



Notice of a meeting of Cabinet

**Tuesday, 11 June 2019
6.00 pm
Pittville Room - Municipal Offices**

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

Agenda

		SECTION 1 : PROCEDURAL MATTERS	
1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		MINUTES OF THE LAST MEETING Minutes of the meeting held on 14 May 2019	(Pages 3 - 10)
4.		PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on Wednesday 5 June 2019.	
		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.		IMPROVEMENTS TO THE HOUSEHOLD RECYCLING CENTRE AND CHANGES TO BRING BANK SITES	(Pages 11 - 24)

		Report of the Cabinet Member Clean and Green Environment	
6.		BULKY COLLECTIONS SERVICE AND CHARGING Report of the Cabinet Member Clean and Green Environment	(Pages 25 - 30)
7.		IMPLEMENTING AN ARTICLE 4(1) DIRECTION FOR THE ST. PAUL'S WARD Report of the Cabinet Member Development and Safety	(Pages 31 - 40)
		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	
9.		SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS	
10.		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)	
11.		EXEMPT MINUTES Exempt Minutes of the meeting held on 14 th May 2019.	(Pages 41 - 44)

Contact Officer: Bev Thomas, Democratic Services Team Leader, 01242 264246
Email: democratic.services@cheltenham.gov.uk

Cabinet

Tuesday, 14th May, 2019
6.00 - 6.45 pm

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

Minutes

1. APOLOGIES

Apologies received from Councillor Hegenbarth

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

1.	Question from Gary Knight to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>1. Councillor McKinlay stated in his presentation to Cabinet that he would seek government direction on his 100% wheelchair taxi policy.</p> <p>2. The 'Overview and Scrutiny Committee' asked for a response from MP Alex Chalk.</p> <p>3. There has been a direct response to that very conundrum.</p> <p>4. Councillor McKinlay has failed to respond to the request of what government legislation dictates a 100% taxi fleet.</p> <p>5. In view of the Council's own code of conduct in areas of ambiguity in regards to due diligence : 'Cheltenham Borough Council code of members conduct' Last updated 02/11/17 IV. RULES OF CONDUCT. Point 6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.</p> <p>6. Furthermore Cllr McKinlay must be made aware that he exposes Cheltenham Borough Council to substantial financial risk under 'Article 1' property rights in trying to abolish 'grandfather rights' of the hackney</p>

	<p>carriage trade in Cheltenham. That risk is calculated at £2,300,000. Which is substantially more than his failed litigation against Christine Laird?</p> <p>In light of points 1-6 is it now the case that he should revisit the findings of the working group which is contrary to his personal beliefs? (minuted from cabinet presentation).</p>
	<p>Response from Cabinet Member</p> <p>Cabinet's decision to amend the council's licensing policy to require all Cheltenham Borough Council licensed taxis to be fully wheelchair by December 2021 was taken following full consultation and due regard to the feedback received from a wide range of stakeholders including the minutes of the working groups - that were attached to the Cabinet report.</p> <p>This decision was subsequently endorsed by the council's Overview & Scrutiny (O&S) Committee following a review of the Cabinet decision in March 2019.</p> <p>The Government's response to the letter sent by, the then chair of the O&S, to Alex Chalk MP stated that "Ultimately however, local licensing authorities should use their existing powers to ensure that taxi and PHV fleets reflect the needs of passengers, that drivers understand the rights and requirements of disabled people, and that robust action is taken against drivers who discriminate illegally against them." (https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-04-20/136873/).</p> <p>In this case therefore the council has, as suggested by the Government's response, exercised its local discretion to adopt the policy.</p> <p>With regards to Mr Knight's suggestion that there has been no response to a request of what government legislation dictates a 100% taxi fleet, I would like to refer Mr Knight to public question 5 of the full Council meeting Monday, 15th October, 2018 where the question was asked by Mr Sorrell. The response can be found here: https://democracy.cheltenham.gov.uk/mgAi.aspx?ID=14368</p> <p>In light of this, the council's position has not changed and the council still fully supports the decision taken by Cabinet and will not be reviewing the position.</p>
2.	<p>Question from Jessica West to the Leader</p> <p>Monday's IPBES assessment reported that nature is now declining at a rate unprecedented in human history. There is now a nature emergency, as well as a climate emergency. How will the council ensure that sustainability is at the heart of the growth agenda driven by the Cheltenham Growth Board?</p>
	<p>Response from the Leader</p> <p>Should Cabinet endorse the establishment of a Growth Board, then we will work with key stakeholders on appropriate terms of reference and agreed outcomes. The Place Strategy, approved in 2018, acknowledged the need for inclusive growth and this also embodies the importance of</p>

	<p>sustainability.</p> <p>We are currently working with GFirst LEP on the emerging Local Industrial Strategy for Gloucestershire and this will be a key document for the Growth Board in developing key priorities, we consider sustainable growth should be a key theme through this strategy.</p> <p>In a supplementary question Jessica West stated that London, Peterborough and most recently Glasgow had announced their ambitions to transition to regenerative circular economies over the medium-term future. Cheltenham Green Party believed that this was one of the bold measures needed to address the climate and nature emergency while ensuring the prosperity and resilience of our communities. She asked whether the circular economy was an approach that the Council would be factoring into its growth agenda, and asked if any investigations had taken place in this regard so far?</p> <p>In response the Leader explained that sustainability was important to the council and the council had declared a climate emergency. In terms of economic growth sustainability would be built into the process. He would ensure that this point was considered by the Growth Board.</p>
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5. VOLUNTEERING POLICY AND PROCEDURES

The Cabinet Member Healthy Lifestyles introduced the report and recognised that the council was very lucky to have so many volunteers willing to be part of activities where they can make a positive difference to the town.

She explained that a new volunteer policy was proposed that would ensure that the experience of those who volunteered was a safe and positive one, with the right amount of support and supervision. The policy was supported by a volunteer handbook and application forms for both individuals wanting to volunteer for CBC and groups wanting to provide volunteers.

The Leader highlighted the important role that volunteers played to the benefit of the town as a whole.

RESOLVED THAT

1. The following be adopted:
 - The NCVO definition of volunteering (see section 1.4)
 - Cheltenham Borough Council's Volunteer Policy (appendix 2)
 - Individual (appendix 3) and Group (appendix 4) volunteering application forms
 - Cheltenham Borough Council's handbook for volunteers (appendix 5)
2. The Strategy and Engagement Manager be authorised to keep the Policy and supporting documentation under review and make such changes as are necessary to reflect best practice as well as legal and operational requirements.

6. IMPLEMENTING CHELTENHAM'S PLACE VISION (1) -THE DEVELOPMENT OF A CULTURAL STRATEGY FOR CHELTENHAM

The Cabinet Member Healthy Lifestyles introduced the report and said that there was a growing body of evidence that culture was central to the growth of any town. The council now wished to ensure that in Cheltenham that potential was captured and has supported the creation of a culture board for Cheltenham. Its purpose was to collaboratively define and deliver cultural impact; positioning Cheltenham's cultural offer further locally, regionally, nationally and internationally; therefore engaging diverse audiences and developing the cultural offer with ambition and conviction. The scope would also include a consideration of the opportunity that sport could provide in taking forward this purpose.

The Cabinet Member reported that the Cheltenham Culture Board now wished to support the development of a cultural strategy for Cheltenham and the report set out the purpose of having this strategy and a number of recommendations to facilitate its development.

The Leader highlighted that culture was a key part of the economic growth of the town and welcomed the proposals.

RESOLVED THAT

- 1. the council works with the Cheltenham Culture Board to develop a cultural strategy in line with the mandate attached as appendix 2 for future adoption by the council. The draft strategy will be brought to Cabinet for agreement.**
- 2. the council carries out the procurement of external support for the development of the cultural strategy in line with the attached brief attached as appendix 3 noting that the award of the contract will be carried out by the Executive Director for People and Change in accordance with the council's scheme of delegation of functions.**
- 3. the council commits £35k as an initial commitment towards funding the cultural strategy for Cheltenham.**

7. IMPLEMENTING CHELTENHAM'S PLACE VISION (2)-THE ESTABLISHMENT OF A CHELTENHAM GROWTH BOARD

The Leader introduced the report and reminded Members that one strand under the Place Vision which had been adopted by the council in 2018 was to support the thriving business and workforce agenda. Whilst the council had been working with the BID and the Cheltenham Development Task Force there was no overarching link with business. This was work in progress, but to support this agenda the council now wished to collaborate closely with key business sectors and proposed to do this through the establishment of a Cheltenham Growth Board.

