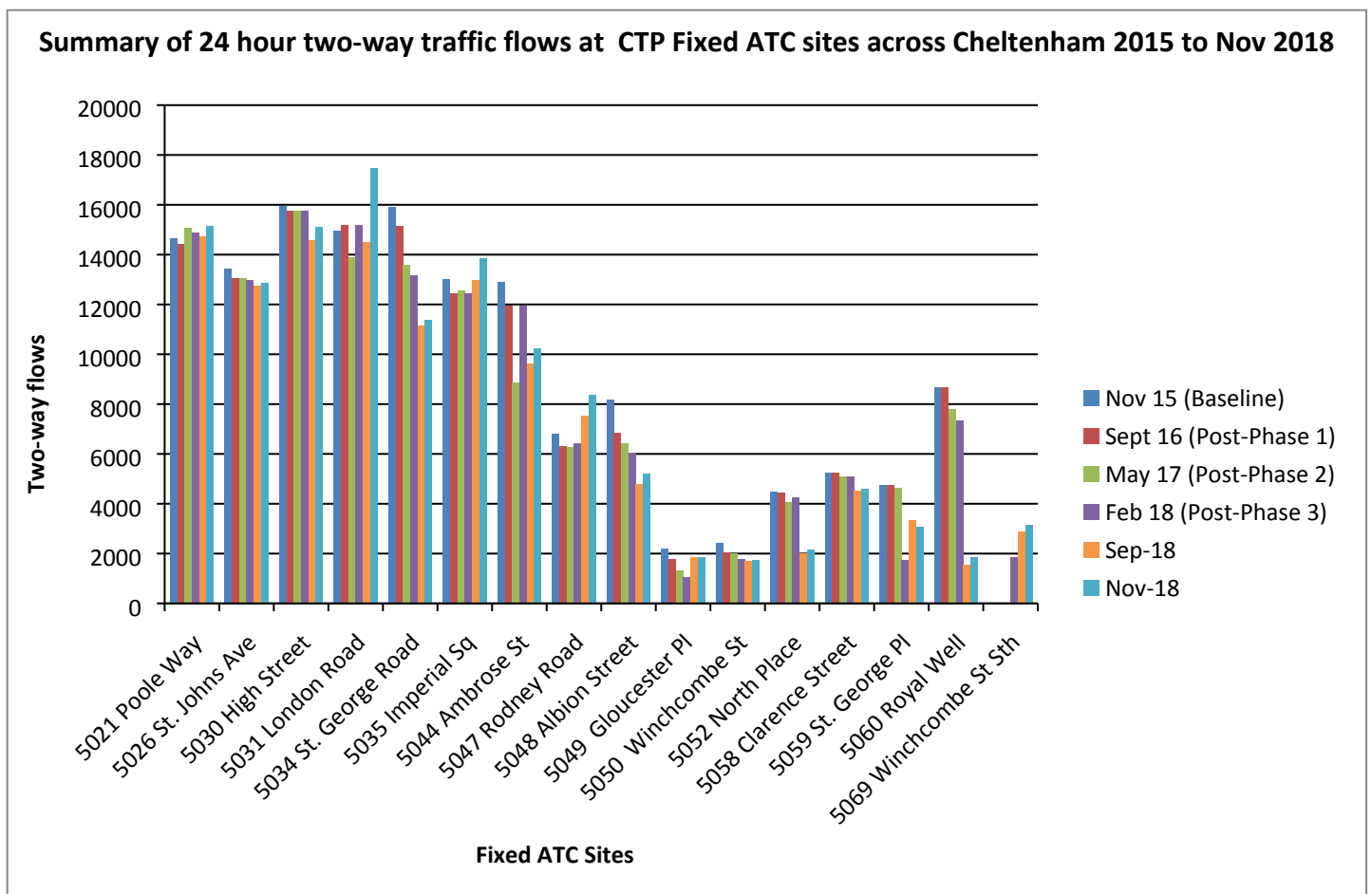


Figure 4 - Summary of 24 hour traffic flows recorded at CTP fixed ATC survey sites 2015 – Nov 2018



In comparison to the baseline November 2015 traffic flows, a total of seven sites show increases in traffic over 20%.

- Clarence Square;
- All Saint's Road;
- St. George's Street;
- St. James' Square;
- Montpellier Spa Road;
- Rodney Road; and
- Winchcombe Street South

CTP Phase 4 – Current Position

The November 2018 traffic data shows increased traffic flows on the two northbound routes immediately adjacent to Clarence Street (St. James Sq. – Ambrose St – St. George' St.) and east (Rodney Road – High Street – Winchcombe Street S). This corroborates with feedback received from the public via the GCC portal site.

Whilst proportionally high, the increased traffic volume on Montpellier Spa Road is of very limited impact and no mitigation is proposed at this time. This will be kept under review throughout the trial period.

Clarence Square and All Saints Road are located on the northern periphery of the town centre. Both sites showed lower levels of traffic in the September 2018 survey data. The trial restriction has been in place for five months and sudden increases in flow at both sites at this point in the trial are considered to be unusual as traffic patterns are likely to have re-established within the initial two months. A more detailed review of the traffic data shows that the volumes at Clarence Street have increased uniformly in both directions across the day, suggesting a general uplift in traffic volume along the route, potentially due to Christmas traffic increases. The detailed review of All Saints Road shows that the changes are due to an increase in southbound traffic. The trial restriction area is to the southwest of All Saints' Road, and it is considered unlikely that this is having a material effect on southbound traffic flow along the All Saints' Corridor.

As the detailed data does not definitively show a single factor which has resulted in the increased traffic volumes, it is considered that volumes at the site are kept under review and mitigation investigated if the traffic volumes remain at their current levels in Spring 2019.

The traffic flow data does not show any significant increases on northbound routes further away of the town centre, e.g. College Road. This suggests that users are making decisions to alter their routes close to the restricted area or that their journey origin / destinations are close to the restricted area.

The key challenge raised by the trial to date is the timed access to Clarence Parade / western end of Clarence Street and the associated changes for the businesses in the area. Ongoing correspondence with the businesses has identified a number of amendments which would alleviate the majority of the issues raised. However, a number of the changes will require amendments to the ETROs to implement.

The statutory 6-month formal representation period for the ETROs finished on the 28th December. The recommendation from the TRO committee to provide feedback 10 months into the trial means that the trial will continue through Gold Cup Week through to April.

