



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Cabinet

**Tuesday, 3 March 2020**  
**6.00 pm**  
**Pittville Room - Municipal Offices**

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

### Agenda

	<b>SECTION 1 : PROCEDURAL MATTERS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>MINUTES OF THE LAST MEETING</b> Minutes of the last meeting on 11 <sup>th</sup> February 2020.	(Pages 5 - 16)
<b>4.</b>	<b>PUBLIC AND MEMBER QUESTIONS AND PETITIONS</b> These must be received no later than 12 noon on Wednesday 26 <sup>th</sup> February.	
	<b>SECTION 2 : THE COUNCIL</b> <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	<b>SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE</b>	
<b>5.</b>	<b>EVENTS SCRUTINY TASK GROUP REPORT</b> The Chair of the Scrutiny Task Group will present the report	(Pages 17 - 38)
	<b>SECTION 4 : OTHER COMMITTEES</b> <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	<b>SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS</b>	
<b>6.</b>	<b>GLOUCESTERSHIRE LOCAL TRANSPORT PLAN - DRAFT FOR CONSULTATION</b>	(Pages 39 - 64)

		Report of the Cabinet Member Development and Safety	
7.		<b>HOUSING REVENUE ACCOUNT - GARAGE STRATEGY</b> Report of the Cabinet Member Housing	(Pages 65 - 84)
8.		<b>LOCAL DISCRETIONARY BUSINESS RATES RELIEF SCHEMES</b> Report of the Cabinet Member Finance	(Pages 85 - 122)
9.		<b>CYBER CENTRAL PROCUREMENT/ROUTE TO MARKET</b> Report of the Cabinet Member Development and Safety to follow	
10.		<b>CAPITAL, INVESTMENT, TREASURY AND MRP STRATEGIES AND STATEMENTS 2020/21</b> Report of the Cabinet Member Finance to follow	
11.		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 6 : BRIEFING SESSION</b> <ul style="list-style-type: none"> <li>• Leader and Cabinet Members</li> </ul>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS</b> Member decisions taken since the last Cabinet meeting	
		<b>SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION</b>	
		<b>SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS</b>	
12.		<b>LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS</b> 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 ?, Part (1) Schedule (12A) Local Government Act 1972, namely:  Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)  Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
13.		<b>HOUSING REVENUE ACCOUNT - ACQUISITION OF</b>	

		<b>MONKSCROFT SCHOOL SITE</b> Report of the Cabinet Member Housing to follow	
<b>14.</b>		<b>A PROPERTY MATTER</b> Report of the Cabinet Member Finance to follow	
<b>15.</b>		<b>A LEGAL MATTER</b> Report of the Cabinet Member Finance to follow	

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### Cabinet

**Tuesday, 11th February, 2020  
6.00 - 6.55 pm**

<b>Attendees</b>	
<b>Councillors:</b>	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)
<b>Also in attendance:</b>	David Willingham (Chair of Licensing)

### Minutes

1.     **APOLOGIES**  
There were none.
  
2.     **DECLARATIONS OF INTEREST**  
There were none.
  
3.     **MINUTES OF THE LAST MEETING**  
The minutes of the last meeting were approved and signed as a correct record.
  
4.     **PUBLIC AND MEMBER QUESTIONS AND PETITIONS**  
There were none.
  
5.     **REALLOCATION OF FUNDS TO SUPPORT HIGH STREET IMPROVEMENT PHASE 2**  
The Cabinet Member Finance introduced the report. She reported that in the budget outturn report considered by Council on 22nd July 2019, the council made an in-principle decision to reallocate £400,000 to the High Street fund to support delivery of phase 2 of the High Street improvement plans, subject to the production of this report.  
  
In 2012, the council ring-fenced £600,000 from the proceeds of the Midwinter sale for the provision of new allotments to meet potential future demand. Monitoring of allotment use shows that demand for allotments has been met comfortably by proactive management by the Green Spaces Team, along with upgrading parts of the existing Midwinter site and bringing them back into active cultivation. This leads to the conclusion that since the decision in 2012, the demand for allotments has not led to the need for new allotments to be provided.  
  
In 2014, Cabinet agreed to the spending of up to £50,000 of the ring-fenced money on improvements to the Midwinter allotment site, which included the installation of compost toilets and other site improvements. The total now stands at £561,402.

In the intervening years, Elmfield Playing Field has increased in prominence as a local community green space seeing investment through the 'Big Local' to create a valuable play space, with further projects planned in partnership with the local community. Given these circumstances, it is unlikely that neither the Council nor the wider community would wish to develop all or part of the playing field as allotments in the foreseeable future.

The Midwinter site is the largest of the Council's allotment sites, with over 200 plots, of which about 40 change hands each year. The waiting list is quite short, with a standard wait of six months or less, indicating that the number of plots available is broadly appropriate to meet current demand in the area. Therefore, it is proposed that a sum of £161,402 is allocated to undertake improvements to existing sites; namely path improvements at Midwinter, and modifications to water supplies at all Borough Council sites to ensure compliance with the Water Regulations Act, while £400,000 is reallocated to the Cheltenham High Street fund to support delivery of phase 2 improvement works.

### **RESOLVED THAT:**

- 1. the spending of £161,402 on the allotment improvement works identified in this report be approved, and that the remaining £400,000 be reallocated towards the Cheltenham High Street phase 2 improvements.**

### **6. PROPOSED COMPULSORY PURCHASE ACTION TO SUPPORT DELIVERY OF THE PROPOSED WEST CHELTENHAM DEVELOPMENT SCHEME**

The Leader of the Council clarified that recent portfolio changes meant that he was now responsible for this subject area, though the forward plan still listed the accountable member as the Cabinet Member Development and Safety.

He noted that this report related to what needs to be done next regarding West Cheltenham, which is a significant project for the town. He emphasised that it constituted a small part of the preparatory work for a project of this scale, outlining technical requirements and possibilities. The council seeks to work closely with its partners, and the report takes into account the ongoing planning consultation and discussions with landowners.

He reported that the anticipated costs have been budgeted for (projected to be up to £100k, which will be split equally with Tewkesbury), and that Cabinet would be consulted again should the final figure turn out to be higher.

The Cabinet Member Development and Safety added that he was familiar with the subject, as it had previously been in his portfolio. He emphasised that the vision for West Cheltenham is based on high quality development across the area. Appropriate land assembly is a key issue, and the council must do all the proper preparatory work to ensure that the land is suitable.

### **RESOLVED THAT:**

- 1. Cabinet agree in principle that the councils may need to use compulsory purchase powers to acquire the land shown edged red on the plan, attached at appendix 2 of this report, in order to achieve the following:**
  - (a) Secure the delivery of the West Cheltenham development, its**

**housing and job-creation objectives together with contributing to the promotion and improvement of the economic, social and environmental well-being of Cheltenham and Tewkesbury Boroughs in line with the emerging Cyber Central Garden Community Supplementary Planning Document;**

**(b) Facilitate the development of the site by assembling the land interests within a reasonable timeframe and at a reasonable cost;**

- 2. The Director of Planning be authorised to undertake the investigative and preparatory work required for the compulsory purchase process in collaboration with Tewkesbury Borough Council. Cabinet notes that as an outcome of this recommendation, if it is necessary and appropriate, for one or more compulsory purchase orders to be made, that a further report will be brought to Cabinet seeking approval to the making of an Order;**
- 3. Cabinet accept that costs of up to £100,000 may be incurred. This cost is to be split equally between the two authorities (£50,000 contribution from Tewkesbury Borough Council).**

**7. ADOPTION OF REVISED SEXUAL ENTERTAINMENT VENUE POLICY**

The Cabinet Member Development and Safety reported that the last Sexual Entertainment Venue (SEV) policy was adopted in 2014, and it has been reviewed, taking into account recent consultation. He stressed that the council takes no moral position on the nature of this entertainment, but as the entertainment is permitted in law, it is felt more appropriate to take an active regulatory approach using the licensing legislation than imposing a borough-wide policy of zero SEVs, which would not address the concerns of those opposed to them.

He outlined the wider context, noting that section 27 of the Policing and Crime Act 2009 introduced a new designation of sexual entertainment establishment, requiring Sexual Entertainment Licence. It was noted that under this legislation, premises can provide 'infrequent' entertainment without the need for a licence, but any venue wishing to have sexual entertainment on a regular basis would require a licence,

He emphasised that apart from changes to some descriptions of what constitutes a high-risk area and other more specific things, the actual policy is much the same as before.

The Cabinet Member Development and Safety invited the Chair of the Licensing Committee to speak further about the policy, having been a key statutory consultee in the process. He thanked the Leader and the Cabinet Member Development and Safety for their help, and stressed that it is better to operate under 40 enforceable conditions rather than under statutory exemptions, with less control. Any venue licensed during race week will be visited daily by a Licensing Officer and police licensing officer to ensure compliance. The welfare of performers is a key concern, and changes to the policy include a requirement to have information about trafficking, sexual assault etc. displayed in changing rooms, to ensure that support networks are clear to all those involved. The protection of children is also strengthened by increasing the Challenge 21 policy

to Challenge 25. He urged Cabinet to accept the policy, which the Cabinet Member Development and Safety echoed.

The Cabinet Member Healthy Lifestyles asked about a specific matter in the policy relating to the limit on the number of SEVs and the reasons why venues may be refused a licence. She outlined her concern that SEVs in the town centre might cause a nuisance to residents. The Cabinet Member Development and Safety responded that the new policy is more flexible in allowing Licensing Officers to determine what is and isn't acceptable, and added that living in the town centre always means late-night disruptions are possible, not just due to race week and not just due to SEVs.

The Cabinet Member Healthy Lifestyles reiterated her concern about a lack of specificity in some areas of the report. She noted that it refers to 'properties with sensitive users or in sensitive locations', including religious buildings, residential areas and shops, and asked whether all of these will be taken into account. The Cabinet Member Development and Safety responded that the changes make the policy more user-friendly in terms of being able to respond to issues, but does not make it more likely that an SEV would be located near the types of areas in questions. There are a whole range of reasons why an SEV would not be opened in those types of areas, and they are hardly an issue outside of race week anyway. The new policy is broader, but it does not mean that the things on that list cannot be protected.