RESOLVED THAT

- 1. a Cheltenham Growth Board be established to drive the economic growth agenda for Cheltenham**

2. authority be delegated to the Director of Planning, in consultation with the Leader of the Council to prepare Terms of Reference for the Cheltenham Growth Board and to bring a report back to Cabinet for approval following initial meetings with the new Board.

8. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Healthy Lifestyles informed Cabinet that following the major conference on No Child Left Behind work had been ongoing with local communities and organisations to ensure all children in Cheltenham take part in cultural and other activities. She also reported that she had recently made a decision to allocate £15,000 to support the employment of the Inspiring Families project co-ordinator who would be working directly with those most at risk.

The Cabinet Member Healthy Lifestyles also reported that she had been developing new links with the new Chief Executive at the Cheltenham Trust.

The Cabinet Member Finance informed the meeting that CBC was a finalist in the MJ awards for best commercial council and would face an interview panel on 26 June.

The Cabinet Member Housing reported that MHCLG had been out to consultation on structures that supported partnership working and accountability in homelessness. He would circulate the council's response which had received input from the housing and support forum.

Finally, the Leader reported that he had submitted a response to the Williams Rail review following conversations with members of the previous railway working group.

9. CABINET MEMBER DECISIONS SINCE THE LAST MEETING OF CABINET

Cabinet Member	Decision	Link
Leader	Approval the Ubico business plan for 2019/20 and 5 year vision.	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1215
Leader	The Leader, as the shareholder representative of Ubico Limited, made a decision relating to the salaries of the Executive Directors of Ubico Limited.	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1214
Leader	To authorise the Head of Property Services or in his absence the Executive Director - Finance & Assets to take decisions (including key decisions) to purchase dwellings	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?id=1221&LLL=0
Leader	Approval of the Publica Group Ltd Business Plan	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1212
Leader	To not proceed with the boundary	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1211

	review request at this time	.gov.uk/ieDecisionDetails.aspx?ID=1204
Cabinet Member Finance	Re-roofing and Works to External Envelope of Properties Managed by Cheltenham Borough Homes	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1213
Cabinet Member Finance	To appoint Sustainability Building Services as the contractor to renovate and improve the external fabric of the Cornish type properties at Elmfield Avenue & Midwinter Avenue, Cheltenham.	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1210
Cabinet Member Finance	Reactive Drainage Repairs, Surveying and Maintenance Contractors	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1197
Cabinet Member Clean and Green Environment	Purchase of 2 x 3.5T mini sweepers	https://democracy.cheltenham.gov.uk/ieListMeetings.aspx?CommitteeId=166
Cabinet Member Healthy Lifestyles	To allocate £15,000 to support the employment of the Inspiring Families project co-ordinator.	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1203

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

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

11. A PROPERTY MATTER (1)

The Cabinet Member Development and Safety introduced the report and provided the background to the proposal.

RESOLVED THAT

The recommendations be approved.

12. A PROPERTY MATTER (2)

The Cabinet Member Finance introduced the report and provided the background to the proposal.

Members welcomed the proposal which represented a good way forward for the town.

RESOLVED THAT

The recommendations be approved.

Chairman

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Cheltenham Borough Council Cabinet – 11 June 2019 Improvements to the Household Recycling Centre and changes to bring bank sites

Accountable member	Councillor Chris Coleman, Cabinet Member - Clean and Green Environment
Accountable officer	Karen Watson, Client Manager-Environmental Services (interim)
Ward(s) affected	ALL
Key/Significant Decision	Yes
Executive summary	<p>On 25 March 2019 the Council approved its Corporate Plan for 2019-23 setting out its priorities including one supporting a cleaner and greener environment. In addition, a recent motion to Full Council seeking recognition of a climate change emergency highlights the importance of actions now to address these issues. The government's new waste and resources strategy published in October 2018 clearly sets out the need to reduce waste and increase the amount of precious resources which are recycled. The recommendations within this report seek to support these priorities.</p> <p>The Council currently provides a fortnightly kerbside residual waste collection for most residents, including a weekly kerbside food waste collection and a paid for garden waste service is also available. In October 2017 the enhanced kerbside recycling service was introduced increasing the recycling materials collected at kerbside and this new service has collected approximately 1,640 tonnes more recycling in 2018/19 than the previous year. There is more that can be done to further improve the volume of recycling collected in Cheltenham and a weekly kerbside recycling service is being investigated however there are other recycling facilities currently available to residents which could be improved such as the household recycling centre and bring bank sites. This report sets out recommendations to further reduce residual waste and increase re-use and recycling in Cheltenham.</p> <p>The household recycling centre and bring banks collected approximately 4,500 tonnes of recycling last year. Following recent public consultation there is overwhelming support for the household recycling centre and improving the facilities on offer. Whilst the Gloucestershire County Council household recycling centres have reduced their opening hours, Cheltenham has decided not to implement a similar reduction at its centre in recognition of the value of this service to its residents. There are no plans to reduce the opening hours. However the Swindon Road site has seen an increase in the volume of users since these changes to the county council household</p>

recycling centres in the area.

To respond to operational requirements and the environmental priorities set out above, a complete review of the household recycling centre is now required to optimise and expand the re-use and recycling opportunities which can be delivered from the existing site and actions to achieve this are recommended and set out within this report, including a review of whether the continued collection of residual and garden waste supports the Council's priorities. Removal of the garden waste and residual waste skips would allow the site to focus on recycling, re-use and waste reduction. 45.3% of respondents to the recent public consultation survey supported the removal of the residual waste skip and 31.7% supported the removal of the garden waste skip therefore those members of the public currently using the site to dispose of residual waste and garden waste will be further consulted and supported to reduce waste and use the kerbside garden waste service.

Those bring banks sites (4 out of 12 sites) which are less well used by the public with fewer bring banks, misused with unacceptable amounts of fly tipping or present health and safety issues whilst servicing have been identified and the report recommends that only third party bring banks be retained at these sites. This recommendation is in line with the results from the recent public consultation survey carried out between 19 December 2018 and 6 January 2019 (60.7% of respondents supported the removal of some of the less well used recycling banks where residents can access the kerbside recycling service). The list of bring bank sites and the recycling facilities offered at those sites is set out in appendix 1 of the report.

Recommendations

1. That Cabinet delegate authority to the Managing Director, Place and growth, in consultation with the Cabinet Member, Clean and Green Environment to:
 - 1.1 implement improvements to the household recycling centre at Swindon Road to optimise the site layout, provide better signage, enhance internal safety barriers and fencing and replace existing bring banks within existing budgets;
 - 1.2 agree a suitable date to close the household recycling centre at Swindon Road for a maximum of 2 days to enable the improvements set out at 1.1 to be completed;
 - 1.3 subject to further public consultation, review the collection of residual waste and garden waste at the household recycling centre and implement any changes necessary to ensure environmental and financial benefits are maximised;
 - 1.4 review and increase the range of recycling materials accepted at the household recycling centre for both re-use and recycling ensuring environmental and financial benefits are maximised;
2. That Cabinet approve the retention of third party bring banks only and the removal of Cheltenham Borough Council provided bring banks on the following sites: Asda – Hatherley Lane, Everest Road, Church Piece – Charlton Kings and High Street Car Park as soon as possible.