A number of concerns have been raised about the inability to provide any formal representation during the Cheltenham Gold Cup Week. The current formal representation period from the start of the trial will be kept open to include Gold Cup week.

As shown above, the data collected during the trial has shown a small number of traffic hotspots and has raised a number of other challenges. It is considered that the challenges can be addressed through changes to the ETROs, and it is recommended that revisions to the ETROs are progressed.

A revision to the ETROs would start a further 6-month formal representation period.

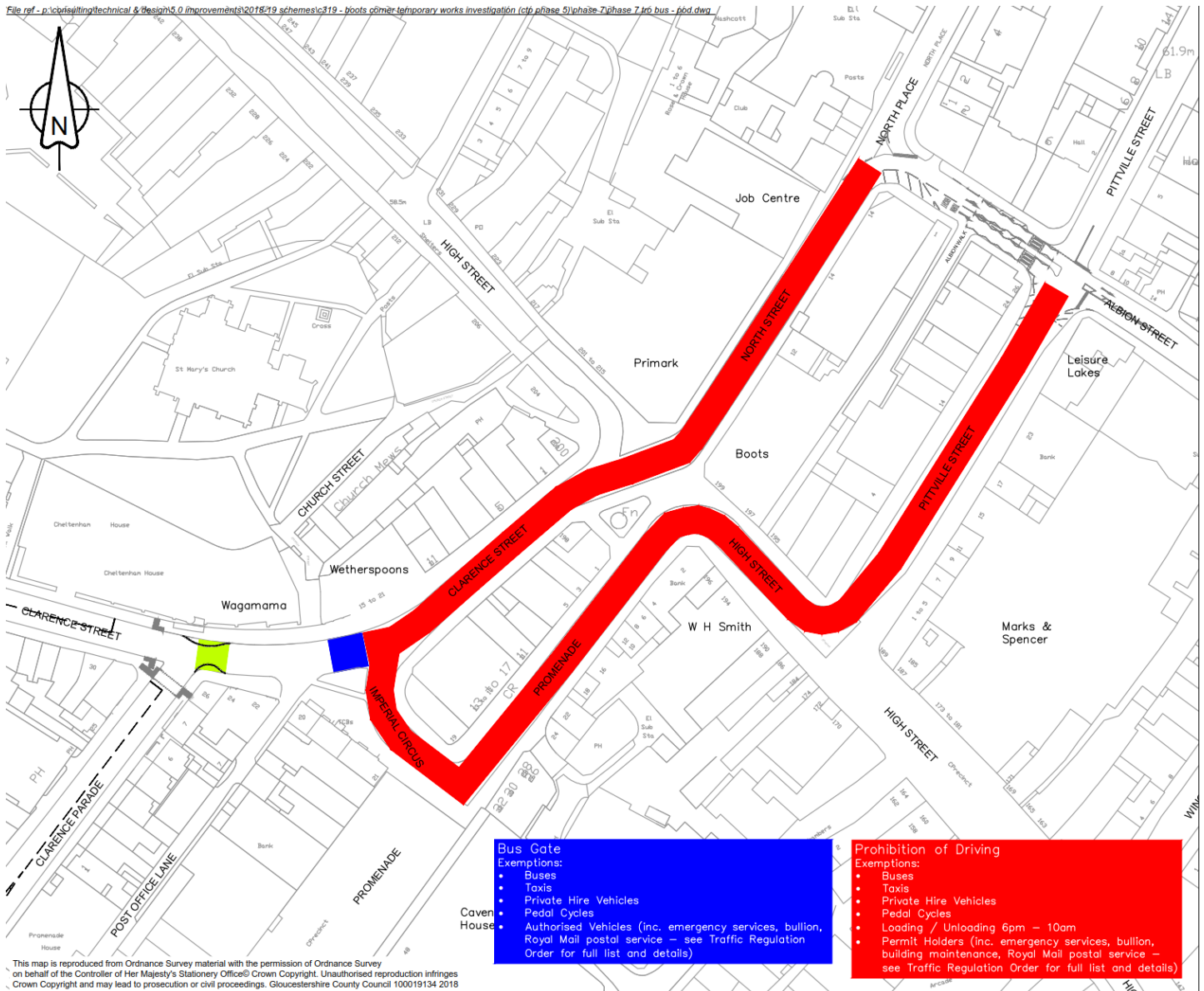
Recommended Revisions

Objectives of Revisions

1. Maintain overall scheme objective – reduction in traffic on Clarence Street “Boots Corner”
2. Remove Clarence Parade & western end of Clarence Street from trial
3. Simplify the scheme

Proposed Approach

Figure 5 – Overview of Bus Gate and Prohibition of Driving



The revised concept, as outlined in Figure 5, is to put a 24-hour bus gate in Clarence Street between Post Office Lane and Imperial Circus. This limits the northbound traffic progressing along Clarence Street to buses and taxis. No restrictions for service vehicles would be required through the bus gate, as service access to all properties is possible either via Pittville Street or via Clarence Parade / Street.

This approach removes Clarence Parade / western end of Clarence Street from the experimental area. The final design of how this element is delivered is currently being developed. Further detail is set out below.

It is proposed that the Pittville St – North St ‘U’ covered by 24-hour Prohibition of Driving, with exemptions for buses, taxis and service access 6pm-10am on this corridor.

Three additional blue badge bays will be placed in Winchcombe Street, immediately north of the High Street, addressing one of the key themes, and a no-waiting at any time restriction put on Post Office Lane.

Pros:

- Achieves scheme objective of reduction of traffic on Clarence Street “Boots Corner”;
- Straightforward signage and enforcement;
- Unrestricted access to Clarence Parade and Clarence Street;
- Emergency egress via Post Office Lane & Church Street if required; and
- Potentially better for Promenade market access
- Provides additional parking for blue badge users close to town centre

Cons:

- Some increase on current traffic volumes through Boots Corner by circulating traffic on Pittville Street – North Street ‘U’;
- Reliant on Police enforcement of Prohibition of Driving; and
- Potentially more difficult for loading for some properties as access only from the north. This Could be mitigated by allowing increased time for service access e.g. 4pm – 10am
- Slightly reduces loading in Winchcombe Street.

Options for two-way working on Clarence Parade / Clarence Street

A number of concepts are being investigated to enable two-way working on Clarence Parade / Clarence Street. These can be broadly categorised as.

1. Traffic signal controlled operation;
2. Priority controlled (give way) operation; and
3. Physical changes to the carriageway;

Following a request from CBC, investigation into the most suitable option is ongoing.