The Leader agreed that it was an interesting and often discussed issue. He noted that the report essentially comes to the same conclusion as the previous policy, last discussed in October 2014 – that an active regulatory approach is most appropriate course of action.

### **RESOLVED THAT:**

- 1. The consultation feedback be noted;**
- 2. The revised policy document attached at Appendix 5 be noted, and;**
- 3. Council be recommended to adopt the revised policy document attached at Appendix 5.**

### **8. ADOPTION OF REVISED STREET TRADING POLICY**

The Cabinet Member Development and Safety presented the policy. The draft policy was previously approved pending consultation, which has now been completed. The feedback from this consultation was attached as an appendix. When the previous policy was approved in 2016, it included a procedure to propose revisions if necessary.

He summarised that while the previous policy adopted the right approach for 2016, this is not necessarily the case now. The authority and broader context has changed since then, and so the revised policy adopts a more flexible approach regarding licensing zones, trading locations and goods to be sold there. Minor changes have also been made in line with the need for modernisation.

The Chair of the Licensing Committee was again invited to speak about the policy. He added that as the public realm works continue on the High Street, it is important to proactively adapt to a new reality with a more flexible policy and

invest in the town centre. The Leader agreed that the adjustments are sensible, bringing the policy up to date for 2020.

**RESOLVED THAT:**

- 1. The amendments to the current policy be noted;**
- 2. The consultation feedback and officer comments be noted;**
- 3. The revised policy be adopted for implementation.**

**9. REGULATION OF INVESTIGATORY POWERS ACT 2000 DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE POLICY/INVESTIGATORY POWERS ACT 2016 ACQUISITION OF COMMUNICATIONS DATA POLICY**

The Cabinet Member Corporate Services presented the report. He emphasised that in the fight against fraud, local authorities may require certain investigatory functions in order to carry out surveillance of individuals and to make use of undercover officers and informants. As such actions may intrude on an individual's privacy; investigations should not be undertaken without full and proper consideration.

The Regulation of Investigatory Powers Act (RIPA) was introduced in 2000 to ensure that public authorities' actions are consistent with the 1999 Human Rights Act. The council's current policy is based on the legislative requirements of RIPA, the Investigatory Powers Act (IPA) of 2016 and the Code of Practice relating to applications of use, directed surveillance, the use of covert human intelligence sources and the acquisition of communication data.

As the IPA now covers data communication requests, all applications are made online via the National Anti-Fraud Network (NAFN) which acts as a single point of contact for local authorities once their request for information has been ratified by the Office for Communication Data Authorisations. This is covered in the new Investigatory Powers Act 2016 Acquisition of Communications Data Policy, which is attached as an appendix.

As RIPA applications are still subject to the same application process as outlined in the previous policy (in that the offence must meet the serious crime criteria), the council must have a Senior Responsible Officer and Authorising Officers to approve the application before the Court is approached. The updated policy reflects the recent changes in staffing, with the Senior Responsible Officer being the Managing Director Place and Economic Development, Tim Atkins and the Authorising Officers being the Executive Director People and Change, Darren Knight and the Director of Environment, Mike Redman. The refreshed Policy also introduces a mandatory requirement for staff to complete a non-RIPA Application Form where surveillance is being undertaken but the offence does not meet the serious crime criteria.

**RESOLVED THAT:**

- 1. The Policies attached to this report be formally adopted;**
- 2. The Chief Executive be authorised to approve future minor amendments to the Policies in consultation with the Cabinet**

**member for Corporate Services, One Legal and the Counter Fraud Manager.**

**10. APPROVAL TO CONSULT ON REVISED HOMESEAKER PLUS POLICY**

The Cabinet Member Housing presented the report, explaining that it relates to the Homeseaker Plus Partnership, which includes the local partner districts plus West Oxfordshire, and that the report came about as part of the 2017 Homelessness Reduction Act. He stressed that the policy is of great importance, to which the Leader agreed.

**RESOLVED THAT:**

- 1. This Authority be authorised to consult on the proposed changes to the Homeseaker Plus Allocations Policy;**
- 2. Authority be delegated to the Managing Director Place & Growth, in consultation with the Cabinet Member Housing, to approve the new policy after the consultation period has ended; provided that there are no further material changes other than those that have already been identified within this report.**

**11. QUARTERLY BUDGET MONITORING REPORT OCTOBER 2019 - DECEMBER 2020**

The Cabinet Member Finance presented the report, which provides the third monitoring position statement for the financial year 2019/20. She explained that the purpose of the report was to notify members of any known significant variations to budgets for 2019/20 and highlight key issues.

Looking at the net revenue position, the table at 2.1 summarises the net impact of the variances identified at this stage in the financial year, projecting the position to the end of the financial year for all budget variances in excess of £50,000 and areas with volatile income trends, details of which you can see in paragraphs 2.3 to 3.1.

She reported that Treasury Management borrowing costs are in line with the revised budget. This includes short term (temporary borrowing), long term and brokerage costs. Based on performance so far as of December 31<sup>st</sup>, investments are forecast to come in on budget, and there are no significant variances against any current capital programmes or projects.

A detailed exercise has been carried out to ensure that programme maintenance work is being delivered as planned within the allocated budgets. Some programme maintenance expenditure is not expected to be utilised in the current year and will be transferred back into the Property Maintenance reserve. However, there is a requirement for additional budget to meet higher than expected reactive repairs in the year, which will be funded from this reserve. Any slippages in schemes or underspend against budget at the end of the year will be transferred to the Programme Maintenance reserve to fund future programme maintenance expenditure.

Significant variations to HRA revenue and capital budgets identified to 31st December 2019 are detailed in parts 6.1 to 6.3., while Council Tax and Business Rates income is shown at Appendix 2. The continued impact of changes in government funding arrangements and the economic climate

present particular concerns for the council. It is important to ensure that budgets continue to be closely monitored over the coming months, with a view to taking action at a future date if necessary in order to ensure that the council delivers services within budget.

It will be for Cabinet and Council to decide how to apply any potential savings in June this year, when the financial outturn is finalised. However it is recommended that any underspend identified on outturn be transferred firstly to the Budget Deficit (Support) Reserve and secondly to support general balances, bearing in mind the need to keep the level of reserves robust and the uncertainty surrounding future budget funding gaps, as outlined in the Medium Term Financial Strategy.

The Leader clarified that Cabinet is noting the report and recommending it to Council.

### **RESOLVED THAT:**

- 1. Cabinet note the contents of this report including the key projected variances to the 2019/20 budget and the expected delivery of services within budget;**
- 2. Council be recommended to approve the budget virements to the 2019/20 budget, as part of the revised budget 2019/20, as detailed in Appendix 4.**

## **12. FINAL GENERAL FUND REVENUE AND CAPITAL BUDGET PROPOSALS 2021**

The Cabinet Member Finance presented the report, noting that in previous years, budgets had been prepared under a general philosophy of no growth in services unless there is a statutory requirement or a compelling business case for an 'invest to save' scheme. However, the Council's aspirations to modernise its offer, become financially sustainable and be carbon neutral by 2030 require realignment of resources.

An allocation was agreed by the Council in April 2015 to facilitate the redevelopment of the Town Hall. A briefing paper, which is attached as an appendix, outlined the progress made to date but essentially concluded that all of the options identified are currently outside the financial envelope of affordability available for the Council to progress. Of the original allocation, £1.6m is still available, for which she recommended the following reallocation:

- Invest a sum of £1m to pump prime the commercial opportunities identified by The Cheltenham Trust including investment which both sustains and grows income at the Town Hall);
- Allocate £50k to fund two full-time documentation officers to ensure the collection receives accreditation status,
- Allocate £200k in a contingency fund to fund the associated costs of the investment in leisure@ in respect of the splash-pad;
- Allocate £350k to a climate emergency fund to help facilitate the Council's ambition to become carbon neutral by 2030.

In February 2019, Council unanimously called on the Cabinet to declare a Climate Emergency, which was duly announced in July 2019. As part of the motion, Council requested that a report be presented within six months outlining the local actions the Council could take to help address this emergency. A report was presented to Council in October 2019 outlining the actions needed and an indicative timetable, as well as recommending the initial resources required for the authority to effectively gear up to delivering the scale of actions required by 2030. There is widespread public support for addressing climate change issues, with more than four in five Cheltenham residents agreeing that the Council should play a role in tackling air quality issues (83%), enabling people to walk/cycle more (82%) and enabling public transport use (81%).

The report recommended initial 'seed funding' of £150,000 per year to fund additional staffing resources, in order to create the capacity and capability to develop the business cases for the initiatives outlined in the roadmap and to identify and secure external funding to enable climate emergency projects to progress. It is proposed that £350k be reallocated from the original Town Hall allocation to address the resources required. In addition, it is proposed that £75k be allocated from the planned maintenance reserve (originally allocated to the restoration of Pilley Bridge) on the grounds that the council needs to prioritise its resources towards the delivery of corporate plan priorities.

Whilst telematics technology is now being fitted to council vehicles operated by Ubico in order to ensure that they are being used effectively and efficiently, including reducing fuel consumption, there is a need to ensure that the technology is in place and can integrate with other business systems as necessary, including any Customer Relationship Management (CRM) system CBC may purchase going forward.

The report therefore proposes allocating £200k, subject to a business case, for the purchase of an 'In Cab' technology system. It is anticipated that the implementation of this system would offer a number of financial, service related and carbon reduction benefits to the council and its residents. She suggested that this system would reduce the mileage required, because it would guide the crew around their collection route and reduce mistakes. This would have a direct benefit in reducing the fuel used and associated carbon usage. In addition, it is likely that the council would see fewer missed collections, meaning that return journeys to collection areas would not need to be made, again contributing to lowering the fuel and carbon usage. This investment would also support wider process improvements for waste collections.