<p>Financial implications</p>	<p>The replacement costs for the new bring banks at bring bank sites and the household recycling centre will be funded from within the existing capital replacement budget for 2019/20 as agreed by Council as part of the budget setting process.</p> <p>The improvements to the household recycling centre will be funded from within existing site maintenance budgets as agreed by Council as part of the budget setting process and any operational efficiencies as a result of the content of the report.</p> <p>The net cost of servicing the bring bank locations is expected to reduce by approximately £17,000 per year.</p> <p>The recommended review of the residual and garden waste skips will include a detailed financial analysis.</p> <p>Contact officer: Jon Witlock, Jon.witlock@publicagroup.uk</p>
<p>Legal implications</p>	<p>With regard to the changes proposed in this report, the authority needs to be satisfied that it has discharged its consultation duties imposed by section 3(2) of the Local Government Act 1999 (as updated by revised Best Value Guidance Statutory Guidance of March 2015) and the Equality Act 2010 (as subsequently interpreted by case law and guidance).</p> <p>In terms of the Equality Act 2010 the Council has to bear in mind its wider Public Sector Equality Duty (PSED) when proposing service changes i.e. the duty to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this (Equality) Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." ('protected characteristics' are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.)</p> <p>Again, in practical terms, the PSED requires any consultation regarding service change to be at the earliest opportunity, with persons possessing a protected characteristic who may be affected, be clear who it may affect and how, and give them the opportunity to express their views.</p> <p>The authority needs to be satisfied that meaningful consultation has taken place in accordance with the PSED with regard to the closure of the 4 bring banks identified in this report without further review as recommended for the collection of residual waste and garden waste at the household recycling centre.</p> <p>With regard to any infrastructure changes involving works, the authority needs to comply with the Contract Rules and procurement law.</p> <p>Contact officer: Shirin Wotherspoon, shirin.wotherspoon@teWKesbury.gov.uk, 01684 272017</p>

HR implications (including learning and organisational development)	<p>There are no HR implications as a result of this report. Any staff that may not be required in their current role as a result of the recommendations in this report will be deployed elsewhere within the contract following the appropriate HR processes.</p> <p>Contact officer: Clare Jones, clare.jones@publicagroup.uk, 01242 264364</p>
Key risks	<p>See the risk assessment attached at appendix 2</p>
Corporate and community plan Implications	<p>The content of the report supports key priority 3 (KP3) of the corporate plan 2019-23,</p>
Environmental and climate change implications	<p>Replacing the bring banks at the household recycling centre with larger skips will reduce the carbon footprint of the recycling collected by reducing the number of times the skips will need to be emptied. Expanding the range of materials that can be recycled and introducing a re-use facility to extend the life of items will also deliver positive environmental benefits.</p> <p>Diverting recycling material to the kerbside recycling service from the bring bank sites earmarked for closure will further reduce the carbon footprint of these recycling items.</p> <p>It will be important to provide support to users of the facilities being withdrawn to ensure materials continue to be recycled and that residual waste is disposed of correctly so there is no negative effect on the environment.</p> <p>Contact officer: gill.morris@cheltenham.gov.uk</p>
Property/Asset Implications	<p>The proposals have no impact on any other services operating from the depot site, nor rental incomes. The proposed re-use shop may require planning and change of use. The related phase 1 expenditure is required to enhance Health & Safety requirements and security to the site.</p> <p>Contact officer: simon.hodges@cheltenham.gov.uk</p>

1. Background

1.1 Household recycling centre

- 1.2** Cheltenham Borough Council funds the provision of a household recycling centre at Swindon Road Cheltenham (operated by Ubico Ltd since 2010, a teckal company wholly owned by local authorities). There is no statutory duty on Cheltenham Borough Council to provide such a facility and it is therefore a discretionary service. During 2018/19, the site accepted approximately 1,937 tonnes of garden waste, 2,230 tonnes of residual waste and 3,592 tonnes of recycling. The net cost to the Council of providing the household recycling centre and bring banks in Cheltenham is £341,000 per year.
- 1.3** The current layout of the site at Swindon Road is inefficient, only just coping with the increased volume of users following the opening hour changes by Gloucestershire County Council to their household recycling sites in the area and without optimising the layout of the site there is insufficient space to increase the volume or type of recycling materials collected. Other household recycling centres in the county such as Fosse Cross in the Cotswolds operate a re-use shop and this could be considered at the Cheltenham household recycling centre should sufficient space be freed up by the optimisation of the site. Whilst annual revenue could be increased by up to an estimated £15,000 per year this may not be achieved in Cheltenham and it should therefore be noted that the environmental benefits of diverting resources away from landfill and back into use are the main driver for this initiative.
- 1.4** The existing bring banks at both the household recycling centre and at bring bank locations around Cheltenham are 14 cubic yards in size and at least 20 years old and beyond economical repair. As these skips need replacing for health and safety reasons, the introduction of larger skips at the household recycling centre in Swindon Road would increase the volume of recycling accepted at the site and enable more types of materials to be collected. Operating efficiencies would arise as a result of the change to the different type of larger bring banks because the increased volume able to be collected per skip would reduce the frequency of emptying required.
- 1.5** Whilst it is true to say that the Council receives income from the sale of some recycling materials collected at the site, not all materials generate an income which covers the cost of collection. There are some materials such as hard plastics and fridges/freezers which the Council has to pay for collection to ensure as much of the material as possible is diverted from landfill. The optimisation of the household recycling centre enabling the collection of more recycling materials which do generate an income will help offset the costs associated with some recycling materials which do not.
- 1.6** Feedback from users of the site suggests that they would like items such as mattresses and carpet to be accepted for recycling which at present are not. The Gloucestershire County Council household recycling centres do not accept these materials but it is possible to recycle these items and divert them from landfill. The only way this can be considered is if more space is made available on the site and the operating costs of the site are reduced sufficiently to fund the cost of recycling of such materials.
- 1.7** Residual waste is currently accepted at the household recycling centre in Swindon Road as long as users are also bringing in recycling however it is very difficult for site staff to manage whether the residual waste skips are being used in line with this policy and no information currently exists to verify that users are in fact residents of Cheltenham. During 2018/19, the site accepted 1,937 tonnes of garden waste, 2,230 tonnes of residual waste and 3,592 tonnes of recycling.
- 1.8** Site staff are aware that some users of the site are from outside Cheltenham and whilst this is welcomed for recycling, it is unfair for tax payers in Cheltenham to have to continue to fund the costly disposal of residual waste which is collected on a fortnightly basis from households. Continuing to accept residual waste at the household recycling centre in Swindon Road is not

congruent with the priority set out in the Council's corporate strategy 2019-2023 or the high level of concern raised by the recent Council motion seeking support for a 'climate change emergency'. The government's new waste and resources strategy seeks to reduce waste and Council's should therefore support residents more with waste reduction advice. Reconsidering whether to accept residual waste at the household recycling centre would demonstrate a commitment to reduce waste from Cheltenham Borough Council therefore this report recommends that the Council carries out further public consultation as part of a review to determine whether residual waste should continue to be accepted at the site.

- 1.9** Some of the residual waste may be diverted to the kerbside collection however advice and support is required for residents to reduce the volume of residual waste and increase the amount of recycling taken out of the residual waste stream at kerbside. Currently a no side waste policy is in operation like many other authorities and this policy is due for review during 2019/20. Like other authorities, the Council offers residents the opportunity to buy special coloured residual waste sacks to allow for additional waste when this might occasional be needed during the year, for example, when moving house or having a clear out. A no side waste policy amnesty operates for the first collection after Christmas to allow for additional residual waste generated at Christmas and New Year to be presented by residents.
- 1.10** Garden waste is currently accepted at the household recycling centre in Swindon Road however a paid for kerbside garden waste service is available to residents in Cheltenham. It is unfair for those tax payers in Cheltenham who subscribe to the paid for garden waste service to have to subsidise the costly disposal of garden waste from the household recycling centre for those residents who use this method of free disposal of garden waste. The results of the public consultation survey carried out 18 December 2018-6 January 2019 indicate that 31.7% of those who responded supported the removal of the garden waste skip. This report recommends that the Council carries out further public consultation as part of a review to determine whether garden waste should continue to be accepted at the site.
- 1.11** Home composting is a more environmentally friendly option for those residents with space in their gardens to do so however for those residents who are unable or prefer not to do this, a kerbside collection minimises the carbon footprint of this type of waste. Income from the garden waste collection service funds the provision of that service but also any surplus helps to offset the cost of providing other waste and recycling services in Cheltenham.
- 1.12** The current price of a garden waste wheeled bin (brown) collected fortnightly apart from 2 collections over the Christmas/New Year period is £45 per bin or £42 per bin if the early bird discount is taken up which is lower than some neighbouring Councils.
- 1.13** More consultation is planned with users of the household recycling centre to understand what the barriers may be for users of the site subscribing to the kerbside garden waste scheme. A number of residents choose bin sharing with neighbours when they have small amounts of garden waste and wish to share the cost of a bin. Bin sharing will be promoted to help those with small gardens access the kerbside collection service where small amounts of garden waste or the cost of the service has been a barrier to subscribing to the kerbside service.
- 1.14** For residents that live in one of the specified areas where there is little or no space for storing a brown wheelie bin, garden waste can be collected in compostable paper sacks. The service works on a pay-per-sack basis, instead of an annual subscription. The scheme is entirely optional. Residents can still use the brown bin service. If residents live in a qualifying street they can buy the 75 litre paper sacks at £12.50 for 10 sacks. There is a charge of 60p for delivery, or the sacks can be collected from the municipal offices. Up to 10 sacks can be put out for collection on each collection day.
- 1.15** Further consultation is also planned to understand usage of the residual waste skip, whether it is residents of Cheltenham using the skips, waste composition analysis (bag splitting) and what can

be done to help residents reduce the amount of recyclable materials in the waste stream thereby reducing the overall volume of residual waste being collected at the household recycling centre.