Additional Elements

The proposed revisions to the ETROs address three of the key themes from the correspondence received to date;

- Signage comments
- Access for businesses on Clarence Parade and the western end of Clarence Street; and
- Blue Badge Holder access

It is proposed to undertake several additional studies, which do not require any amendments to the TROs, to address the fourth key theme from the correspondence; comments / concerns on traffic increases on other routes.

1. Investigation into options for traffic calming on Rodney Road; and
2. Investigation into directional signing;

The traffic calming and directional signing studies will be progressed with a view to implementation as soon as possible.

GCC have also now completed a separate review of the traffic signals on the A4019 corridor and has secured a commitment of up to £1m within the capital programme to make improvements along this corridor. . The A4019 is a strategic route across northern Cheltenham and was already a congestion hot spot before the implementation of the Cheltenham Transportation Plan. The planned growth to the north and west of Cheltenham will likely place additional challenges along this route. The study makes recommendations for upgrading the traffic signals and potentially removing some signals in order to accommodate the current and future volumes.

Timescales and Costs:

The recommended revision to the experimental orders will require physical changes to the highway and changes to the current experimental legal orders.

Initial discussions with the design team suggest that the earliest changes could be made is Spring. This is subject to confirmation of the scheme to enable two-way working on Clarence Parade and Clarence Street

Additional budget is required to facilitate the changes and to continue the trial for a further 6 months once implemented. Initial construction cost estimates for the revisions are set out below:

- Changes to Clarence Parade / Clarence Street = £54,000
- Design fees = £12,000
- Ongoing running costs of trial = £5,000 to £7,000 per month
- **Indicative cost estimate (assume revised trial commences for 6 months from May) = £136,000**

It is proposed that these costs would be covered initially by any remaining funding that has been allocated to the scheme in the current capital programme with remaining costs being covered by surplus from the bus gate enforcement.

Risks

There are a number of external risks which may impact upon the costs and delivery timescales of the revisions.

1. Weather (construction during Winter / Spring)
2. Start of new GCC Highways Contracts on 1st April
3. Lead in times for third parties (e.g. Skanska who supply lighting etc)

Contact officers

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Fraser Reid – Project Manager
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Cheltenham Borough Council Cabinet – 22nd Jan 2019

Housing Revenue Account New Build at Monkscroft Villas

Accountable member	Councillor Peter Jeffries, Cabinet Member Housing
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	Hesters Way
Key Decision	No
Executive summary	The report seeks approval in principle to the construction of 29 new units at Monkscroft Villas, Princess Elizabeth Way and to go out to tender to seek bids from potential contractors to build the development. The scheme proposes development on existing HRA land that currently comprises of 3 terrace houses all in a state of disrepair and vacant. No commitment to contract will be made before planning decision and tendered costs and adjusted viabilities have received Cabinet and Council approval in 2019.
Recommendations	<p>Cabinet is recommended to :-</p> <ol style="list-style-type: none"> 1. Approve in principle the construction of 29 new units at Monkscroft Villas, Princess Elizabeth Way as set out within this report. 2. Approve the Authority to seek bids from potential contractors to build the new housing for the Authority. 3. Note that a further report will be brought back to Cabinet and Council to seek approval to the Authority undertaking the development and to approve the award of the contract to the successful contractor
Financial implications	<p>Contact officer: Paul Jones</p> <p>As detailed in the exempt appendix (Appendix 2).</p> <p>paul.jones@cheltenham.gov.uk</p> <p>01242 264365</p>

Legal implications	<p>The Authority has power under Section 9 of the Housing Act 1985 to build new housing accommodation on land it owns for that purpose. Land in the area which was comprised of public open space was approved for appropriation to housing purposes by Cabinet on 10 July 2018. The formal appropriation will need to take place before works commence.</p> <p>When the Council sold dwellings in the area under the right to buy, by virtue of the Housing Acts the purchasers acquired various rights of support, use of services and access for maintenance etc. The burden of these rights in general terms is noted on the Council's title registered at HM Land Registry. However, there are no known third party rights affecting the land.</p> <p>The Authority's Contract Rules and the Public Contracts Regulations 2015 will need to be complied with when looking to appoint a contractor and the professional team to design and build the new housing. All contractual and legal documentation prepared or approved by One Legal must be entered into before work commences.</p> <p>Contact officer: Donna Ruck, Solicitor, donna.ruck@tewkesbury.gov.uk 01684 272696</p>
HR implications (including learning and organisational development)	There are no direct HR implications arising from this report.
Key risks	Please see risk assessment at Appendix 1 of this report
Corporate and community plan Implications	By increasing the provision of new affordable housing we will be supporting our key strategic objective of strengthening our communities.
Environmental and climate change implications	The proposal will improve the area as the land currently comprises of 3 terrace houses and due to subsidence issues, these have been vacant for over a year.
Property/Asset Implications	<p>Contact officer: Dominic Steed, Head of Property Services dominic.steed@cheltenham.gov.uk, 01242 264151</p>

1. Background

This scheme represents a continuation of the Housing Revenue Account (HRA) development programme which has seen 39 new units delivered since 2016.

The Council's managing agent, Cheltenham Borough Homes (CBH), has been working with Council officers in the Operational Working Group (OWG) to establish a suitable scheme for the existing land known as Monkscroft Villas on Princess Elizabeth Way, Hesters Way, Cheltenham. The land currently comprises of 3 terrace houses and due to subsidence issues, these have been vacant for over a year.

Working with a design team, CBH have undertaken an option appraisal exercise and worked through feasibility taking into account current housing needs, surrounding developments and existing infrastructure whilst also having regard to any potential future proposals for Hesters Way under the Cheltenham West regeneration project. The range and design of new homes has been agreed with OWG members and proposals consulted with local ward councillors. A very positive pre-application exercise has been undertaken with CBC planning and extensive discussions and agreement with Gloucestershire Highways finalised to secure access off Princess Elizabeth Way.

2. Scheme Details

The redevelopment of Monkscroft Villas will involve the demolition of 3 redundant houses. One of those properties was found to be suffering subsidence and has been vacant for over two years. The other two properties remained tenanted until other suitable accommodation could be found and those residents were re-housed in late 2017. As part of the redevelopment works, robust site investigation and modern foundation design will overcome the issue with the existing properties which has been found to have inadequate sub-structure foundations.