She added that a report relating to the future provision of public conveniences was presented to Cabinet on 5<sup>th</sup> November 2019. Within that report, recognition for redeveloping the toilets at Sandford Park was identified, with a recommendation to set aside funding for a new facility within the 2020/21 budget proposals, to be considered by Council in February 2020. In order to satisfy that commitment, the budget proposals include a sum of £143,500 in the proposed capital programme for 2020/21.

The Cabinet Member Finance placed on record her thanks to the members of staff involved in pulling the report together. She also acknowledged an email received from the Leader of the House of Commons on the day of the meeting (11<sup>th</sup> February), which clarified that the

budget debate will not happen on the date originally planned. It is delayed due to the government's prioritisation of different legislation, and is likely to take place during the week beginning on the 24<sup>th</sup> February instead. The budget settlement is therefore not yet finalised, though the authority already needs to set its budget. No major changes are expected, but she stressed that the situation is not yet finalised.

**RESOLVED THAT:**

**Council be recommended to approve the following:**

- 1. The revised budget for 2019/20 be approved;**
- 2. The budget assessment be considered by the Section 151 Officer at Appendix 2 in agreeing the following recommendations;**
- 3. The final budget proposals including a proposed council tax for the services provided by Cheltenham Borough Council of £214.08 for the year 2020/21 based on a Band D property (an increase of 2.39% or £5.00 a year for a Band D property), as detailed in paragraphs 4.11 to 4.16, be approved;**
- 4. The growth proposals be approved, including one off initiatives at Appendix 4;**
- 5. A lending (overdraft) facility of up to £100,000 to the Cheltenham BID be approved, to facilitate the delivery of an ice rink as detailed in Section 7;**
- 6. The Executive Director Finance and Assets (in consultation with the Borough Solicitor) be authorised to take such actions and make such arrangements as are necessary for the implementation of the above lending facility to Cheltenham BID;**
- 7. The savings / additional income totalling £826,000 and the budget strategy at Appendix 5 be approved;**
- 8. The use of reserves and general balances be approved, and the projected level of reserves, as detailed at Appendix 6, be noted;**
- 9. The capital programme at Appendix 7 be approved;**
- 10. The programmed maintenance programme at Appendix 8 be approved;**
- 11. Cabinet note that the Council will remain in the Gloucestershire business rates pool for 2020/21 (paragraphs 4.4 to 4.10);**
- 12. The Pay Policy Statement for 2020/21 be approved, including the continued payment of a living wage supplement at Appendix 9;**
- 13. The Medium Term Financial Strategy (MTFS) detailed in Section 5 and Appendix 10 be approved;**
- 14. A level of supplementary estimate of £100,000 for 2020/21 be**

approved, as outlined in Section 13.

**13. FINAL HOUSING REVENUE ACCOUNT (HRA) 2021 - REVISED BUDGET 2020**

The Cabinet Member Finance presented the report, and highlighted a number of key points. The council has pledged to build 500 new affordable homes by 2023, to sustainable standards. The report also refers to the installation of showers, new windows and boilers in all CBH properties. The Cabinet Member Finance noted that this should help to deliver some of the council's key climate change aspirations.

She anticipated that significant investment will be required in existing stocks, but this is yet to be quantified. Rents have been frozen for a period of years, but this is no longer the case, as they will all increase by 2.7% in April 2020. Business rates have also increased by 3%, and communal charges by 20% to reflect the new tariff. The end of rent reduction is key, as it strengthens the viability of the HRA and adds additional capacity to invest in existing stock.

The Cabinet Member Healthy Lifestyles asked about the retrofitting of properties, noting that the European Union has a specific budget for keeping properties windproof, watertight and warm. She asked whether it might be worth asking the European office in London if any of that remains unspent, as it can be applied for until December 2020. The Cabinet Member Finance noted this.

This report will go to Council next for full debate.

**RESOLVED THAT:**

**Council be recommended to approve the following:**

- 1. The revised HRA forecast for 2019/20 be noted;**
- 2. The HRA budget proposals for 2020/21 (shown at Appendix 2) be approved, including a proposed rent increase of 2.7% and changes to other rents and charges as detailed within the report;**
- 3. The HRA capital programme for 2020/21, as shown at Appendix 3, be approved.**

**14. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Healthy Lifestyles reported that the No Child Left Behind awards had gone very well, garnering support from local businesses and significant positive media coverage. She emphasised that the job now is to sustain the positive impact of NCLB.

The Cabinet Member Healthy Lifestyles also reported that she had recently spoken at a meeting of the Citizen's Jury about Cheltenham Hospital. These meetings consider contributions from medics and the Jury itself, and she emphasised that the goal is for Cheltenham to be a 24-hour, Grade 1 A&E with reinforced rather than reduced resources.

**15. CABINET MEMBER DECISIONS SINCE THE LAST MEETING**

The Cabinet Member Finance reported that she had taken the decision to appoint British Gas Social Housing (which operates under the name PH Jones) to provide the council's domestic gas servicing, repairs and new installation service for a 5 year period with the option to extend for a further 3 years. The service will be awarded under the JCT Measured Term Form of contract prepared and issued by One Legal. The council received and analysed a number of tenders, and this was deemed to be the most economically advantageous.

**Chairman**

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**Cheltenham Borough Council**

**Cabinet**

**3<sup>rd</sup> March 2020**

**Events Scrutiny Task Group Report**

<b>Accountable Member</b>	Head of Scrutiny Task Group, Councillor Dennis Parsons
<b>Accountable Officer</b>	Tracey Crews, Director of Planning
<b>Executive Summary</b>	<p>A review of events management was initiated by the Overview and Scrutiny Committee in 2019. A Task Group was set up to look at the following:</p> <ul style="list-style-type: none"> <li>• the Council’s approach to managing events in our parks and gardens within the context of the commercialisation agenda;</li> <li>• the approval process for events across the borough, and</li> <li>• how events are managed once approval is given.</li> </ul> <p>The Task Group engaged with a number of key stakeholders, including event organisers and local residents’ groups. This was an important part of the process and informed a number of recommendations set out within this report.</p> <p>The desired outcome outlined by the Overview and Scrutiny Committee’s One Page Strategy (Appendix 2) was for the group to identify strengths and weaknesses of the increased commercialisation strategy, and to identify possible improvements to the process of events application, approval and management.</p>
<b>Recommendations</b>	<p><b>1. That Cabinet note the findings and recommendations of the Scrutiny Task Group Report provided at Appendix 2;</b></p> <p><b>2. That Cabinet note the Scrutiny Task Group Minority Report provided at Appendix 3.</b></p>

<b>Financial implications</b>	<p>In terms of the recommendations in Appendix 2 there could be some future financial impacts which are indicated below but it is not possible to quantify these given the current stage that the project has reached. As the project progresses, it will be possible to provide more concrete assessments of the potential financial impacts. The project should generate more income for the Council.</p> <p><b>3.</b> There may be some expenditure required to finance the event website although if this is done in house that will minimise any costs.</p> <p><b>8.</b> There may be costs for providing Member training.</p> <p><b>11.</b> There may be additional income generated because of the development of new commercial opportunities.</p> <p><b>12.</b> Additional capital investment may be required to promote new commercial opportunities.</p> <p><b>13.</b> There may be changes to the rates charged on the parks and gardens in the light of the commercialisation strategy.</p> <p><b>14.</b> Additional income can be generated through widening the calendar in which commercial activities take place.</p> <p><b>15.</b> Additional income may be generated through providing hands-on guidance for event providers.</p> <p><b>16.</b> Additional income may be obtained through increased licence income</p> <p><b>Contact officer: Martin Yates, Business Partner Accountant</b></p> <p><b>Email: <a href="mailto:martin.yates@publicagroup.uk">martin.yates@publicagroup.uk</a></b></p> <p><b>Tel: 01242 264 200</b></p>
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<p><b>Legal implications</b></p>	<p>If an event does not involve licensable activities or it falls under the TEN regime, from a Licensing Act 2003 perspective, there is no/limited regulation. You only need to obtain a licence for the following activities: to sell alcohol by retail; if you are a qualifying club, to supply alcohol to a club member, or to sell alcohol to a guest of a club member; to provide regulated entertainment; or to provide late night refreshment - selling hot food or hot drink between 11pm and 5am for consumption on or off the premises, unless you are a hotel, staff canteen or campsite.</p> <p>Land use licences (under £250,000) are delegated to the Director for Finance and Assets. If members decide that they wish to make decisions in respect of land use licences then such decisions would be either the relevant Cabinet member or Cabinet itself. Alternatively, if members are looking at involvement but not decision making it would be possible to consider setting up a Panel (with clear terms of reference).</p> <p>When referring to the term “licence” in documentation of any sort we need to ensure that it is clear about whether or not we are referring to a premises licence or a land use licence.</p> <p><b>Contact officer: Vikki Fennell</b></p> <p><b>Email: <a href="mailto:vikki.fennell@tewkesbury.gov.uk">vikki.fennell@tewkesbury.gov.uk</a></b></p> <p><b>Tel: 01684 272015</b></p>
<p><b>HR implications (including learning and organisational development)</b></p>	<p>No direct HR implications identified.</p> <p><b>Contact officer: Corry Ravenscroft, HRBP</b></p> <p><b>Email: <a href="mailto:corry.ravenscroft@publicagroup.uk">corry.ravenscroft@publicagroup.uk</a></b></p> <p><b>Tel: 07827 895 624</b></p>

## 1. Background

1.1 A short paper setting out the considerations of the Scrutiny Task Group is provided at Appendix 2. This is a short report; therefore the details are not repeated here. The Task Group has made a total of 19 recommendations having heard evidence from relevant officers, community groups and event organisers. These are categorised under 5 key themes:

1. Community/engagement
2. Process
3. Events strategy
4. Commercial
5. Enforcement

## 2. Reasons for recommendations

2.1 The Overview and Scrutiny Committee is recommended to endorse the findings and recommendations of the report provided at Appendix 2, and for these recommendations to be presented to Cabinet.