- 1.16** It is difficult to forecast how much of the residual or garden waste collected at the household recycling centre will be diverted to the kerbside collection given a percentage of what is collected at the site may not come from residents in Cheltenham however work is necessary to support residents taking out as much recycling as possible from the residual waste stream and this will help reduce the total volume of residual waste. Close monitoring of residual waste weights across the borough will be necessary to ensure support for residents who are struggling to reduce their residual waste is targeted appropriately.

1.17 Recycling bring bank sites in Cheltenham

- 1.18** In addition to the household recycling centre, the Council also provides 12 bring bank sites located around the borough collecting glass, plastics, cardboard, paper and some textiles/shoes, foil and tetrapak/cartons. A list of all the existing sites around the borough and the recycling facilities is available on the website.

- 1.19** Following the results of the public consultation carried out 18 December 2018-6January2019, which supported the removal of 'some of the less well used recycling banks where residents can access the kerbside recycling service', the Council, in conjunction with Ubico, have reviewed the existing list of bring bank sites considering health and safety issues, how well used they are by the public at present, the recycling facilities currently provided and those presenting more service issues due to misuse.

Whilst the public have not been specifically consulted on the 4 sites identified within the report, two sites, Everest Road and the High Street car park opposite Matalan, have the lowest usage and the least number of bring banks at present as a result. Church Piece, causes the biggest health and safety issue for servicing the bring banks out of all the sites and also the bring banks reduce the number of car parking spaces available in a very busy, small local car park. The health and safety risks for servicing this site cannot be ignored. Another bring bank site is located a short distance away in Charlton Kings (Sixways). The Hatherley area benefits from bring bank sites in two local supermarket locations however the Asda-Hatherley Lane site is the least well used, causes more servicing difficulties and another bring bank site at Morrisons is only a short distance away.

- 1.20** Some of the recycling bring bank locations cause operational difficulties for large vehicles to access due to space restrictions or parked cars, and need to be reviewed for health and safety reasons, whilst also being those sites causing more fly tipping issues. These 4 sites are: Asda-Hatherley Lane, Everest Road, Church Piece-Charlton Kings and High Street car park.

1.21 Health and safety assessment of existing bring banks

In addition to the health and safety concerns of safely servicing some of the existing bring bank locations with large vehicles in confined public spaces with pedestrians and parked cars, Ubico have risk assessed the condition of the bring banks themselves via a combination of assessment by the collection driver and then by the workshop. The issue with the majority of the skips that have been taken off line already is the condition, structural integrity and level of degradation to the flooring of the skip. The skips over time wear away and become unstable to the point where the floor can come away when being lifted, this can be rectified and repaired with welding but only for a period of time before the skip becomes beyond repair and will be too dangerous to use. The skips that hold glass and bottles often still contain liquid which can speed up the process of the floor becoming damaged due to corrosion and we do and should expect to see these skips need replacement or repair faster than the drier materials.

The existing skips are well over 20 years old, beyond economical repair and are therefore

scheduled for replacement which will coincide with improvements to the household recycling centre. The replacement costs are budgeted for as part of the fleet/asset replacement plan and therefore within existing budget.

- 1.22** A public consultation survey took place between 19 December 2018 and 6 January 2019 and the feedback is set out in sections 2 and 5 of this report.

2. Reasons for recommendations

- 2.1** On 25 March 2019 the Council approved its corporate strategy for 2019-2023. A key priority for the Council is implementing improvements to the recycling service available to residents, business and visitors by reviewing existing services as part of its commitment to achieving a cleaner and greener sustainable environment.
- 2.2** Following a recent survey seeking the public's opinion on the future of waste and recycling services in Cheltenham, including the provision of the household recycling centre and the recycling opportunities available, residents overwhelmingly supported the continued operation of the site including further improvements to increase the range of materials collected (see section 5 of the report for further details of the survey results).
- 2.3** It is necessary to review the site layout to maximise space, improve health and safety for site operatives and members of the public using the site, and implement site improvements necessary to deliver increased recycling opportunities for residents in Cheltenham. Works to be undertaken will include:
- 2.3.1** A better layout of the site making it easier and safer to use for the public and allowing more to be delivered from the existing footprint which is limited by the position and size of the permitted area for waste.
- 2.3.2** Renewing the line painting for the site including marking out parking bays and safe walkways.
- 2.3.3** Improving the signage and information available at the site to help site users better understand what recycling materials can be accepted as well as what happens to the recycling that is collected.
- 2.3.4** Reviewing the feasibility of introducing a re-use facility on site, possibly in partnership with a local charity, which, based on the performance of similar re-use facilities at other household recycling centres in the County, could generate up to an estimated £15,000 per year to offset the cost of accepting some recycling materials which do not generate an income but which would otherwise go to landfill or the Energy from Waste plant at Javelin Park such as carpets, mattresses, tetrapak/cartons and soft plastics (crisp packets and plastic film).
- 2.4** Continuing to accept residual waste at the household recycling centre in Swindon Road is not congruent with the priority set out in the Council's corporate strategy 2019-2023 or the high level of concern raised by the recent Council motion seeking action to address the 'climate change emergency'. The government's new waste and resources strategy seeks to achieve zero waste by 2050 which necessitates Council's supporting residents more with waste reduction advice. Therefore this report recommends that the Council carries out further public consultation as part of a review to determine whether residual waste should continue to be accepted at the site.
- 2.5** The net revenue cost to the Council of providing the household recycling centre and bring banks in Cheltenham is £341,000 per year. Ceasing to collect residual waste and garden waste at the household recycling centre combined with removing the Cheltenham Borough Council provided bring banks on 4 sites and retaining only the third party bring banks could reduce the net revenue cost of these services by approximately £33,000 per year which could be used to offset the cost

of providing waste and recycling services in Cheltenham. The reduction in the number of sites at which Cheltenham Borough Council bring banks are provided is forecast to reduce the net revenue cost of servicing these sites by £17,000 with a reduction in capital costs of approximately £150,000 because less replacement vehicles will be required in 2019/20.

- 2.6** This report therefore recommends that the Council carries out further public consultation as part of a review to determine whether residual waste and garden waste should continue to be accepted at the site and that residents be supported to reduce waste by:
- 2.7** An online public consultation survey between June – September 2019.
- 2.8** Face to face consultation with users of the household recycling centre at Swindon Road between June and August to provide feedback on usage patterns, issues with waste reduction or accessing the kerbside collections and other materials residents would like collected at the site.
- 2.9** Waste composition analysis (black bag splitting) carried out at the household recycling centre between June to September 2019 combined with advice on how to recycle the recyclable items we know tend to end up in the residual waste bin so this can be diverted away from landfill or Energy from Waste.
- 2.10** Focus groups will be held during July to further consult with the public and to help shape how best to deliver waste reduction and recycling advice, guidance for all households in Cheltenham as well as the most appropriate way to implement future policy.

3. Alternative options considered

- 3.1** Whilst continuing to accept residual waste at the household recycling centre without further public consultation and review has been considered, it does not support the importance of the Council's priority for a cleaner and greener environment which seeks to reduce waste and increase recycling, particularly in light of the government's new waste and resources strategy or the motion to full council seeking a support for a climate change emergency.
- 3.2** The Council promotes home composting and provides a paid for kerbside garden waste service for residents in Cheltenham and the provision of garden waste skips at the household recycling centre is considered unfair by some residents as it effectively offers a free service to those residents who are able to transport garden waste to the household recycling centre. Given a kerbside service is available to residents the additional carbon footprint of garden waste transported to the household recycling centre by residents should be considered avoidable in light of the Council's priority to deliver a cleaner and greener environment. As a result, not consulting further with the public and reviewing the provision of the garden waste skips is not considered appropriate.
- 3.3** Public safety is of paramount importance in the delivery of the waste and recycling service and according to the Health and Safety Executive the waste and recycling industry has 4 times more RIDDOR reportable injuries than most other industry sectors. It is therefore necessary to reduce any health and safety concerns around servicing some of the bring banks sites and why the report recommends reducing the number of bring bank sites that present the greatest health and safety concerns for servicing. The use of different types of bring banks has been considered but this does not reduce the health and safety issues. It may be possible, in some locations, to consider other types of recycling opportunities but this will need to be reviewed on a site by site basis.
- 3.4** The results of the public consultation carried out between 19 December 2018 and 6 January 2019 demonstrate overwhelming support for the household recycling centre and therefore closing this site is not an option that has been pursued and would not be in line with the Council's priorities.