The planned development is to provide 29 homes which comprise of:-

A block of 27 flats across 3 and 4 storey accommodation with 18 x 1 Bed Flats, 6 x 2 Bed Flats, 3 x flexi flats which are larger 1 bedroom flats with the ability to become two bedroom flats should the need arise. The block will also benefit from lift access, mobility scooter storage and be built to lifetime homes criteria and comply with the national space standards in terms of room sizes and circulation spaces.

To complement the flats, the scheme will also have 2 x 2 bedroom houses and parking spaces on the land that has been formerly used by the grounds maintenance team and has now been appropriated to the HRA to form part of the development site.

The sites are all in CBC ownership and there are no acquisition costs.

There are no known third party rights affecting the land. Gloucestershire Secured by Design Officer has been consulted and his requirements and guidance has been implemented into the design.

Should planning permission be secured, the intention is to proceed to tender with a view to the programme for the development starting on site in July 2019, with a build time of 15 months. A robust cost plan has been produced for the scheme, and current cost estimates are provided at Appendix 2 (exempt). Funding for the scheme will be from a combination of Right to Buy receipts, HRA revenue reserves, Homes England grant and borrowing, dependent upon the tenures chosen for the site.

The tenure of the units is yet to be determined and a number of potential scenarios are currently being modelled for financial viability. A final decision will be taken at a later date but this does not

change the need to obtain planning approval and tender for a principal contractor.

3. Performance monitoring and review

CBC-CBH Operational Working Group will continue to oversee the delivery of this project, alongside the other development opportunities that materialise as part of the current pipeline of work. Taking account of current cost estimates it is expected this proposal will provide a financially viable scheme with positive cash flows from year 1.

4. Consultation and feedback

These proposals have been developed through consultation with key stakeholders including Ward Councillors and formal pre-application planning advice has been obtained for this site.

5. Recommendations

Cabinet are asked to confirm their support for the proposed development and approve the decision to proceed to tender.

Report author	Contact officer: Dave Milner. Development Project Manager, CBH <i>dave.milner@cbh.org</i> 01242 387530
Appendices	1. Risk Assessment 2. Financial Statement (confidential) 3. Proposed Site Plan and Floor Plans
Background information	None

Risk Assessment

Appendix 1

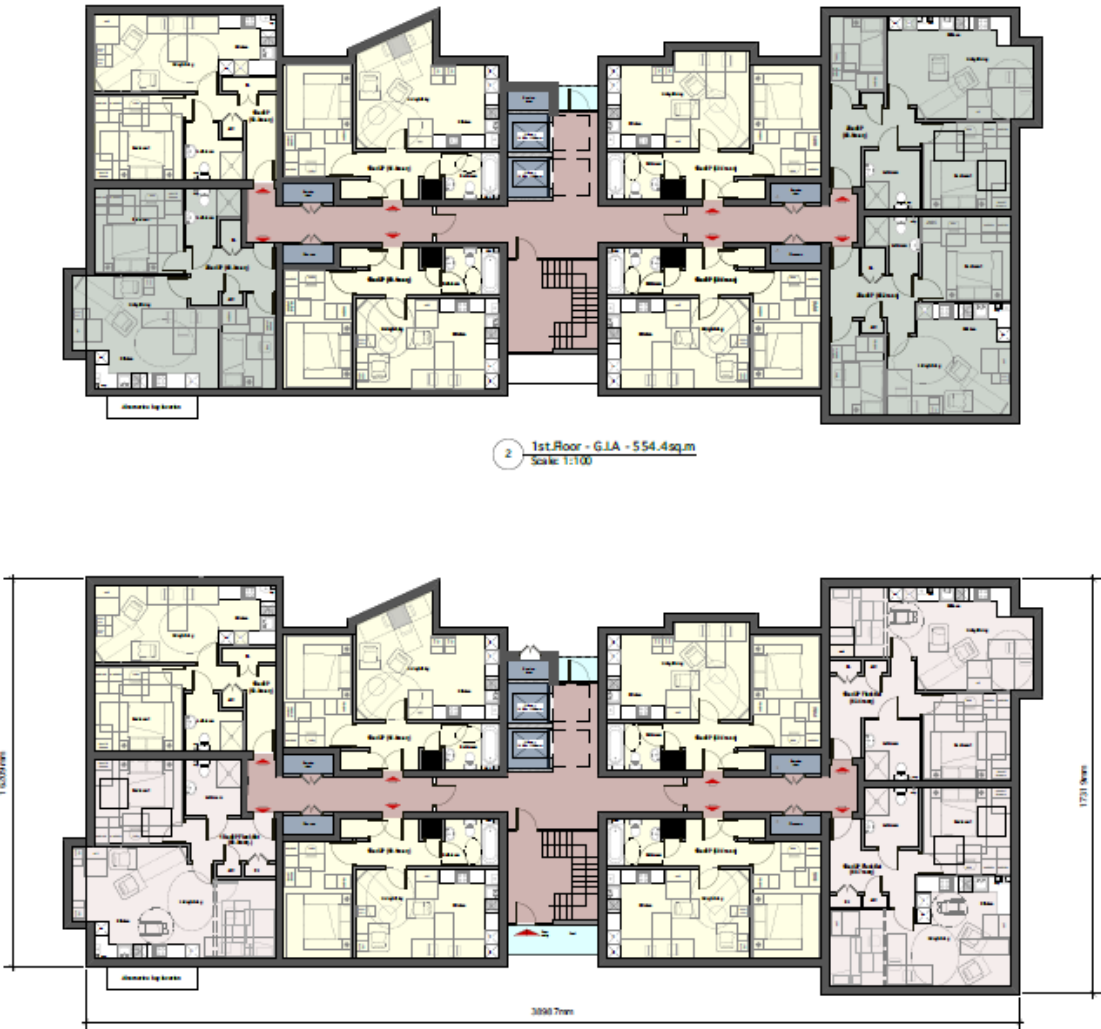
The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If subsidence is replicated on the new development that occurred on existing properties, then the new properties could become uninhabitable	Dominic Stead	Aug 2018	5	1	5	Accept	Desk top study undertaken. Robust detailed Site investigation to be undertaken and adequate sub-structure works (foundations) to be constructed.		Dave Milner (CBH)	
	If the capital receipts held from RTB sales under the retention agreement with MHCLG are not used within 3 years of receipt they are repayable with interest to the Government	Paul Jones	July 2018	3	3	9	Reduce	Officers from CBC and CBH are currently evaluating this and other sites for new build development to ensure procurement and delivery timescales will allow use of these funds before expiry	Dec 2018	Martin Stacy (CBC) Stafford Cruse (CBH) Dave Milner (CBH)	
	If market conditions lead to less labour being available to deliver required works, then tenders may exceed current estimates.	Tim Atkins	July 2018	4	3	12	Reduce	Discuss the tender in advance with suitable contractors. Give sufficient time to contractors to return the tenders and discuss supply chains with potential contractors as part of the exercise.		Dave Milner (CBH)	