2.2 It is considered that the recommendations as drafted will assist in the following ways;

1. Improve transparency and efficiency with the events process;
2. Improve engagement with community impacted by events in their locality;
3. Guide the drafting of the events strategy;
4. Strengthen Land Use Agreements and the consequently the council's approach to enforcement.

## 3. Consultation and feedback

3.1 The Task Group has valued the contribution made by community groups and event organisers.

<b>Report author</b>	Harry Mayo, <a href="mailto:harry.mayo@cheltenham.gov.uk">harry.mayo@cheltenham.gov.uk</a> , 01242 264 211
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Overview &amp; Scrutiny Committee One Page Strategy</li><li>2. Scrutiny Task Group Report – Events</li><li>3. Minority report from Councillor Dennis Parsons</li></ol>



## SCRUTINY REVIEW – ONE PAGE STRATEGY

FOR COMPLETION BY THE OVERVIEW AND SCRUTINY COMMITTEE	
Broad topic area	Events
Specific topic area	In view of the strategy to increase commercialisation of the parks and gardens; look at the approval process for events in the town and how those events are managed once approval is given
Ambitions for the review	<ol style="list-style-type: none"> <li>1. Understand the strategy for increased commercialisation of the parks and gardens</li> <li>2. Develop knowledge of the events application/approval process</li> <li>3. Gain understanding of the council's procedures for managing an event (including enforcement if necessary)</li> <li>4. Understand the impact of not increasing commercialisation</li> </ol>
Outcomes	<ol style="list-style-type: none"> <li>1. Identify strengths and weaknesses of the strategy for increased commercialisation of the parks and gardens</li> <li>2. Identify any improvements/changes to the events application/approval process</li> <li>3. Identify possible improvements to the council's procedures for managing events (including enforcement)</li> </ol>
How long should the review take?	3-4 months
Recommendations to be reported to:	Overview and Scrutiny for endorsement Cabinet/Council depending on the recommendations to be made
FOR COMPLETION BY OFFICERS	
Members	Councillors Baker, Mason, Parsons, Seacome and Sudbury
Officers experts and witnesses	Jessica Goodwin, Events Manager (Commercialisation strategy) Jane Stovell, Project Manager (Event application/approval process) Adam Reynolds, Green Space Development Manager (Events management) Mark Nelson, Enforcement Manager (Enforcement) Louis Krog, Business Support and Licensing Team Leader (Licensing)
Sponsoring officer	Tracey Crews
Facilitator	Saira Malin/Harry Mayo
Cabinet Member(s)	Cabinet Member Clean and Green (Parks and Gardens) / Cabinet Member Development and Safety (Enforcement) / Cabinet Member Healthy Lifestyles (Events Management) / Cabinet Member Finance – (income stream)
FOR COMPLETION BY THE SCRUTINY TASK GROUP	
Are there any current	

issues with performance?	
Co-optees	
Other consultees	
Background information	
Suggested method of approach	
How will we involve the public/media? Or at what stages	



**Scrutiny**  
TASK GROUP  
EVENTS  
AUGUST 2019



## Scrutiny Task Group – Events – Final Report

### EXECUTIVE SUMMARY

A review of event management was initiated by the Overview and Scrutiny Committee in August 2019. A Scrutiny Task Group was set up to look at the following areas:

- the Council's approach to managing events in our parks and gardens within the context of the commercialisation agenda;
- the approval process for events across the borough
- how events are managed once approval is given.

The Task Group engaged with a number of key stakeholders, including event organisers and local residents' groups.

The desired outcome outlined by the Overview and Scrutiny Committee's One Page Strategy (Appendix 2) was for the Task Group to identify strengths and weaknesses of the increased commercialisation strategy, and to identify possible improvements to the process of events application, approval and management.

The Task Group recommends a total of 19 recommendations presented under the following key themes;

1. Engagement/Community
2. Process
3. Event Strategy
4. Commercial
5. Enforcement

The details of the recommendations are set out in section 4 of this report.

**Photos on covering page courtesy of Marketing Cheltenham**

## 1. INTRODUCTION

- 1.1. A review of events management was initiated by the Overview and Scrutiny Committee in 2019, in view of the strategy to increase commercialisation of the parks and gardens.
- 1.2. This report sets out the findings and recommendations arising from the Scrutiny Task Group.

## 2. MEMBERSHIP AND TERMS OF REFERENCE

### 2.1. Membership of the Task Group:

- Councillor Dennis Parsons (Chair)
- Councillor Chris Mason
- Councillor Diggory Seacome
- Councillor Garth Barnes

Councillors Paul Baker and Klara Sudbury were initially on the group but stood down due to work commitments. Councillor Sudbury was replaced by Councillor Barnes.

### 2.2. Key officers:

- Tracey Crews, Director of Planning and Sponsoring Officer (TC)
- Jess Goodwin, Events Manager at Marketing Cheltenham/Cheltenham BID (JG)
- Louis Krog, Licensing (LK)
- Adam Reynolds, Green Space Development (AR)
- David Oakhill, Head of Planning (DO)
- David Jackson, Manager of Marketing Cheltenham (DJ)
- Andrew Knott, Accountant and Deputy Section 151 Officer (AK)
- Gareth Jones, Senior Environmental Health Officer (GJ)
- Sarah Clark, Public and Environmental Health Officer (SC)
- Jane Stovell, Project Manager (JS)

### 2.3. Ambitions agreed by the O&S committee:

1. Understand the strategy for increased commercialisation of the parks and gardens
2. Develop knowledge of the events application/approval process
3. Gain understanding of the council's procedures for managing an event (including enforcement if necessary)
4. Understand the impact of not increasing commercialisation

Outcomes desired by the O&S Committee:

1. Identify strengths and weaknesses of the strategy for increased commercialisation of the parks and gardens
2. Identify any improvements/changes to the events application/approval process

3. Identify possible improvements to the council's procedures for managing events (including enforcement)

### **3. METHOD OF APPROACH**

- 3.1. The Task Group met on six occasions. The meetings took place on the following dates: 10<sup>th</sup> October 2019, 4<sup>th</sup> November 2019, 27<sup>th</sup> November 2019, 6<sup>th</sup> December 2019, 13<sup>th</sup> January 2020 and 30<sup>th</sup> January 2020.
- 3.2. The first meeting on 10<sup>th</sup> October 2019 sought to establish a strategy for the Task Group process. It was agreed that due to the complexity of the subject it would be prudent to split the future meetings into the following topics: strategy, process, previous events, enforcement and a 'mop up' session to determine the final recommendations.
- 3.3. This section of the report will outline the process chronologically, demonstrating how each recommendation was reached. Each meeting is discussed at the following points:
  - strategy (3.5 – 3.13)
  - process (3.14 – 3.29)
  - lessons learned from previous events through engagement with key stakeholders (3.30 – 3.47)
  - enforcement (3.48 – 3.60)
  - 'mopping up' outstanding issues and deciding on final recommendations (3.61 – 3.74)
- 3.4. At the first meeting, the Chair sought to focus on the question of engagement with elected Members and members of the community in making decisions around the hosting of events. It was agreed that a wide variety of interests needed to be taken into account, and Members suggested various groups and individuals to contact, from council officers with relevant areas of expertise to residents' groups and event organisers.
- 3.5. At the strategy meeting on 4<sup>th</sup> November 2019, AK informed Members about the council's overall commercial strategy, which seeks to make better use of council assets and improve their commercial potential.
- 3.6. He reported that officers look at assets through the lens of commercial activity to generate income, reviewing commercial rates in order to produce the most reasonable figures. Different rents are offered depending on the nature of the event that is proposed to be held there: commercial, charity or community. Members emphasised that if the goal is to make as much money as possible from the parks, then the public should be aware of it. Members also emphasised that a balance must be struck between generating profit and enabling free access for residents and visitors. It was resolved that the rates charged by CBC assets should be reviewed in the context of the events strategy.
- 3.7. DJ outlined the council's five year marketing strategy, which is aimed at increasing the value of tourism in Cheltenham from £150m to £170-180m, and to a total of 20% of all Gloucestershire tourism, across a five year period.
- 3.8. Members discussed the merits of different event strategies considering the seasonality of the events calendar, and agreed that the priority should be to improve the troughs in the event

season rather than stretch the peak season. It was noted that some parks are used more heavily due to their proximity to the town centre, and Members agreed the strategy should focus on improving venues across the board and increasing demand for smaller venues across the town. Members agreed that the wider effect of events on the local economy (e.g. the effect on business for local restaurants) must be taken into account.

- 3.9. JG informed Members about the general principles of the emerging events strategy. These are based around increasing tourism, economic impact, cultural opportunities and promoting Cheltenham. Social value is a key thread of the emerging strategy. Prospective events are assessed not only according to commercial value but also in terms of the broader benefit they can bring to the town. She emphasised that any events strategy must take into account the interests of the whole town rather than just the council, and must complement the cultural strategy currently being developed.
- 3.10. To ensure the events strategy is fully reflective of the cultural strategy, it was agreed that the events strategy should be interim and reviewed again when the cultural strategy is approved.
- 3.11. A tier system for events was proposed, with the top tier being for high-profile events bringing national and international visitors, second tier events bringing national and regional attention, and the bottom tier being for bespoke, Cheltenham-centric, community-led events.
- 3.12. Members suggested that there is a real difference between events that allow non-attendees to walk around experience the event (e.g. the Literature Festival) and those that put up fences and exclude them entirely unless they have paid the entrance fee. The current approach applied by officers in considering the use of parks and gardens for events includes openness and accessibility as key criteria. The Task Group agreed that this needs to be preserved.
- 3.13. Members discussed the wider purpose of the emerging events strategy. TC clarified that the existing approaches are not borough-wide, and now that Cheltenham is being promoted as The Festival Town, a more rounded approach was needed. An events strategy will provide a clear structure within which to consider and promote events.
- 3.14. The 27<sup>th</sup> November meeting focused on process, and broke down the current process into its key elements: Events Consultative Groups (ECGs), Safety Advisory Groups (SAGs) licensing, planning and land use agreements.
- 3.15. LK explained that ECGs offer an opportunity for Members to sit down with prospective organisers and discuss their aims and various other issues. It is particularly helpful for less experienced organisers, who can consult the relevant officers and Members with significant experience of Cheltenham events. Members reported that they had had positive experiences with ECGs in the past, and found them a useful and informative part of the process.
- 3.16. LK further explained that events tend to be referred to a SAG, which has blue light services as its core membership in addition to officers from licensing, environmental health, building control and planning. Though the SAG has no statutory powers and cannot veto events, it can compile technical advice on safety issues like noise mitigation and environmental concerns, and feed it back to the relevant individuals.