- 3.5** Siting different types of bring banks at the bring bank locations around Cheltenham has been considered however to ensure the health and safety risks of servicing the bring bank sites are minimised other types of skips have been discounted and new like for like replacements will be installed.

4. How this initiative contributes to the corporate plan

- 4.1** On 25 March 2019 the Council approved its corporate strategy for 2019-2023. A key priority for the Council is implementing improvements to the recycling service available to residents, business and visitors by reviewing existing services as part of its commitment to achieving a cleaner and greener sustainable environment. The recommendations within this report directly contribute to this key priority for the Council.

5. Consultation and feedback

- 5.1** More than 4,290 people took part in a recent survey which ran between 19 December 2018 to 6 January 2019 about Cheltenham's waste and recycling collections. Nearly 70% of those who responded said that they were either very satisfied or satisfied with their waste and recycling collections and 97% of these respondents said they make an effort to recycle. The Council will be working with residents to help and assist them reduce waste and recycle more at both the kerbside and the household recycling centre.
- 5.2** The current enhanced kerbside recycling scheme introduced in October 2017 offers residents in Cheltenham an opportunity to recycle cardboard, paper, plastic bottles, pots tubs and trays, small electrical items, batteries and textiles and has increased the amount of recycling in 2018/19 by an extra 1641 tonnes approximately. The survey indicated that residents would support a weekly kerbside recycling service and would like to recycle cartons/tetrapak, plastic film and large pieces of cardboard.
- 5.3** 92.2% of those who responded to the survey said they would not support a closure of the household recycling centre at Swindon Road clearly demonstrating that residents in Cheltenham value and support the provision of a household recycling centre by the borough council.
- 5.4** Further public consultation in various forms is planned for the summer period as set out in section 2.7-2.10 of this report and the results of this will help shape promotion of waste reduction, re-use and recycling both at kerbside and at the HRC across the borough.
- 5.5** The results of the survey indicate that the garden waste skip is well used and it is important to understand the reasons for this and this will be explored as part of further consultation during the review recommended. It is impossible to determine whether residents outside the borough are using the garden waste skip at the household recycling centre without face to face consultation. Site staff suggests that it is small garden services businesses and the amounts of household garden waste in excess of that which can be contained within one brown garden waste bin which encourages some residents to take it to the household recycle centre.
- 5.6** Whilst 54.7% of those who responded to the survey indicated they would prefer to keep the residual waste skip at the household recycling centre, 45.3% of those who responded said they would support the removal of the residual waste skip to make room for more recycling. In light of the Government's new waste and resources strategy and the significant concerns around climate change, it would seem reasonable to consult further with the public and review the continued provision of the residual waste skip.
- 5.7** As part of the recent survey, residents were asked if they would support the removal of some of the less well used recycling bring bank sites in Cheltenham to reduce service costs – 60.7% of those who responded said they would which is in line with the recommendation in this report. Fly

tipping data, recycling performance and health and safety considerations have informed the list of sites identified to close.

- 5.8** Officers are satisfied that meaningful public consultation (carried out 18 December 2018-6 January 2019) regarding the recycling bring bank service has been carried out and that the changes are not significant in scale.

6. Performance management –monitoring and review

- 6.1** Monthly analysis of waste and recycling weights, as well as fly tipping at bring bank sites, will continue to be reviewed as part of the monthly contract monitoring meetings.
- 6.2** Staff at the household recycling centre will be involved in feedback on site usage and further public consultation will take place as necessary over and above that set out in the report.

Report author	Contact officer: Karen Watson, Client Manager – Environmental Services (interim), Karen.watson@cheltenham.gov.uk, 01242 264397
Appendices	<ol style="list-style-type: none"> 1. List of bring bank sites 2. Risk Assessment
Background information	<ol style="list-style-type: none"> 1. Government's new waste and resources strategy published on 16 October 2018. 2. Motion to Full Council seeking support for a climate change emergency 3. Results of the public consultation carried out between 19 December 2018 and 6 January 2019

Proposed bring bank locations to be retained – 8 sites

Recommended bring bank location	Cardboard	Paper	Plastics	Glass/Tins	Total skips for bring bank sites
Morrisons Caernarvon Road	2	1	1	2	6 plus textiles/shoes and cartons
Sixways Charlton Kings	1	1	1	1	4 plus textiles/shoes
Edinburgh Place Coronation Square	1	1	1	1	4 plus textiles/shoes and foil
Cheltenham Town FC Whaddon Road	1	1	1	1	4 plus textiles/shoes
Bath Terrace Car Park	2	1	1	1	5 plus textiles/shoes and foil
St James's Car Park	1	1	1	1	4 plus textiles/shoes
Sainsbury's Prior Road	1	0	1	0	2 plus textiles/shoes
Sainsbury's Tewkesbury Road	2	1	1	1	5 plus textiles/shoes, foil, cartons and books/videos

Proposed bring bank locations to retain third party recycling bring banks only and remove Cheltenham Borough Council provided bring banks – 4 sites

Recommended third party bring bank location	Tetrapak Cartons	Textiles	Foil
Asda - Hatherley Lane		1	
Everest Road		1	
Church Piece Charlton Kings	1	1	1
High Street Car Park (opposite Matalan)		1	

Risk Assessment

Appendix 2

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likeli-hood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the existing bring banks are not replaced, health and safety concerns due to their age will require all the bring banks to be removed resulting in reputational damage and a negative financial impact on income.	Tim Atkins	26/4/19	4	4	16	reduce	Replace all the bring banks at all locations within existing budgets	As soon as possible	Karen Watson	
	If any of the recommendations within the report result in less recycling being collected and more residual waste is diverted to the kerbside the Council's income from the sale of recycling materials may be adversely effected and costs may increase.	Tim Atkins	26/4/19	3	3	9	reduce	Implementation of the recommendations within the report to help, advise and support residents and close monitoring of the kerbside service	Ongoing 2019/20	Karen Watson	
	If a review of the garden waste skip results in its withdrawal and a significant amount of garden waste is diverted to the kerbside additional resource may be required although as this is a paid for service additional income should help to offset these costs.	Tim Atkins	26/4/19	3	3	9	reduce	Detailed analysis in the review recommended is required and close monitoring of the kerbside service	Ongoing 2019/20	Karen Watson	
	If the recommendations within the report result in an increase in fly tipping in	Tim Atkins	26/4/19	2	2	4	reduce	Close monitoring of the incidence of fly tipping and closer working with	Ongoing 2019/20	Karen Watson	

	Cheltenham, more resource will be required to tackle this.							enforcement coupled with advice and support for residents			
	If inadequate resources/processes are in place within Ubico to manage collections, reputational damage may result.	Tim Atkins	26/4/19	4	3	12	reduce	Close monitoring of collections and volumes combined with more robust supervision and management within Ubico will mitigate this risk.	Ongoing 2019/20	Karen Watson	
	If there is a challenge that the council's consultation duties have not been discharged fully regarding the removal of some of the bring bank sites as set out in the report then further consultation will be required or the bring banks re-instated	Tim Atkins	26/4/19	2	2	4	accept	Close monitoring of public opinion and promotion of the kerbside recycling service should mitigate this risk. If a challenge is brought against the council, it should be possible to mitigate the impact by re-instating the bring banks.	Ongoing 2019/20	Karen Watson	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

Cheltenham Borough Council Cabinet – 11 June 2019 Bulky Collections Service and Charging

Accountable member	Councillor Chris Coleman, Cabinet Member Clean and Green Environment
Accountable officer	Karen Watson – Client Manager, Environmental Services (interim)
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>Cheltenham Borough Council provides a charged for kerbside bulky waste collection service for residents in Cheltenham and charges have increased year on year in line with inflation. This service is provided by a 3rd party for the Council, collecting fridges, freezers, furniture and other bulky items which are difficult for residents to dispose of themselves.</p> <p>In 2016/17 the bulky waste charge increased from £15.82 to £16.20 per unit; in 2017/18 the charge increased to £17.00 per unit and in 2018/19 the charge increased to £17.50 per unit however operational costs including fuel costs, employment costs and more significantly waste disposal costs have increased requiring a review of charges for 2019/20 to bring the price charged for this service closer to the cost of delivering it.</p> <p>The results of the public consultation survey carried out between 19 December 2018 and 6 January 2019 indicate that 64.9% of respondents would be prepared to pay £19.50 per unit or more for this service if they knew the items were recycled or re-used where possible.</p> <p>This report therefore recommends an increase in charges from £17.50 per unit to £19.50 per unit to bring the price charged for this service closer to the operational costs of delivering it. This recommendation is in line with the results of the public consultation carried out between 19 December 2018 and 6 January 2019 and the authority's commitment to reduce waste and increase re-use/recycling. This report also recommends an increase in the bulky waste collection charge from £25.50 for a 5 seat three piece suite, calculated at 1.5 units, to £29.25 for a 5 seat three piece suite with effect from 1 July 2019 for the same reasons as set out above,</p>
Recommendations	<ol style="list-style-type: none"> 1. That Cabinet approve an increase in the bulky waste collection charge from £17.50 per unit to £19.50 per unit with effect from 1 July 2019; 2. That Cabinet approve an increase in the bulky waste collection charge from £25.50 for a 5 seat three piece suite, calculated at 1.5 units, to £29.25 for a 5 seat three piece suite with effect from 1 July 2019.