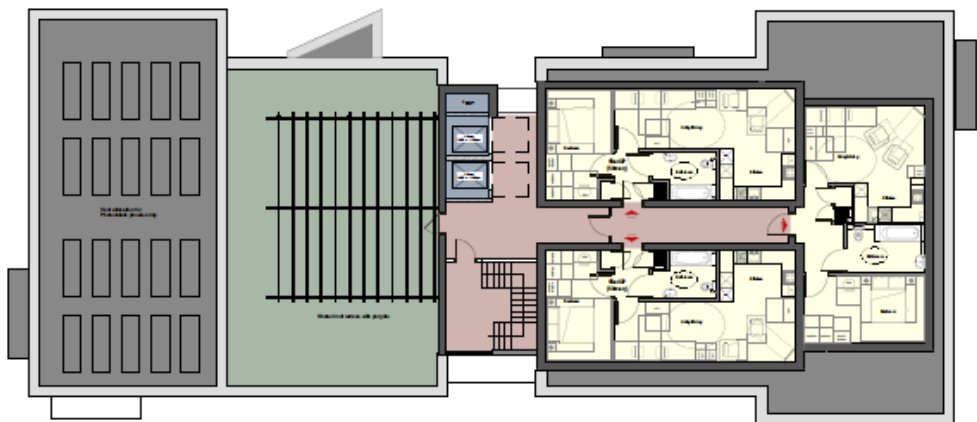
								Project will only proceed once financial viability has been approved by Council.			
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (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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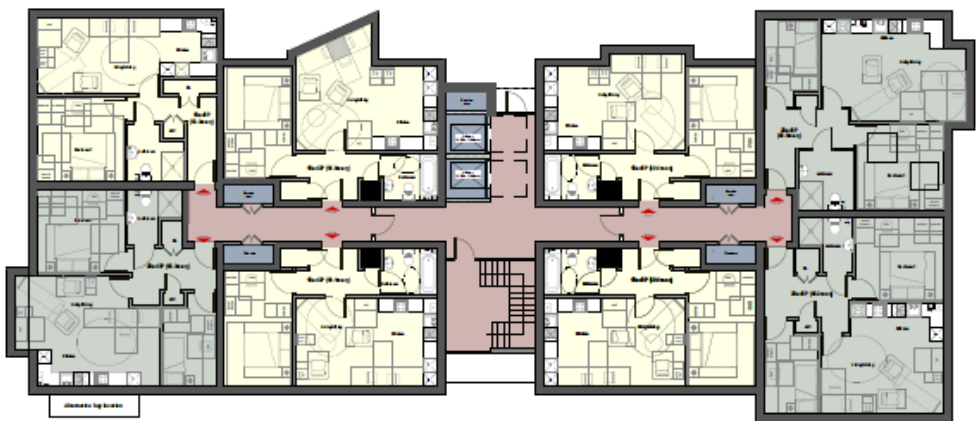
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4 3rd Floor - G.I.A - 219.4sq.m
Scale: 1:100



3 2nd Floor - G.I.A - 554.4sq.m
Scale: 1:100



Cheltenham Borough Council Cabinet – 22nd January 2019 Abandoned Trolleys

Accountable member	Councillor Andrew McKinlay, Cabinet Member Development and Safety
Accountable officer	Mark Nelson, Enforcement Manager
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>On 10 October 2017, a report was taken to Cabinet detailing the Council's proposed approach to dealing with abandoned shopping trolleys. This report is attached at Appendix 2 and contains a full description of the legal powers available to the Council in respect of abandoned trolleys and the associated procedures and consultation required to enable the council to use these powers.</p> <p>The agreed recommendations of the report included;</p> <ol style="list-style-type: none"> 1. That a formal period of consultation be initiated, as required by Section 99 of the Environmental Protection Act 1990, regarding the possibility of applying Schedule 4 to control abandoned shopping trolleys in the Cheltenham area; and 2. That a further report be prepared detailing the outcome of the consultation setting out proposals as appropriate. These will include any proposed charging regime and the associated financial implications. <p>This report and attached appendices, detail the outcome of the consultation and the proposed charging regime. The report recommends adoption of Schedule 4 on the specified date, but it is also the intention to request that retailers sign up to a voluntary protocol in the period before implementation, as detailed in the proposed policy attached as appendix 3 to this report.</p> <p>Following on from the consultation, there is a requirement to make a resolution. This has to state the date on which the Schedule 4 controls will come into force, being not less than three months from the date on which the resolution is passed.</p> <p>There is a requirement to publish notice of the resolution in at least one local newspaper, indicating the general effect of the adoption of the Schedule.</p>
Recommendations	1. Cabinet resolves to adopt Section 99 Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005) with an implementation

date of 1st May 2019 and that notice of this resolution be published as required.

2. That Cabinet agrees to the abandoned trolley policy and associated protocol, as contained in Appendix 3 and that this policy, with the associated charging regime, be reviewed and updated from time to time by the Enforcement Manager in consultation with the Cabinet Member for Development and Safety.

<p>Financial implications</p>	<p>If statutory powers are used under Section 99 Environmental Protection Act 1990, the costs of removal, storage and disposal can be claimed back from trolley owners. Charges made in this respect must be reviewed each year.</p> <p>Any negotiated non statutory agreement with retailers for the return of their trolleys should ensure that all council costs are recovered from the retailers.</p> <p>Contact officer: Andrew.knott@publicagroup</p>
<p>Legal implications</p>	<p>Section 99 of the Environmental Protection Act 1990 (EPA 1990) allows a council to apply Schedule 4 (powers to deal with abandoned shopping trolleys) in its area if it:</p> <ul style="list-style-type: none"> • Consults with those likely to be affected by Schedule 4; • Passes a resolution that Schedule 4 is to apply in its area; • Publicises that resolution and its effect in at least one local newspaper. <p>In relation to the consultation, this should be undertaken with persons and representatives of persons who appear to the council to be affected by the proposed decision to adopt schedule 4 of the EPA 1990. It is likely that the Council will have to send correspondence to all local supermarkets and their head offices, to any other outlets that may use trolleys and possibly to representative bodies (such as the British Retail Consortium, Association of Town Centre Management and the Association of Convenience Stores).</p> <p>Although the statute does not provide an exact time period for consultation, it appears that the usual practice of other local authorities has been to provide for a 90-day consultation. If after consideration of the consultation a resolution is adopted that Schedule 4 will apply in the area, the council must advertise that fact in a local newspaper; it can then implement the powers in Schedule 4 at least three months from the date of the resolution.</p> <p>If a Schedule 4 scheme is agreed to by shopping trolley owners and then adopted by the Council, the Council cannot demand a charge in respect of any trolley which has been dealt with in accordance with the scheme. However, if that scheme is not being appropriately complied with, the Council will be in a position to charge for any shopping trolley which is not in compliance with the agreed scheme.</p> <p>Contact officer: Nicholas.Woodward@teWKesbury.gov.uk</p>