- 3.17. The SAG can also recommend the imposition of conditions of required formal consents such as licensing or planning consents. The council would not enter into a land use agreement with an organiser that was ignoring clear SAG advice.
- 3.18. There was detailed debate around communication, especially the question of whether Members should be part of SAG. It was agreed that SAG was a technical forum with the focus on the safety of events. It was agreed that it was not appropriate for Members to be part of this group. It was agreed that ECG was the appropriate vehicle for member engagement and that Members should continue to act as the conduit with the local community. There was discussion around a committee should be established for events akin to that of licensing committee. It was agreed by the Task Group that this would add unnecessary administrative burden into the events process and slow down decision making.
- 3.19. Members were also informed of the situation regarding licences, the most important of which relate to entertainment and alcohol, but which are also required to play commercial music, collect for charities and many other things. In the past, the council allowed some events to use its licences, but this is no longer the case. Some smaller events are still allowed to use the council's licences, but Cheltenham Festivals (as an example of a large provider) now has its own premises licences. Most licences last for 12 months, though alcohol licences are granted in perpetuity for an annual fee.
- 3.20. DO outlined the implications of planning consent for events, explaining that the General Permitted Development Order (GPDO) generally allows venues in Cheltenham to be used for events for 28 days each calendar year without planning permission. Montpellier and Imperial Gardens are the exceptions, benefitting from planning permission to use up to 70 days per year.
- 3.21. The level of restriction depends on the kind of activity taking place on the land: motor racing, for example, is much more tightly restricted than other events. It was emphasised that each event is assessed according to the specific licences and legal permissions required, and that it is important for planning to be seen as an enabler rather than a blocker.
- 3.22. AR informed Members about land use agreements, which are brought in after the consultative scrutiny stage (ECG/SAG), when the event has been greenlit and the relevant licences procured. The land use agreement covers the specific land to be used, fees and charges, health and safety requirements, ground protection measures, procedures for dealing with noise and nuisances, and more.
- 3.23. Land use agreements for smaller events tend to mostly follow an established template, while larger events require a bespoke agreement tailored by One Legal for a fee of £150. This legal cost lies with the Finance and Assets division.
- 3.24. Members questioned the lack of public involvement in the land use agreement stage. It was clarified that public and member consultation has already happened at the ECG stage, before the land use agreement is formulated.
- 3.25. JS outlined the current process of how events are booked, emphasising that it is highly complex and requires a large amount of officer time, but is in the process of being modernised. Streamlining the process will save money and improve the experience of event organisers, who often find themselves waiting for responses. Members agreed that it would

be beneficial to centralise the process, so that officers and organisers can access the information they need in one place.

- 3.26. LK added that the lack of a specific events officer at the council means that responsibility is naturally more stratified and decisions take longer to make. JS suggested that the council's case management system, which uses software called IDOX Uniform, ensures that event organisers know who to contact. Members asked whether the council had investigated what other authorities and whether Cheltenham could do better. JG responded that she was in the process of examining alternative options, such as the Apply4 system used by Bristol City Council, and whether greater value for money could be achieved elsewhere.
- 3.27. Members asked whether the complexity of the planning process dissuades smaller event organisers from applying. LK that as long as events are organised and run properly, with the correct licences, then the council's role is relatively minor. Particularly small events do not need to go through the full process: for example, ECGs are only required when the event is expected to attract more than 500 visitors. It was acknowledged that this was an imperfect threshold, since even the smallest event can cause problems if inadequately overseen.
- 3.28. Members asked whether a greater amount of information could be included in member briefings on events. TC suggested that briefings, which are publicly available should residents wish to read them, should be published in one easily accessible place. LK clarified that every event has its details logged on the IDOX Uniform system, and the majority of regulatory information is in the public domain already.
- 3.29. It was suggested that it might be wise for Members to receive updates on all events and choose who to inform of this on their own initiative. It was agreed that this is the point of councillors, to represent the public and report directly back to their constituents. It was agreed that the possibility of new member training be explored, to clarify what Members can and should relate directly to constituents.
- 3.30. The 6<sup>th</sup> December meeting, relating to previous events, sought to assess the strengths and weaknesses of the events process from a wider set of perspectives. In order to achieve this, invitations were circulated to various stakeholders, including residents' groups and event organisers, outlining the purpose of the meeting as follows:

*The purpose of the meeting you have been invited to is to hear your thoughts and reflections on the processes adopted by the borough council in supporting events across the town, lessons we can take forward when developing our event strategy, how we strike a balance between commercial interests and residents' interests, and how to ensure that every event has a positive impact on the wider community.*

- 3.31. The meeting was based around the following questions:
- *In your experience, how effective do you feel the process is for the consideration and booking and managing of events?*
  - *In your experience, how effective do you think the consultation process is between the event organiser, elected Members, CBC officers and the wider community?*
  - *How do you think CBC can improve its approach to booking and managing events on its land through the events booking process or events strategy to better support events in Cheltenham?*

- 3.32. A total 13 representatives attended the meeting, representing groups including Friends of Sandford Park, Friends of Imperial Square Gardens, Friends of Montpellier Bandstand and Gardens, the Paint Festival, the Lido, Cheltenham Festivals, the Fiesta, Triathlons and Cyclo-cross, and written feedback was received from those unable to attend.
- 3.33. Attendees relayed their positive and negative experiences of the events process and discussed what could be done better. Members were able to discuss the reality of the events system directly with those affected by it, and demonstrated a willingness to engage directly with organisers and residents to improve the process.
- 3.34. A number of attendees described their frustration with what they saw as an unnecessarily complicated application process. The representative for the Paint Festival reported that they were asked numerous questions throughout the process that could have been answered in one go at the very start, had the process been more coherent. They criticised a lack of joined-up thinking, and suggested that the number of different permissions required made it difficult to plan ahead.
- 3.35. Those representing events that took place in different locations indicated that they felt this was not adequately taken into account during the application process. The Paint Festival, for example, had over 15,000 visitors in total in 2019, but only a maximum of 20 in each location at any one time. The council's questions were ambiguous as to which figure was needed in particular cases.
- 3.36. Organisers agreed that there needed to be a clearer idea of the council's requirements of them, and a more focused and less stratified system of information and decision making. TC noted that recent business work carried out on the events process had indicated that the process was more complicated than it needed to be. Attendees and Members agreed that when an organiser fills out an online form, they should be given direct contact details for the officer who can grant them the particular permission they need.
- 3.37. The representative of Cheltenham Festivals indicated that the process had improved considerably in the twenty years they had worked with the council. Cheltenham Festivals tends to organise events several years in advance, so has a different experience of the events process to someone seeking to organise something at short notice. The representative of Cyclo-cross, a relatively small event, reported that they have good communication from officers and a clear idea of what is expected from them. The representative of Tri in the Park agreed that the consultation process had been good for them, responding to their time-critical needs in a proactive way.
- 3.38. Representatives of residents' groups also outlined their experience of the planning process. The representative of Friends of Pittville suggested that residents' feedback is not adequately taken into account, while the representative of Friends of Sandford Park cited the Cheese and Chilli Festival as a particular example of the lack of contact with the local community. They claimed that there had been no communication whatsoever from the council or the event organiser before the festival took place, only marketing leaflets. Residents did not feel as though the concerns they had voiced a year earlier about the effect of increased noise had been taken seriously. Members agreed that the organisers should have informed the local community, and that residents should always be notified of events in their area and have a chance to respond.

- 3.39. Written feedback submitted by the Cheese and Chilli Festival organisers indicated that they would no longer be looking to hold the event in Cheltenham due to the high volume of complaints received from residents in 2019.
- 3.40. The Chair agreed that the consultation process needs to be looked at more closely. Members acknowledged that the theme of residents not being properly consulted has persisted for a long time. Representatives of residents' groups agreed that from their point of view, it is about feeling like their concerns are being taken seriously.
- 3.41. The representative of the Fiesta agreed that public notification was essential, adding that when her organisation holds events in Winston Churchill Gardens, they put leaflets through every resident's door. This is not a legal requirement, but she suggested that something similar should be. The representative of the Paint Festival suggested that some leeway should be offered to events that take place across the whole town, as it would not be feasible to inform every resident who might be affected by their event.
- 3.42. The Chair suggested that a key complaint had been the lack of a single point of contact. He suggested that all event details should be accessible in one place, with a single officer responsible for oversight. Members agreed that the best way to achieve this would be to move to an entirely electronic system, which all officers could access rather than having to wait on each other for responses. JG reported that she was in the early stages of talks with a company offering web-based planning applications, which allows all departments and SAG members to view and comment on applications as they progress. An electronic system could allow organisers of annual events to carry over the same preferences year-on-year rather than having to fill out the same information each time they apply.
- 3.43. Representatives of smaller events indicated that they were concerned about the implications of the council's commercial strategy. If they are asked to pay to use assets that they currently use for free, then their events may become difficult to continue. JG reassured them that there are different tiers of rent, with charities (for example) charged significantly less than general commercial providers. Various criteria are considered when deciding which events to approve, including community benefit and physical and financial accessibility.
- 3.44. TC reminded the group that not everyone will be supportive of all events, but the events strategy must intend to facilitate a wide variety of events in the context of supporting the visitor economy, contributing to the local economy and offering a range of cultural and event experiences.
- 3.45. Members discussed the Gardens Forum and expressed scepticism about its value. AR reported that some organisers no longer come to it due to heated exchanges with residents in the past. TC suggested that it does not inform decision making, and Members agreed that its remit needs to be reconsidered.
- 3.46. TC summarised the key points raised in the public meeting as follows: the need for a single point of contact, up-front guidelines about what is required of organisers, flexibility in consultation, and the importance of working relationships and public engagement.
- 3.47. Members of the Task Group would like to thank everyone who attended the previous events meeting and contributed to the review of the event process.