Financial implications	<p>As detailed within the report.</p> <p>Additional income as a result of the charge increase from £17.50 to £19.50 per unit, including the charge increase from £25.50 for a 5 seat three piece suite, calculated at 1.5 units, to £29.25 for a 5 seat three piece suite, is estimated at approximately £5,000 in 2019/20.</p> <p>Contact officer: Jon Witlock, jon.witlock@publicagroup.uk</p>
Legal implications	<p>Under section 45(3) of the Environmental Protection Act 1990 the Council is only permitted to charge for the collection of household waste when specifically allowed to by regulations made by the Secretary of State.</p> <p>The relevant regulations in this case are the Controlled Waste (England and Wales) Regulations 2012/811. Paragraph 4 of Schedule 1 to those regulations permits the Council to charge for bulky items of household waste i.e items that cannot be fitted into the waste receptacle provided, or if no receptacle is provided, “a cylindrical container 750mm in diameter and 1m in length.” No charge may be made for disposal.</p> <p>Section 45(3) of the Environmental Protection Act further provides that any collection charge must be reasonable. There is a paucity of guidance on what is “reasonable” in this context but it is generally held to mean sufficient to cover the cost of the service.</p> <p>Contact officer: Shirin Wotherspoon, shirin.wotherspoon@teWKesbury.gov.uk</p>
HR implications (including learning and organisational development)	<p>None as a direct result of this report.</p> <p>Contact officer: Clare Jones, Claire.Jones@publica.co.uk</p>
Key risks	<i>Please refer to Appendix 1 of this report</i>
Corporate and community plan Implications	The content of this report supports key priority (KP3) of the corporate plan 2019-23.
Environmental and climate change implications	<p>The kerbside bulky waste collection service supports the environment by enabling residents to dispose of bulky goods correctly. If the percentage of bulky waste that is re-used or recycled can be increased this will provide further environmental benefits.</p> <p>Contact officer: Gill Morris@cheltenham.gov.uk</p>
Property/Asset Implications	<p><i>None as a direct result of this report.</i></p> <p>Contact officer: simon.hodges@cheltenham.gov.uk</p>

1. Background

- 1.1 Cheltenham Borough Council provides a charged for kerbside bulky waste collection service for residents in Cheltenham and charges have increased year on year in line with inflation. This service is provided by a 3rd party for the Council, collecting fridges, freezers, furniture and other bulky items which are difficult for residents to dispose of themselves.
- 1.2 In 2016/17 the bulky waste charge increased from £15.82 to £16.20 per unit; in 2017/18 the charge increased to £17.00 and in 2018/19 the charge increased to £17.50 however operational costs including fuel costs, employment costs and more significantly waste disposal costs have increased requiring a review of charges for 2019/20 to bring the price charged for the service closer to the cost of delivering it.
- 1.3 The increased costs of waste transfer and disposal are as a result of a greater volume of bulky waste items not being re-used or recycled requiring transfer and disposal, combined with the increase in haulage costs per load from Swindon Road depot to landfill. In 2018/19 it is estimated that the cost to the council was £26,000 (representing 60% of the overall volume of waste in the spotting compound).
- 1.4 In 2018/19, the cost to the council of providing the bulky waste collection service was £44,713 plus the cost of waste transfer and disposal estimated at £26,000, a total cost to the council of £70,713 which, when netted off against income, leaves a shortfall in the cost of delivering the service of at least £7,000.
- 1.5 Waste transfer and disposal costs in Cheltenham will further increase in 2019 as a result of budget pressures for Gloucestershire County Council.
- 1.6 Gloucestershire County Council is the waste disposal authority with statutory responsibility under the Environmental Protection Act 1990 and as such determined that from 2019 residual waste in Gloucestershire would no longer be landfilled but would be sent to an Energy for Waste Plant (Javelin Park) with a view to generating savings.
- 1.7 Following Gloucestershire County Council's cabinet decision on 18 April 2018, a cost evaluation exercise took place to reduce the waste disposal costs for Gloucestershire County Council however this resulted in increased costs for Cheltenham Borough Council as the waste collection authority. To minimise the additional costs of direct delivery of residual waste to Javelin Park for Cheltenham Borough Council, a settlement agreement was negotiated avoiding direct delivery costs. The settlement agreement requires a payment of £50,000 per year for 3 years to Gloucestershire County Council to offset waste disposal costs (Cheltenham Borough Council's cabinet report dated 29 November 2018 refers). It is expected Cheltenham's residual waste will go to Javelin Park via a local waste transfer station from July 2019 and this will include all bulky waste items which are not re-used or recycled.
- 1.8 The results of the public consultation survey carried out between 19 December 2018 and 6 January 2019 indicate that 64.9% of respondents would be prepared to pay £19.50 or more for this service if they knew the items were recycled or re-used where possible.
- 1.9 This report therefore recommends an increase in charges from £17.50 per unit to £19.50 per unit to bring the price charged for the service more in line with the cost of delivering it. The results of the public consultation carried out between 19 December 2018 and 6 January 2019 support a £2 per unit price increase where more items are re-used or recycled. This also further supports the authority's commitment to reduce waste and increase re-use/recycling.
- 1.10 This report also recommends an increase in the bulky waste collection charge from £25.50 for a 5 seat three piece suite, calculated at 1.5 units, to £29.25 for a 5 seat three piece suite with effect

from 1 July 2019.

2. Reasons for recommendations

- 2.1** The government's new waste and resources strategy promotes the need for more robust waste reduction measures and a greater focus on increasing recycling and re-use to preserve precious resources. In light of the concerns regarding the impact of climate change it is more important than ever that all that can be done is done to divert waste from landfill or energy for waste facilities and increase the amount of material recycled or re-used.
- 2.2** The current kerbside bulky waste service which is provided by a 3rd party for the Council is only able to divert a fairly small percentage of items collected away from landfill. Improvements have been identified which can be implemented at the point of booking to ensure more guidance is given to residents to increase the likelihood of items being re-used. For example, if the weather is wet, certain items of furniture like sofa's or chairs being covered up or put out on the morning of collection and residents notifying the Council at the point of booking if an electrical item is still in working order as well as ensuring it is covered up if the weather is wet.
- 2.3** In addition, better guidance and information is required on the council's website to promote re-use and recycling of bulky items as well as other materials and this will be reviewed and updated during July and August 2019 in consultation with the 3rd party service provider for bulky items. Any additional income from the increase in charges for bulky waste will be used to offset the costs of waste and recycling in Cheltenham including publicity and promotion costs.
- 2.4** If a re-use facility were to be introduced at the household recycling centre at Swindon Road then more small items could be re-used or recycled and this is being reviewed at present.
- 2.5** The results of the public consultation survey carried out between 19 December 2018 and 6 January 2019 indicate that 64.9% of respondents would be prepared to pay £19.50 or more for this service if they knew the items were recycled or re-used where possible.
- 2.6** To support the authority's commitment to reduce waste and increase re-use/recycling, this report therefore recommends an increase in charges from £17.50 per unit to £19.50 per unit which is line with the results of the public consultation carried out between 19 December 2018 and 6 January 2019 and also brings the price charged for the service closer to the cost of delivering it.
- 2.7** This report also recommends an increase in the bulky waste collection charge from £22.50 for a 5 seat three piece suite, calculated at 1.5 units, to £29.25 for a 5 seat three piece suite with effect from 1 July 2019 to bring this charge in line with the charge increase set out at 2.6 of this report.