HR implications (including learning and organisational development)	None
Key risks	See Appendix 1
Corporate and community plan Implications	The recommended outcomes in this report positively contribute to protecting, maintaining and enhancing Cheltenham's environmental quality.
Environmental and climate change implications	Report recommendations, if approved, will reduce the environmental blight caused by abandoned trolleys.
Property/Asset Implications	Storage space for trolleys collected under this scheme is available and the costs of storage are recoverable as part of the scheme charges. Contact officer: Gary.Angrove@cheltenham.gov.uk

1. Background

- 1.1 The background is contained in the 2017 Cabinet report which is attached as appendix 2 to this report.

2. Reasons for recommendations

- 2.1 To provide effective agreement/procedures to tackle the problem of abandoned trolleys in Cheltenham.

3. Alternative options considered

- 3.1 The consultation detailed in the report also requested that consultees suggest alternative solutions to the use of formal legal powers that would be cost neutral to the council. No such alternative suggestions were received.

4. Consultation and feedback

- 4.1 The consultation was undertaken, as detailed in the 2017 Cabinet report, but no feedback was received as a result,
- 4.2 A list of those organisations and retailers that were written to during the consultation process is set out in appendix 4. The Council's website was also used to promote wider consultation.

5. Performance management –monitoring and review

- 5.1 From time to time the council must consult on the operation of the Schedule for its area with those affected by it. Local authorities are advised to review the operation of the Schedule at least every five years, and monitor the number of trolleys recovered under the schedule. As part of the review they should consider whether adequate steps are being taken to reduce the number of abandoned trolleys. Earlier review may be necessary if there is a significant change in circumstances.

Report author	Contact officer: Mark Nelson , Enforcement Manager mark.nelson@cheltenham.gov.uk, Tel: 01242 264165
Appendices	1. Risk Assessment 2. Cabinet Report, 10 th October 2017, Abandoned Trolleys 3. Abandoned Trolley Policy 4. List of Consultees
Background information	1. 2017 Cabinet Report, Abandoned Trolleys

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
ST1	If retailers do not sign up to and abide by the proposed protocols concerning the return of abandoned trolleys, the Council may need to make use of its statutory powers and recover the costs incurred, if necessary through the courts.	Mark Nelson	Dec 18	1	2	2	Accept	The Council may make use of statutory powers under Section 99 Environmental Protection Act 1990, provided all statutory procedures are followed. Subsequent charges would be made on a cost recovery basis as detailed in the Abandoned Trolley policy.			
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 – 10th October 2017
Abandoned Trolleys

Accountable member	Andrew McKinley, Cabinet Member
Accountable officer	Mark Nelson, Enforcement Manager
Ward(s) affected	All Wards
Key/Significant Decision	Yes
Executive summary	<p>Following a supported motion at Full Council the Council resolved to engage with retailers to discuss informal or contractual solutions to the significant nuisance abandoned trolleys are causing in some parts of town.</p> <p>The motion requested Cabinet to commence the process necessary to adopt the discretionary powers available to it pursuant to section 99 of the Environmental Protection Act 1990 (as amended) if those discussions with retailers did not result in a satisfactory outcome to tackle the problem.</p> <p>Given the formal requirements to adopt the discretionary powers and the associated timescales, it is proposed that the process to adopt these powers is progressed in parallel to discussions and negotiations with retailers in town. It is hoped that negotiations will achieve a cost effective solution to the problem, which if adhered to, would negate the need for the Council to use formal powers.</p> <p>If agreement cannot be reached on a cost effective basis for the Council then, subject to consultation, the Council could seek to use its statutory powers under section 99 of the Environmental Protection Act 1990.</p>
Recommendations	<ol style="list-style-type: none"> 1. That a formal period of consultation be initiated, as required by Section 99 of the Environmental Protection Act 1990, regarding the possibility of applying Schedule 4 to control abandoned shopping trolleys in the Cheltenham area. 2. As part of this formal consultation, to request feedback from consultees as to possible alternative solutions to the use of formal legal powers that would be cost neutral to the Council. 3. That a further report be prepared detailing the outcome of the consultation and setting out proposals as appropriate. These would include any proposed charging regime and associated financial implications.

Financial implications	<p>If statutory powers are used under Section 99 Environmental Protection Act 1990, the costs of removal, storage and disposal can be claimed back from trolley owners. Charges made in this respect must be reviewed each year.</p> <p>Any negotiated non statutory agreement with retailers for the return of their trolleys should ensure that all Council costs are recovered from the retailers. If this cannot be achieved by agreement then, subject to the outcome of consultations, the Council could seek to use its statutory powers to reclaim costs.</p> <p>Contact officer: Myn Cotterill, myn.cotterill@cheltenham.gov.uk, 01242 774958</p>
Legal implications	<p>Section 99 of the Environmental Protection Act 1990 (EPA 1990) allows a council to apply Schedule 4 (powers to deal with abandoned shopping trolleys) in its area if it:</p> <ul style="list-style-type: none"> • Consults with those likely to be affected by Schedule 4. • Passes a resolution that Schedule 4 is to apply in its area. • Publicises that resolution and its effect in at least one local newspaper. <p>In relation to the consultation, this should be undertaken with persons and representatives of persons who appear to the council to be affected by the proposed decision to adopt schedule 4 of the EPA 1990. It is likely that the Council will have to send correspondence to all local supermarkets and their head offices, to any other outlets that may use trolleys and possibly to representative bodies (such as the British Retail Consortium, Association of Town Centre Management and the Association of Convenience Stores).</p> <p>Although the statute does not provide an exact time period for consultation, it appears that the usual practice of other local authorities has been to provide for a 90-day consultation. If after consideration of the consultation a resolution is adopted that Schedule 4 will apply in the area, the council must advertise that fact in a local newspaper; it can then implement the powers in Schedule 4 three months from the date of the resolution.</p> <p>If a Schedule 4 scheme is agreed to by shopping trolley owners and then adopted by the Council, the Council cannot demand a charge in respect of any trolley which has been dealt with in accordance with the scheme. However if that scheme is not being appropriately complied with, the Council will be in a position to charge for any shopping trolley which is not in compliance with the agreed scheme.</p> <p>Contact officer: John Teasdale, john.teasdale@tewkesbury.gov.uk, 01684 272699</p>
HR implications (including learning and organisational development)	<p>None</p> <p>Contact officer: , @cheltenham.gov.uk, 01242</p>
Key risks	<p>See Appendix 1</p>