- 3.48. The 13th January meeting sought to explore the issue of enforcement, especially with regard to the question of public and environmental health.
- 3.49. LK explained that while the council endeavours to take a proactive approach to licensing, informing organisers about what is required of them at the earliest possible time, enforcement is more reactive (i.e. responding to a breach of licence).
- 3.50. The issues encountered can differ greatly depending on the size of the event. Smaller events are more likely to undergo sudden changes late in the process that require a new or amended licence, or to not realise that they need a particular licence, while larger providers tend to be more experienced.
- 3.51. SC outlined issues relating to environmental health, explaining that the aim is to facilitate safe and sustainable events through proactive regulation. A good example of this is food safety: the event organiser is advised to check vendors' registration, food hygiene ratings are fully checked, regulatory advice is given in advance and spot checks are carried out.
- 3.52. A proportionate approach is taken to site inspections, based on risk. Major events are checked for noise, and some events are checked for health and safety and food safety, though the key risks are identified and mitigated before the event begins. Key concerns can also include crowd safety, the safe separation of pedestrians and vehicles, and animal safety (e.g. animal welfare and infection control). Advice is given on priority topics from the Health and Safety Executive (HSE), such as recent warnings about inflatables after serious accidents elsewhere in the country.
- 3.53. SC explained that this proactive approach, based on providing solid advice up front, reduces the likelihood that enforcement action is needed afterwards. It is up to the event organiser to demonstrate that they have planned a safe event and take remedial action if not.
- 3.54. Members asked about how enforcement works regarding antisocial behaviour and crime at events, such as violence or drug use. SC clarified that these are police matters and not for the council to enforce, but the council does what it can to help – for example, it works with the police and racecourse in relation to ticket touting at racing events.
- 3.55. She suggested that the environmental health service must balance the needs of event organisers, eventgoers and residents, and advised that the council looks at making events more cost neutral in terms of regulation in the future.
- 3.56. Members discussed questions of liability in the case of injuries at events. Officers clarified that liability generally lies with organisers unless there is a specific defect with council-owned land. Any serious incidents are fully investigated, taking into account all decisions made by the council in allowing the event and formulating the land use agreement. LK stated that although the land use agreement seeks to limit the risk that the council takes on, any agreement carries an element of liability.
- 3.57. Members outlined concerns that event providers will deliberately push the boundaries of what is allowed if breaches are not punished. GJ responded that there are a number of possible sanctions, but treating providers too harshly would discourage others from using Cheltenham venues. LK added that persistent failure to fulfil the requirements of licences can be addressed through the Licensing Committee or by way of prosecution.

- 3.58. Members discussed specific aspects of land use agreements such as cut-off times, which might be restricted in order to reassure residents and reduce inconvenience. GJ noted that most events end well before the cut-off time established in the land use agreement.
- 3.59. LK suggested that any consultation creates an expectation that the process or outcome will be influenced. If an application has gone through the proper channels, acquired the correct licences and is following all the relevant safety requirements, there is no legal scope for withdrawing that licence to due residents' complaints. The council must be clear about the point of the consultation, that residents cannot necessarily influence the holding of an event. Members agreed that consultation should be referred to as 'engagement' instead, as this does not create a false expectation that it is guaranteed to influence the process.
- 3.60. AR suggested that over time in the events process, the same issues continually crop up and have a significant cumulative effect – for example, the poor enforcement of parking rules. He also suggested that a stronger relationship ought to be built between residents and event organisers, improving scrutiny and accountability while also helping residents understand the work that goes into putting on events. JG suggested that access to a 'how to' pack could help organisers understand the requirements of their role before they start their application. Members agreed that this would be beneficial.
- 3.61. The final meeting of the Task Group took place on 30th January 2020 and sought to mop up outstanding issues and decide on the final recommendations.
- 3.62. Members were presented with a total of 20 draft recommendations, split into five categories: engagement and community, process, strategy, commercial and enforcement. The recommendations were discussed in detail, and most were amended in some way.
- 3.63. The first four recommendations relate to the question of engagement and community. Members insisted that the phrase 'minimum standard of engagement' be amended to read 'agreed standard of engagement', deeming the latter to be too little. The group also clarified that officers would be tasked with engaging with the Gardens Forum and Friends Of groups in order to develop this agreed standard.
- 3.64. The Chair indicated that he felt Members are marginalised in the events process, as they are unable to prevent events taking place when there is no licensing issue, but are seen as responsible for unsuccessful events by residents. Members discussed the ways in which they are able to influence the planning process, including the ability to raise serious issues to Cabinet and engage with officers about areas of concern.
- 3.65. TC advised that the Task Group had already discussed this, and that there was consensus that adding committee-based decision-making would delay the delivery of events and add questionable value. She stressed that the process does not seek to disengage members.
- 3.66. The Chair stated his intention to produce a minority report, dissenting on the level of member involvement in the process. The minority report is attached to the covering report as Appendix 3.
- 3.67. Members agreed that the second recommendation should say 'engaged' rather than 'informed', offering members a more clearly defined role in the process. They also agreed that due to the overlap between two recommendations regarding public information, they should be merged into one (recommendation 3).

- 3.68. The prospect of an events website, as proposed in recommendation 3, was discussed in detail. Members noted the potential for misinterpretation, so it was amended to clarify that it would be a broad events platform with information about every event, rather than a specific website for each individual event. Members also agreed that it should be made clearer that they are the primary point of contact by email.
- 3.69. Members asked about the breadth of the review planned in recommendation 4. TC clarified that the parameters have not been defined yet. Members agreed to expand the recommendation to include a geographical review of the Gardens Forum's remit.
- 3.70. Members then discussed the recommendations pertaining to process, questioning the need for additional member training when relatively few members represent wards containing a large amount of public space where events occur. TC reminded members that it might not be relevant to all members now, but could easily be in the future. The recommendation was not amended.
- 3.71. Members moved on to discussing the recommendations listed under Event Strategy. JG reported that the emerging events strategy takes into account four tiers rather than three: headline events, feature events, town events and community events. Members agreed that this offered greater clarity and that recommendation 10 should be amended accordingly.
- 3.72. Members agreed that recommendation 11 should make reference to the commercial strategy. It was also agreed that the word 'capital' be added to recommendation 12 to aid understanding. These were both amended accordingly.
- 3.73. The final group of recommendations, listed under Commercial, were also discussed. TC clarified that none of the charges to be reviewed in recommendation 13 had yet been determined. Members discussed anomalies in the system that could be ironed out. DS indicated his willingness to assist in any review of rates.
- 3.74. It was agreed that recommendation 16 be amended to refer to 'all non-community events' rather than 'all large events', as the latter was too ambiguous. CM suggested that recommendation 18 commit to considering a more robust approach to enforcing noise limits. This was also agreed.
- 3.75. Members of the Task Group would like to thank everyone who attended their meetings and contributed to the review, and also to thank those officers who supported to the work of the group.

## 4. Recommendations

4.1 A total of 20 recommendations have been agreed by the Scrutiny Events Task Group.

No	Recommendation
<b>Engagement/Community</b>	
1	An agreed standard of public engagement be established as part of the event consultative process, which all event organisers will be expected to achieve. Officers to be tasked with engaging on developing the agreed standard with the Gardens Forum and Friends Of groups.
2	The engagement protocol between Events Consultative Groups (ECG) and Members be reviewed, to ensure that Members are as engaged as possible about events in their ward.
3	Investment be made in an event website to create a forum that connects event organisers, resident and wider stakeholders with a clear point of contact, with the key outcome being to provide clear information regarding events for communities in their ward, providing live updates on events and stages within the sign off process. Members to act as the primary point of email contact.
4	The remit of the Gardens Forum be re-evaluated to include a review of sites covered.
<b>Process</b>	
5	The objectives of the events process align not only with the goals of the commercial strategy, but also those of the cultural strategy and the social value policy.
6	The event process: <ul style="list-style-type: none"> <li>• be digital wherever possible to aid event organisers and enable back office systems between parks, licensing, planning, event management to be joined up</li> <li>• be clearly set out on Council website</li> <li>• clearly provide a single point of contact</li> <li>• demonstrate the benefits to the wider community as part of the events process</li> </ul>
7	A 'how to' pack be compiled and published on the events website in order to help event organisers understand the licensing, enforcement and environmental health requirements of the events process and enforcement.
8	Member training be put in place to support Members in their roles and responsibilities within the events process.
<b>Event strategy</b>	
9	The event strategy be interim, to ensure it can be reviewed to be fully reflective of the cultural strategy once it is approved.
10	The events strategy incorporate a tier system, classifying events as follows: <ul style="list-style-type: none"> <li>• headline events: a small number of big impact, annual, cultural and sporting highlights which showcase the town</li> <li>• feature events: established, growing or one-off events that contribute to the vibrancy, profile and tourism appeal of the town</li> <li>• town events: events delivered at a town level that, although of a recognised quality, are predominantly aimed at residents</li> <li>• community events: small scale community or community of interest organised festivals and events taking place across the town, with a capacity of 499 or less</li> </ul>

11	The events strategy considers options of spreading the impact of events across wider venues, to recognise the potential of commercial opportunities together with reducing the impact on current honeypot sites such as Montpellier and Imperial Gardens.
12	The events strategy considers the infrastructure required to support recommendation 11 and present a business case to Cabinet as appropriate outlining capital investment required. In addition, the strategy should ensure that any new event sites consider infrastructure in the context of the climate emergency.
<b>Commercial</b>	
13	The rates charged by CBC on the assets of parks and gardens be reviewed in the context of the council's commercialisation strategy.
14	The events strategy look at opportunities of improving troughs in the events calendar, to further develop commercial opportunities, whilst recognising the impact of stretching the peak season on heavily used parks and gardens.
15	Officers investigate the commercial opportunities of providing hands-on guidance for event providers.
<b>Enforcement</b>	
16	All non-community events be required to attain their own licence to aid any enforcement measures undertaken by the council.
17	The Land Use Agreement template be reviewed to ensure conditions are sufficiently robust to support enforcement actions where required.
18	A review of noise levels be applied to events once national guidance has been published (anticipated in 2020), and a review of enforcement to follow to ensure the robustness of procedures.
19	An enforcement guidance paper be prepared and published online, clearly articulating the actions the Council may take with non-compliance with Land Use Agreements.