3. Alternative options considered

- 3.1** That the council does not increase the charges for the bulky waste collection service. This has been rejected on the basis that there is a requirement to support the environmental priority agreed within the council's corporate plan 2019-2023 and fund additional service costs along with promotion to increase re-use and recycling.

4. Consultation and feedback

- 4.1** The results of the public consultation survey carried out between 19 December 2018 and 6 January 2019 indicate that 64.9% of respondents would be prepared to pay £19.50 or more for this service if they knew the items were recycled or re-used where possible.

5. Performance management –monitoring and review

- 5.1** Performance in terms of take-up and income generated will continue to be monitored monthly/quarterly as part of the CBC-Ubico performance monitoring arrangements.

Report author	Contact officer: Karen Watson, Client Manager – Environmental Services (Interim), Karen.watson@cheltenham.gov.uk, 01242 264350
Appendices	1. Risk Assessment
Background information	<ol style="list-style-type: none"> 1. Government's new waste and resources strategy published on 16 October 2018. 2. Motion to Full Council seeking support for a climate change emergency 3. Results of the public consultation carried out between 19 December 2018 and 6 January 2019

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the proposed increase to the charge for the bulky waste collection service is not agreed, then the Authority may be unable to meet its requirement to generate additional income to support service provision and cover the cost of inflation.	Karen Watson	26/4/19	2	5	10	Reduce	Cabinet approves the proposed increase in charge for the bulky waste collection service	1/7/19	Karen Watson	
	If the increase in the bulky waste collection charge is increased, then take up of the service may reduce, resulting in less income for the Authority and less re-use in the borough.	Karen Watson	26/4/19	2	2	4	Accept	The results of the public consultation indicates that this service may not be sufficiently price sensitive to be impacted by this price increase however demand will be closely monitored.	1/7/19	Karen Watson	
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											

Cheltenham Borough Council

Cabinet – 11th June 2019

Implementing an Article 4(1) direction for the St. Paul's ward

Accountable member	Councillor Andrew McKinlay
Accountable officer	David Oakhill - Head of Planning
Ward(s) affected	St. Paul's
Key/Significant Decision	No
Executive summary	<p>A 'House in Multiple Occupation' (HMO) is defined as a property rented out by at least 3 people who are not from 1 'household' (for example a family) but share facilities like the bathroom and kitchen.</p> <p>The conversion of existing homes (Class C3 dwelling houses) into HMOs (Class C4 HMOs) is permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It is therefore permitted across Cheltenham without the need for planning permission.</p> <p>The emerging Cheltenham Plan makes the case for the need to control the creation of new HMOs in St. Paul's Ward, because they are significant in number (around 12% of all homes in St. Paul's are HMOs) and together create adverse impacts on local amenity including high parking demand, waste and recycling provision, and changes to the overall character of an area.</p> <p>In order to control the creation of new HMOs in St. Paul's Ward, this report recommends that Cheltenham Borough Council makes a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), removing the 'permitted' development right status of HMOs and instead requiring a planning application be made. Further, this report recommends that the direction is non-immediate, instead coming into force 12 months after it is first publicised.</p> <p>The Article 4(1) direction will not be applied retrospectively.</p>
Recommendations	<ol style="list-style-type: none"> 1. Cabinet approves the giving of 12 months' prior notice of removing the C3 to C4 permitted development right through an Article 4(1) Direction. 2. Cabinet receives a report within 6 months seeking to 'confirm' the Article 4(1) Direction, subject to public consultation responses.

Financial implications	<p>None as a direct consequence</p> <p>Contact officer: Paul Jones, paul.Jones@cheltenham.gov.uk 01242 264365</p>
Legal implications	<p>The introduction of the Article 4 Direction being proposed will in effect mean that those who convert their properties from C3 use to C4 use without submitting a planning application will be in breach of planning control.</p> <p>In relation to those who breach the Article 4 Direction, the Council will be able to issue enforcement notices against the relevant properties and pursue prosecutions or direct action if necessary.</p> <p>Contact officer: Nick Jonathan, nick.jonathan@teWKesbury.gov.uk 01684 272032</p>
HR implications (including learning and organisational development)	<p>Here are no direct HR implications arising as a result of this report.</p> <p>Contact officer: Julie McCarthy, Jule.mccarthy@publicagroup.uk 01242 264355</p>
Key risks	<ul style="list-style-type: none"> - A sharp increase in the number of conversions of residential dwelling houses to HMOs in St. Paul's prior to the Article 4(1) direction coming into force - Proliferation of HMOs in other wards across the borough
Corporate and community plan Implications	<p>This will support the aspiration in the Place Vision to build strong, healthy and inclusive communities.</p>
Environmental and climate change implications	<p>Controlling the spread of HMOs would mean that the spread of associated negative impacts such as noise and poorly managed waste facilities could also be controlled.</p>
Property/Asset Implications	<p>No known property implications.</p>

1. Background

- 1.1 St. Paul's Ward has a reasonably high proportion of Houses in Multiple Occupation – HMOs (c. 12% of all housing stock). The conversion of residential homes into HMOs is permitted development under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and as such does not require planning permission. Concerns have been raised by members that the frequency of HMOs within the St. Paul's ward has increased to an unsustainable level. Officers were asked to investigate ways to control this.
- 1.2 In 2017 a survey of HMOs in St. Paul's Ward was completed, the results of which suggest that 12% of residential properties in the Ward are considered HMOs (see Background information, page 5 of this report). Having a large proportion of HMOs is believed to lead to unbalanced communities, in this particular case a large student population that is often disengaged with the community. This in turn can lead to a deterioration of an area.
- 1.3 Until 1 October 2010 planning permission was required for the change of use of a building including a dwelling-house to a HMO. On 1 October 2010 the Government introduced new legislation. Now planning permission is not required for the change of use of a dwelling house to an HMO for up to 6 unrelated people.
- 1.4 The option exists for Councils to remove this right for parts of its District. This power lies within the existing provisions of Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Under Article 4 a Direction may be made by a Local Planning Authority to remove permitted development rights and require a planning application to be made, in this case, by a person wishing to change the use of a dwelling-house to an HMO.
- 1.5 The making of an Article 4 direction would not mean a blanket ban on HMOs, as it would remain open to an owner to apply for permission for HMO and a standard planning fee would be required for such application.

Reasons for recommendations

- 1.6 Controlling the conversion of Class C3 dwellings to Class C4 HMOs is proposed in order to minimise associated negative impacts on local communities that can arise. High concentrations of HMOs potentially negatively impact on the sustainability of communities, including on the amenities of local residents and on the character of an area, such as character, waste management and parking issues.
- 1.7 The specific recommendation is to 'make' a non-immediate Article 4(1) Direction. The alternatives to this are explored under section 2 below. A summary of the process for a non-immediate Article 4(1) Direction is:
 - Cabinet approves the making of an Article 4(1) Direction, giving 12 months' prior notice of removing the C3 to C4 permitted development right
 - Consultation for 28 days commences
 - Consultation responses are considered and where appropriate, amendments are made
 - Cabinet approve the 'confirmation' of the Article 4(1) Direction within 6 months of the direction being made
 - The Article 4(1) Direction comes into force 12 months after initial notice

- 1.8** A non-immediate Article 4(1) Direction comes into being 12 months after being initially ‘made’. This is prescribed in the Town and Country Planning Act 1990 and allows time for land owners within the area affected (in this case St. Paul’s Ward) to make reasonable adjustments. Providing this time significantly reduces the risks to the Council of claims for compensation for loss of future income from land owners who may now wish to convert residential dwelling houses to HMOs (when compared to the implementation of an immediate Article 4(1) Direction).

2. Alternative options considered

- 2.1** Two alternative options were considered.
- 2.2** One was to do nothing and let Class C3 to Class C4 development remain as permitted development. This would risk letting the balance of the St. Paul’s ward become too heavily influenced by HMOs. There is some evidence to suggest that a tipping point in terms of a balanced community can arise when HMOs exceed 10% of properties. The survey has recorded that there are 350 HMOs in the St Pauls ward which corresponds to 12% of properties.
- 2.3** Another option was to enact an immediate Article 4 direction, allowing the direction to come into force immediately. This approach brings with it significant risk as it allows site owners intending to make use of the existing permitted development rights to claim back compensation from the council. This would be to compensate site owners for the loss of value to the property that would otherwise have been gained were they allowed to convert of C3 dwelling house into a C4 HMO, which could potentially be thousands of pounds per site. Without immediate implementation there is a risk (likely perceived) that there will be a ‘flurry’ of HMO conversions in St Pauls Ward over the next 12 months. Correspondence with other authorities that had enacted Article 4 directions showed that this risk did not materialise.