Corporate and community plan Implications	The recommended outcomes of this report positively contribute to protecting, maintaining and enhancing Cheltenham's environmental quality.
Environmental and climate change implications	Report recommendations, if approved, will reduce the environmental blight caused by abandoned trollies.
Property/Asset Implications	None Contact officer: David Roberts@cheltenham.gov.uk

1. Background

1.1 At the meeting of Full Council the following motion was supported:

This Council notes that abandoned supermarket trolleys can cause a significant nuisance in some parts of the town. It is possible to take discretionary powers pursuant to section 99 of Environmental Protection Act 1990 (as amended) that allow local authorities to remove abandoned trolleys and charge the owners of those trolleys. If these powers are adopted, they require that any charges payable to the Council by trolley owners to fully cover the costs.

This Council would much prefer that trolley owners work proactively within local communities and take responsibility for addressing the abandonment of their trollies as part of their corporate social responsibility activity, without the need these powers to be formally adopted by the Council.

Consequently, this Council resolves to engage with retailers to discuss potential informal or contractual solutions with trolley owners in the town, but if this does not result in a satisfactory outcome, it request Cabinet to commence the processes necessary to adopt the discretionary powers available to it pursuant to section 99 of the Environmental Protection Act 1990 (as amended), so that the problem of abandoned trollies can be tackled.

- 1.2** Although the numbers of abandoned shopping trolleys in Cheltenham are probably quite small, the nuisance that these cause can be significant. Abandoned shopping trolleys can be left on the pavement causing an obstruction to pedestrians, abandoned in car parks or on the highway causing a danger to vehicles, left on open land where they can attract litter or dumped in watercourses where they may disrupt the flow of water which could lead to flooding.
- 1.3** There are a range of supermarkets in Cheltenham. Many of these stores take a proactive approach to abandoned shopping trolleys for example using deterrent paving and coin deposit locks.
- 1.4** Although the majority of local supermarkets take effective action to prevent the abandonment of shopping trolleys, there is still the opportunity for irresponsible or careless people to remove and abandon shopping trolleys.

2. Powers

- 2.1** Legal powers are available under Schedule 4 of the Environmental Protection Act 1990. These enable a local authority to seize, store and dispose of abandoned shopping and luggage trolleys found in its area. The provisions allow for the costs of removing, storing and disposing of abandoned trolleys to be recovered from their owners. Amendments made by the Clean Neighbourhoods and Environment Act 2005 have improved the ability for local authorities to reclaim these charges by making any sum payable as a charge, recoverable as a debt.
- 2.2** The Local Authority powers apply to any shopping or luggage trolley that is found by an authorised officer on 'any land in the open air' (including watercourses), and that appears to them to be abandoned.
- 2.3** Certain types of land are excluded from the provisions of the schedule, namely:
 - i) Land on which the owner of the trolley has a legal interest.
 - ii) Land used for off street parking where facilities are provided for leaving shopping trolleys that have been used by customers.
 - iii) Other land designated by the Local Authority for the purpose of providing trolley parking facilities.
 - iv) In relation to luggage trolleys only, land used for transport undertaking for which luggage

trolleys may be provided, e.g. railways.

If the abandoned trolley is found on land owned by a third party, consent must be sought from that third party. Alternatively, the Local Authority may serve a notice giving fourteen days, following which, if no objection is received, the trolley can be removed.

- 2.4** After the Local Authority has seized and removed any abandoned trolley it must keep the trolley for six weeks before it may sell or otherwise dispose of the trolley.
- 2.5** Fourteen days after seizure the Local Authority must serve a notice on the owner of the trolley (after making reasonable enquiries to ascertain who they are) giving details of where it is being kept and that the Authority may dispose of it if it is not claimed. The Local Authority may charge to return the trolley and if the owner does not pay the charges the Local Authority may retain the trolley and subsequently dispose of it.
- 2.6** The Local Authority may set charges that are sufficient to cover the cost of removing, storing and disposing of shopping or luggage trolleys, including administrative costs, staff time, collection and delivery and physical storage space. Such costs must be regularly reviewed.
- 2.7** The Local Authority may agree a trolley collection scheme with persons who own shopping or luggage trolleys in its area and where such agreements are made the Local Authority may not charge costs for any trolleys within the scheme that they recover.

3. Adoption of Schedule 4

- 3.1** Section 99 of the Environment Protection Act 1990 sets out the procedure for adopting Schedule 4.
- 3.2** In summary the Local Authority must consult with:
 - (1) Retailers known to be providing a trolley service in that area and/or representative bodies such as the British Retail Consortium, the Association of Town Centre Management and the Association of Convenience Stores.
 - (2) Rail, tram, road transport or airport operators known to be providing a trolley service in that area.
 - (3) Other businesses and landowners that may be affected by trolley abandonment, local residents and community groups (this may be done by providing details of the proposal in local newspapers, local authority newsletters, etc. and inviting comments)
 - (4) The Local Chamber of Trade and Commerce
 - (5) The Environment Agency
 - (6) The Police
 - (7) Town and Parish Councils
- 3.3** Following on from the consultation there is a requirement to make a resolution. This has to state the date on which the Schedule 4 controls will come into force, being not less than three months from the date on which the resolution is passed. This resolution may be taken by the Cabinet.
- 3.4** There is a requirement to publish notice of the resolution in at least one local newspaper, indicating the general effect of the adoption of the Schedule.
- 3.5** From time to time the Council must consult on the operation of Schedule 4 in its area with those affected by it. Local Authorities are advised to review the operation of the Schedule at least every five years, and monitor the number of trolleys recovered under the schedule. As part of the review they should consider whether adequate steps are being taken to reduce the number of abandoned trolleys. Earlier review may be necessary if there is significant change in circumstances.