## 5. PROGRESSING THE SCRUTINY RECOMMENDATIONS

- 5.1 In respect of the terms of reference set for us by the Overview and Scrutiny (O&S) committee, we feel confident that these have been met.

**Minority report from Councillor Dennis Parsons**

I fully endorse the Events STG report and commend it to O&S and to Cabinet, but with one exception. That relates to what I regard as a democracy deficit in the process for determining event applications where no licence is necessary.

Where an event falls within planning or licensing provisions, there is a legal requirement for the Council to consult residents. But the practice is for the vast majority of cases to be dealt with by officers under delegated authority. However, members retain a right to call in cases to be decided in committee – by members.

The gap in the system relates to land use agreement events where neither planning nor licensing are involved and so there is no obligation to consult. The STG report argues that the Events Consultative Group process is sufficient to deal with such cases. I strongly dissent from that view because it does not address my concern that that still leaves the ultimate decision in the hands of officers. There is no provision for call in to a member decision. Members can seek to influence the officer decision which, to me, stands democracy on its head with elected members, with a mandate to represent their residents' interests, subordinated to unelected officers.

There is a related issue in that it has been the practice in the past for officers to allow events where alcohol is available to take place under the licence that the Council has granted for itself. We were told that this was now discontinued for all but community events. My democracy deficit argument applies here too. Even community events can cause distress to neighbouring residents but only in an extremely small number of cases. But the decision rests with officers and not with elected members.

My recommendations are:

- 1. that officers be required to come up with a mechanism for events which do not fall within Planning or Licensing, to have the option in exceptional cases to be decided by members; and**
- 2. that only community events should be allowed to operate under the Council's alcohol licence but that members should be made aware of such cases and should have the right to call in for member decision as in recommendation 1.**

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**Cheltenham Borough Council**  
**Cabinet – 3<sup>rd</sup> March 2020**

**Gloucestershire Local Transport Plan – draft for consultation**

<b>Accountable member</b>	<b>Cllr McKinlay – Cabinet Member Development &amp; Safety</b>
<b>Accountable officer</b>	<b>Tracey Crews - Director of Planning</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The Local Transport Plan (LTP) sets the long term strategy for transport delivery within Gloucestershire from 2015 – 2041. The LTP sets out key policies and priority highway schemes that form the basis for decisions on transport investment in the future. This is a review of the LTP adopted June 2016.</p> <p>The consultation process seeks comment on:</p> <ul style="list-style-type: none"> <li>• Shaping the way 2041</li> <li>• Overarching Strategy</li> <li>• LTP policies</li> <li>• Connecting places strategy</li> <li>• Delivery</li> </ul> <p>The current LTP is not fit for purpose, it is out of step with the statutory development plans across the county; for Cheltenham this includes the Gloucester, Cheltenham and Tewkesbury Joint Core strategy and the Cheltenham Plan. Nor does the current LTP adequately address the climate change agenda and its significant challenges.</p> <p>In reviewing the LTP draft for consultation due regard has been had to;</p> <ul style="list-style-type: none"> <li>• Council and Cabinet decisions in response to declaration of climate change emergency</li> <li>• Carbon Neutral Cheltenham report</li> <li>• Connecting Cheltenham – transport strategy</li> <li>• Gloucester, Cheltenham and Tewkesbury Joint Core Strategy</li> <li>• Cheltenham Plan</li> <li>• Draft Local Industrial Strategy</li> <li>• Gloucestershire Strategic Economic Plan</li> <li>• Gloucestershire 2050</li> <li>• Cheltenham Residents Survey</li> </ul> <p>Officers and Members have reviewed the consultation draft document and proposed comments for formal submission are provided at Appendix 2 of this report together with a summary of key priorities sought for Cheltenham provided at Appendix 3. Regard has been had to comments arising from key stakeholders including elected members, transport providers and</p>

businesses arising through a stakeholder engagement session held on 28<sup>th</sup> January 2020. A summary of points made at this consultation is provided at Appendix 4.

Consultation on the LTP draft for consultation takes place between 16 January 2020 and 26<sup>th</sup> March 2020.

**Recommendations**

1. **To agree Cheltenham Borough Council’s representations to Gloucestershire’s Local Transport Plan (2015 – 2041) draft for consultation (as set out in appendices 2 and appendix 3), and**
2. **Delegate authority to the Director of Planning to formally submit Cheltenham Borough Councils representations no later than 26<sup>th</sup> March 2020.**

<p><b>Financial implications</b></p>	<p>There are no direct finance implications arising from the content of this report.</p> <p><b>Contact officer:</b> <a href="mailto:Andrew.knott@publicagroup.uk">Andrew.knott@publicagroup.uk</a>, Tel: 01242 264121</p>
<p><b>Legal implications</b></p>	<p>Under section 108 of the Transport Act 2000, Gloucestershire County Council, as the Local Transport Authority, has to prepare a Local Transport Plan containing the policies that they have developed for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area and their proposals for the implementation of those policies.</p> <p>Further, they must carry out their functions so as to implement those policies and in doing so must have regard to the proposals contained in the Local Transport Plan.</p> <p>In developing those policies and carrying out their functions the local transport authority is under a duty to take into account any policies announced by Government and have regards to any guidance issue in respect of the section with respect to mitigation of, or adaptation to, climate change or otherwise with respect to the protection or improvement of the environment. They must also have regard to the transport needs of disabled persons and of persons who are elderly or have mobility problems.</p> <p>Local Transport Plans must be kept under review and altered by the local transport authority if they consider it appropriate to do so and in keeping it under review they must consult (as well as other bodies) each of the council of the districts in the County.</p> <p><b>Contact officer:</b> <a href="mailto:cheryl.lester@tewkisbury.gov.uk">cheryl.lester@tewkisbury.gov.uk</a>, Tel: 01684 272691</p>
<p><b>HR implications (including learning and organisational development)</b></p>	<p>There are no direct HR implications arising from the content of this report.</p> <p><b>Contact:</b> <a href="mailto:julie.mccarthy@publicagroup.uk">julie.mccarthy@publicagroup.uk</a> 01242 264355</p>

<p><b>Key risks</b></p>	<p>The Local Transport Plan is a key strategy for the delivery of essential transport infrastructure to support the delivery of growth identified through the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Cheltenham Plan. It is essential that the Local Transport Plan is updated to contain the infrastructure schemes required to deliver this development. Without the Local Transport Plan Review there is a risk that the delivery of the infrastructure would be delayed or not achieved and therefore risk the delivery of new development.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>Appropriate delivery of transport infrastructure needed to support new development within a context of connecting places will contribute to supporting objectives of the corporate plan. Corporate priorities this responds to include;</p> <ul style="list-style-type: none"> <li>• Continuing the revitalisation and improvement of our vibrant town centre and public spaces</li> <li>• Achieving a cleaner and greener sustainable environment for residents and visitors</li> <li>• Delivering services to meet the needs of our residents and communities.</li> </ul> <p>A recent survey of Cheltenham residents commissioned to inform corporate priorities identified transport as a key issue.</p>
<p><b>Environmental and climate change implications</b></p>	<p>The draft Local Transport Plan is accompanied by an Integrated Sustainability Appraisal Report and Habitats Regulation Assessment.</p> <p>The draft Local Transport Plan sets out the initiatives, plans and programmes that will contribute to Zero carbon Gloucestershire by 2050. With an emphasis on modal shift, this will contribute locally to carbon emission reductions, although this will probably not align with the Council's aspiration for carbon neutrality for the Cheltenham Borough by 2030.</p>
<p><b>Property/Asset Implications</b></p>	<p>There are no direct property implications arising from the content of this report. Property implications may arise should any proposals for delivery impact on any land interests of the Borough Council. The Council will work proactively with Gloucestershire County Council should this arise.</p> <p><b>Contact:</b> <a href="mailto:dominic.stead@cheltenham.gov.uk">dominic.stead@cheltenham.gov.uk</a> 01242 264151</p>

### 1. Background

- 1.1 The adopted Local Transport Plan for Gloucestershire (LTP) was adopted in June 2016. The preparation of this plan is a responsibility of Gloucestershire County Council. A partial review of the LTP is now underway; this review shifts the emphasis for transport to respond to the climate change agenda and delivering against the zero carbon Gloucestershire 2050 target.
- 1.2 In March 2019, Cheltenham Borough Council provided early comments into the review of the LTP. At this time the end date of the review remained at 2031, a point which we challenged as not fit for purpose. It is positive that the LTP now being consulted upon has positively responded to this, extending the end date of the plan to 2041 together with identifying future transport challenges.
- 1.3 Further comments provided to the early stakeholder engagement, included:
  1. The need for the vision to be bold, to reflect the drivers for change as set out in Gloucestershire 2050, Cheltenham Place Vision, Cheltenham transport strategy – Connecting Cheltenham, emerging Local Industrial Strategy and the debates arising from the districts wanting to achieve carbon neutrality by 2030.
  2. Overarching strategy - our comments included;
    - a. the need for a key driver to be modal shift;
    - b. clear articulation of linking transport outcomes to the quality of place, including making efficient use of highway space and links to healthy streets - putting people and their health at the centre of decision making, helping everyone to use cars less and to walk, cycle and use public transport more;
    - c. Build the platform for the city region; and
    - d. Articulate a clear step change in mass transit.
  3. Proposed policy updates – our comments included:
    - a. The need to move away from a ‘business as usual’ approach and to use the redrafting of policies to push the agenda for transport. Appreciating the need to produce an LTP that is practical in delivery, it should also be visionary in terms of expectations and stretching in relation to targets;
    - b. Clear policy direction is required, together with being able to read across the policies to reduce the number of car trips. This includes the need to shift to other modes, opportunities of interception of trips via a ‘Park and Interchange’ strategy, car sharing etc;
    - c. A new approach is needed in respect of Park and Ride. Clarity is needed in terms of sites that make up a coherent strategy to facilitate a step change in modal shift. Terminology needs to move from ‘Park and Ride’ to ‘Park and Interchange’ with a clear narrative around the inter connection of modes for whole journeys. This includes parking for car sharing at transport nodes, to reduce total vehicle movements;
    - d. A clear narrative is needed specifically relating to the A40 corridor and the vision for servicing the demand for travel to work between the 2 major urban centres of Gloucestershire;
    - e. The case for rail and investment in infrastructure and demand for speed of service to

London, whilst reflected in part in PD5.2, needs to better articulate the demands arising from the economic growth agenda and Gloucestershire 2050 aspirations.