3. Consultation and feedback

- 3.1** Internal consultation was sought from various officers from the finance, property and legal departments.
- 3.2** The emerging Cheltenham Plan contains proposed policy HM5 which indicates the Council’s desire to control HMOs in St. Paul’s. Through Cheltenham Plan consultation, 4 comments were received which included Alex Chalk MP and the St. Paul’s Road Area Residents Association. 3 responses supported the policy, citing existing loss of community as well as noise and other disruption to neighbours. Mr. Chalk’s response raised concerns regarding the impact on neighbouring wards. Any potential impacts on neighbouring wards will be dealt with through the consultation.
- 3.3** By making this Article 4 direction, officers would be permitted to commence a public consultation on the direction specifically. This will give residents and relevant parties the opportunity give their views on the Article 4 direction.

4. Performance management – monitoring and review

- 4.1** The planning applications database will be monitored to be able to identify changes to the frequency of HMO conversions in the St. Paul’s Ward.

Report author	Contact officer: Alex Bethell, alexander.bethell@cheltenham.gov.uk, 01242 264174
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Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Draft direction 3. Draft site notice
Background information	<ol style="list-style-type: none"> 1. 2017 HMO survey https://democracy.cheltenham.gov.uk/documents/s22803/2017_09_11_OS_HMO_survey_Cabinet_briefing.pdf

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
	Should an Article 4 direction be enforced immediately, compensation payments could be payable by the council for loss of income.	David Oakhill	15/05/2019	4	5	20	Close	Do not implement Article 4 immediately, implement after 1 year of the direction being made.		Alex Bethell	
	Confirming an Article 4 direction in St. Paul's ward may lead to greater demand for HMOs in neighbouring wards.	David Oakhill	15/05/2019	2	4	8	Monitor	Monitor planning database to identify HMO application frequency.		Alex Bethell	
	Sudden increase in the number of HMO conversions in the 12 months before the direction comes into force.	David Oakhill	15/05/2019	4	3	12	Accept	Officers to process prior notifications and prior approvals.		Alex Bethell	
	Increase in workload of Development Management officers.	David Oakhill	15/05/2019	2	3	6	Accept	Officers to process applications.		Alex Bethell	
	Secretary of State cancels the Article 4 direction.	David Oakhill	20/05/2019	5	1	5	Accept	No action.		Alex Bethell	

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

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

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 2015 AS AMENDED**

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 5 APPLIES

PLANNING CONTROLS OVER HOUSES IN MULTIPLE OCCUPATION

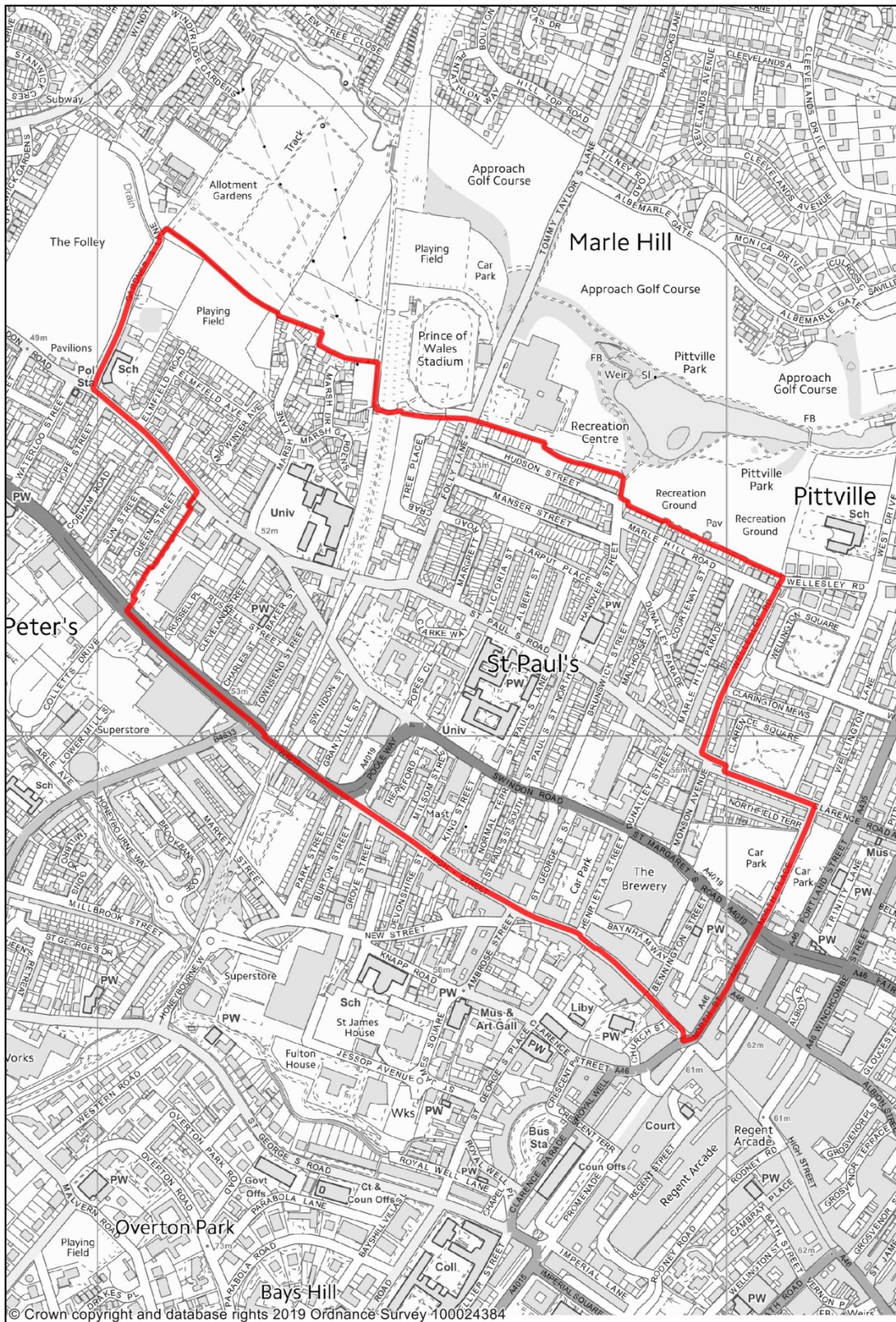
WHEREAS Cheltenham Borough Council being the appropriate local planning authority within the meaning of article 4(4) of the GPDO, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged red on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below:

SCHEDULE

Development consisting of a change of use of a building from a use falling within Class C3 (dwelling houses) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, as amended, to a use falling within Class C4 (houses in multiple occupation) of that Schedule being development comprised within Class L(b) of Part 3 of Schedule 2 to the said Order and not being development comprised within any other Class.

The Article 4 Direction will come into force on 11 June 2020.



Made under the Common Seal of Cheltenham Borough Council thisday
of.....20..... The Common Seal of the Council was affixed to this Direction in the presence
of.....
Chief Executive Officer

Town and County Planning (General Permitted Development) (England) Order 2015 as amended

Notice pursuant to Article 5(1) of the making of an Article 4 Direction

Cheltenham Borough Council made a Direction on 11th June 2019, under Article 4(1) Town and Country Planning (General Permitted Development) Order 2015 (as amended). The Direction relates to development comprising change of use from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Order and removes permitted development rights for this type of development from the date when the Direction comes into force. Planning permission will therefore be required for change of use from Class C3 to Class C4 once the Article 4 Direction is in force.

THE ARTICLE 4 DIRECTION APPLIES TO ST. PAUL'S WARD OF CHELTENHAM BOROUGH.

A copy of the Direction, including a map defining the area covered, can be viewed at the Municipal Offices of Cheltenham Borough Council on the Promenade, GL50 9SA. It can also be viewed on the Council's website, www.cheltenham.gov.uk

Representations may be made concerning the Article 4 Direction until 9th July 2019.

If you wish to make representations you may do so by sending your representation to planningpolicy@cheltenham.gov.uk or in writing to Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham, GL50 9SA.

The Article 4 Direction, will come into force, subject to confirmation by the Council, on 11th June 2020.

Dated: 11th June 2019

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