4. Reasons for recommendations

- 4.1** To provide effective agreement / procedures to tackle the problem of abandoned trolleys in Cheltenham.

5. Alternative options considered

- 5.1** The consultation detailed in the report will also request consultees to suggest alternative solutions to the use of formal legal powers that would be cost neutral to the Council.

6. Consultation and feedback

- 6.1** Proposed consultation detailed in report.

7. Performance management –monitoring and review

- 7.1** Report on the outcome of consultations, and make associated recommendations.

Report author	Contact officer: Mark Nelson, mark.nelson@cheltenham.gov.uk, 01242 264165
Appendices	1. Risk Assessment
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
	If suitable and cost neutral agreements cannot be reached with retailers concerning the return of abandoned trolleys then any agreements made may result in increased Council expenditure.	Mark Nelson		1	4	4		The Council may make use of statutory powers under Section 99 Environmental Protection Act 1990, subject to all necessary statutory procedures as outlined in the report. Any subsequent charges would be made on a cost recovery basis.			
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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Abandoned Shopping Trolley Policy

Section 99 Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment act 2005) allows local authorities to recharge the costs incurred as a result of dealing with abandoned shopping trolleys. This refers to trolleys that are seized and stored by the council, with the whereabouts notified to the assumed owners.

If an owner claims the trolley, the Council must return the trolley to the owner, but is entitled to make a charge for all costs associated with this procedure. If the owner does not claim or refuses to accept delivery of the trolley, after six weeks the Council is entitled to dispose of the said trolley and recover the associated costs from the owner. These costs may be recovered as a debt.

A shopping trolley is defined as, 'a trolley provided by the owner of a shop to customers to enable them to carry goods purchased at the shop'. This definition excludes power -assisted trolleys. The powers in the Clean Neighbourhoods and Environment Act 2005 apply to trolleys in any condition and therefore may be used in relation to unserviceable trolleys and trolley parts.

Recovery of abandoned shopping trolleys.

Voluntary Protocol – Store Recovery.

The Council's approach to dealing with abandoned shopping trolleys is to work with local retailers to prevent the escape of trolleys, rather than their recovery afterwards. It is not the Council's preferred choice to seize shopping trolleys but rather that the relevant store be notified of a report of an abandoned trolley and that a response is made for its removal within a reasonable timescale.

Schedule 4 of the Environmental Protection Act 1990 permits local authorities to enter into agreements with local retailers, in which the retailers undertake (either directly or via a specialist company) to collect all abandoned trolleys notified within a specified period of time.

Retailers will have the opportunity to enter into a voluntary protocol whereby they will be notified of the location of abandoned trolleys and given a period of time to collect them prior to the council intervention. The council has determined that in the interests of community safety an abandoned shopping trolley, dealt with through a voluntary protocol, should be removed by the responsible owner by **5pm the next working day**.

In addition the store is required to notify the Council that an abandoned trolley has been removed. Should the store fail to notify the council and subsequent checks are required to ascertain that removal has taken place, the store may be recharged for the costs incurred by the council.

Council Recovery

The Council will take all reasonable steps to ensure that trolleys identified for removal by a local store are collected. However, the council will enact its powers under legislation and arrange for the seizure of abandoned shopping trolleys in the following circumstances;

- Should a trolley be identified as belonging to a store that has not signed up to the Council's voluntary protocol.
- Should a store fail to adhere to the commitments it made in a voluntary protocol (by not responding and removing abandoned shopping trolleys by 5pm the following working day).

Seized Trolleys

Following the seizure of an abandoned shopping trolley by the Council, the assumed owner (relevant store) will be advised either by telephone or email. The store will be requested to take ownership of the trolley and collect it from the council within 48 hours of notification. If the store is unable to provide a collection service, the council will arrange for the trolley to be returned. In accordance with guidance, the Council shall store the trolley for six weeks.

The Clean Neighbourhoods and Environment Act 2005 states that where the six-week period has expired and the trolley has not been claimed (or has been claimed but the demanded charges not paid), the authority is entitled to sell or dispose of it.

The Council shall serve a notice on the owner within 14 days of its removal stating that the Council has removed the trolley and is keeping it, the place where it is being kept and informing them that if it is not claimed then the Council may dispose of it in accordance with legislation. The notice will also advise of the associated costs involved.

Once a trolley has been collected by or returned to a store, or has been disposed of, an invoice for all associated costs incurred by the council will be sent to the store.

Legislation allows Cheltenham Borough Council to recover costs associated in dealing with shopping trolleys escaping from store confines. These costs will be recovered as a debt. Details of charges to be applied in respect of abandoned shopping trolleys are as follows;

- Owners of shopping trolleys seized by the council will be notified within 24 hours a seizure and will be offered the opportunity to collect their trolleys. A storage cost of £5 per day per trolley will apply. A charge of £50 for the initial collection by the council will also be payable.
- Owners can request the return of each trolley collected by the council for which a charge of £100 per trolley will apply. This shall be in addition to the daily storage charge that shall be payable.
- The Council shall store shopping trolleys for a period of up to 6 weeks (42 days). Should the assumed owners, after having been informed of its whereabouts and having been given the option to recover a seized shopping trolley, fail to do so, then the Council shall dispose of the trolley. In the event that the council disposes of a trolley that it has collected and stored, a charge shall be made to the assumed owner of £310 per trolley.

Summary of Charges

- Collection by the council (including administration costs) – £50 per trolley.
- Storage (up to a maximum of 42 days) – £5 per day per trolley.
- Return to owner by the council (including administration costs) – £50 per trolley.
- Trolley disposal (including administration costs) – £50 per trolley.

List of Consultees**Main retailers:-**

<ul style="list-style-type: none"> • Sainsbury's • Tesco • Waitrose • Lidl • Aldi • Morrison's • Homebase • Argos • Wilkinson's • Pound world • Bookers 	<ul style="list-style-type: none"> • Asda • Co-op • Farm foods • Iceland • Whole foods • Premier • Home Sense • Boots • Pound savers • Primark 	<ul style="list-style-type: none"> • M&S • One Stop • B&Q • Wickes • B&M • The Range • Dunelm Mills • Home Bargains • Pound land • John Lewis
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Others:-

- British Rail
- Local residents
- Local police
- The Environment Agency
- Local Chamber of Commerce
- Cheltenham BID

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