- f. LTP needs to be clear on which policies will direct improved management of congestion through network management. Congestion and key pinch points will not go away, so a clear approach to their management is required.
- g. a clear approach to healthy streets can help guide the approach to future interventions and remodelling of neighbourhoods. There is no reference to healthy streets. In this regard, Cheltenham Borough Council in 2018 submitted evidence to Gloucestershire County Council on the findings of public consultation on 20mph zones. Healthy streets will be a significant contribution to place making and speed limit strategies will be a tool that can aid delivery.

**1.4** It is positive to see many of the comments provided at the early stakeholder stage have been proactively responded to by the draft LTP now presented, including;

- response to reducing carbon emissions;
- rail investment to capture the opportunity to increase rail usage;
- move to a proactive modal shift strategy;
- recognition of the value of 20mph zones in transport planning at a neighbourhood level; and
- response to identifying additional park and interchange locations.

**1.5** Whilst there is much to support in the LTP and in particular, its context of supporting more responsive and less environmentally damaging modes of transport, in places it feels that the review has been constrained. We remain of the view that the vision, it's supporting overarching strategy and the policies that then flow from this need to be bolder. The LTP review as now presented is built upon a modal shift agenda, but it needs to be up front about this and clearly articulate the vision for delivery. We cannot be apologetic about the negative health and environmental impacts of transport; the time is now to have a mature conversation with stakeholders and the wider community about this agenda.

**1.6** As set out in a recent report considered by Cheltenham Borough Council (see detail at paragraph 2.4 below) eliminating emissions from transport is a key challenge to the achievement of carbon neutrality and progress to date in this area has been poor. However, it is positive to see that the LTP draft for consultation includes some of the elements in the report, including transport hubs, zero emission last mile deliveries, EV charging infrastructure, infrastructure for walking and cycling.

**1.7** By being upfront about the modal shift agenda in the vision, we are making a statement for Gloucestershire that recognises that congested streets make our places more unpleasant, exacerbate pollution, add delays to journeys made by public transport modes, reduce the efficiency of commercial journeys and have a huge negative impact on the health outcomes of the county. Today's children comprise the first generation that is expected to live more of their lives in ill health from chronic disease than their parents. The LTP review references the patterns of journey behaviours of this demographic and as such, the vision should recognise the future generational impact it is planning for.

**1.8** The county, through Leadership Gloucestershire, is working on the proposal and governance arrangements for the City Region. The LTP review has the opportunity to provide a solid platform across which to support the opportunities for economic prosperity through the connection of Cheltenham and Gloucester via effective and efficient transport connections. The LTP needs to

clearly articulate the City Region concept.

- 1.9** The contribution of transport in helping to define places is not clearly articulated. As noted in the Carbon Neutral Cheltenham report, “The inevitable transport redesign that new shared and connected business models will bring will also give Cheltenham the opportunity to rethink public spaces... A closer alignment between public and shared transport modes, along with the new infrastructure, will mean that Cheltenham will be able to reclaim cultural spaces, increasing the amount of walking in the town centre, which will have positive effects on the local economy as well as health benefits.”
- 1.10** In places, the LTP review is unwieldy and further work would be welcomed to reduce repetition, provide clarity on what the essential issues and strategies for delivery are and to refine the criteria set out within each policy. Policies need to be easy to interpret and provide clarity of message to aid engagement across a broad range of stakeholders, including developers, transport operators, businesses and local communities.
- 1.11** Policies need to be positively worded and further review would be welcome to help achieve this.

## **2. Reasons for recommendations**

**2.1** Over 2018, the borough council engaged with key stakeholders, including Gloucestershire County Council, on a transport strategy for Cheltenham – Connecting Cheltenham. Transport consultants Systra were commissioned to deliver this strategy. There was consensus through the engagement with elected members and stakeholders that we need to push the agenda for transport. Cheltenham’s Cabinet considered this strategy at its meeting on 8<sup>th</sup> October 2019 and resolved that:

1. Connecting Cheltenham be approved as the transport strategy for Cheltenham;
2. The strategy to be used as the basis for the council’s input into the review of the Gloucestershire Local Transport Plan;
3. The strategy be used in future negotiations across the borough associated with new development through the Section 106 process and to inform future Community Infrastructure Levy allocations;
4. Support to be sought from Tewkesbury Borough Council to use the strategy in regard to new development outside the borough boundary through the Section 106 process and to inform future Community Infrastructure Levy allocations.
5. Authority be delegated to the Director of Planning, in consultation with the Executive Director Finance and Assets and Cabinet Member Development and Safety, to prepare a programme for delivery which identifies short, medium and longer term priorities and the approach to funding; this programme for delivery to be brought back to Cabinet for consideration;
6. The strategy to be used as the basis for the council to seek funding for its delivery plan.

The Cabinet report can be viewed via the following link

[https://democracy.cheltenham.gov.uk/documents/s30824/2019\\_10\\_08\\_CAB\\_Connecting%20Cheltenham\\_report.pdf](https://democracy.cheltenham.gov.uk/documents/s30824/2019_10_08_CAB_Connecting%20Cheltenham_report.pdf)

The Connecting Cheltenham transport strategy can be viewed via the following link

[https://democracy.cheltenham.gov.uk/documents/s30732/2019\\_10\\_08\\_Connecting%20Cheltenham\\_appendix%20strategy%20report%20and%20executive%20summary%20LOW%20RES.pdf](https://democracy.cheltenham.gov.uk/documents/s30732/2019_10_08_Connecting%20Cheltenham_appendix%20strategy%20report%20and%20executive%20summary%20LOW%20RES.pdf)

**2.2** At a meeting of Cheltenham Council on 18<sup>th</sup> February, 2019, there was a unanimous Council

motion, which called on the Cabinet to declare a climate emergency. Subsequently, at a meeting of Cabinet on 9<sup>th</sup> July 2019 a climate emergency was declared. In debating the Council resolution the following points were resolved;

- To make Cheltenham carbon neutral by 2030
- To call on Westminster to provide the powers and resources to make achieving this target possible and to work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C
- To continue to work with partners across the town, county and region to deliver this new goal through all relevant strategies and plans
- To report to full Council with the actions the authority will take to address this emergency

**2.3** The 9<sup>th</sup> July Cabinet report can be viewed via the following link [https://democracy.cheltenham.gov.uk/documents/s29064/2019\\_07\\_09\\_Climate\\_emergency\\_cabinet\\_report\\_V4.pdf](https://democracy.cheltenham.gov.uk/documents/s29064/2019_07_09_Climate_emergency_cabinet_report_V4.pdf). This initiative is aligned to the Council's current Corporate Strategy under the 'Achieving a cleaner and greener sustainable environment for residents and visitors' priority - [https://www.cheltenham.gov.uk/info/19/corporate\\_priorities\\_and\\_performance/790/our\\_corporate\\_strategy](https://www.cheltenham.gov.uk/info/19/corporate_priorities_and_performance/790/our_corporate_strategy)

**2.4** At a meeting of Cheltenham Council on 14<sup>th</sup> October, 2019, a 'Carbon Neutral Cheltenham' report and 2030 road map was considered. Council resolved unanimously that:

Council endorses the findings of the 'Carbon Neutral Cheltenham – Leadership through Stewardship' report and its associated roadmap and recommends that Cabinet:

- Writes to the relevant Secretary of State, setting out the Council's climate concerns, ambition and roadmap to take action, formally requesting Government to provide the planning powers, guidance and resources to local government to make the 2030 target feasible;
- Subject to available resources, considers setting a challenging interim community-wide target for achieving a reduction in borough-wide carbon emissions by 2025, to provide a clear signal of the scale of the local ambition to take effective action;
- Considers, prioritises and identifies the resources needed to deliver the actions required to meet the 2030 carbon neutrality targets;
- Develops an annual reporting process to effectively track progress;
- Delegates authority to the Executive Director People & Change and the Director of Environment, to develop the roadmap into a realistic action plan for project delivery, with appropriate business case development taking account of the impact on the Council's financial position.

A copy of the Council report can be viewed here

[https://democracy.cheltenham.gov.uk/documents/s30895/2019\\_10\\_14\\_Council\\_Responding\\_to\\_Climate\\_Emergency%20-%20Final.pdf](https://democracy.cheltenham.gov.uk/documents/s30895/2019_10_14_Council_Responding_to_Climate_Emergency%20-%20Final.pdf)

A copy of 'Carbon Neutral Cheltenham' report can be viewed here

[https://democracy.cheltenham.gov.uk/documents/s30896/2019\\_10\\_14\\_Carbon%20Neutral%20Cheltenham%20Report.pdf](https://democracy.cheltenham.gov.uk/documents/s30896/2019_10_14_Carbon%20Neutral%20Cheltenham%20Report.pdf)

**2.5** It is important that Cheltenham gives careful consideration to proposed changes set out within the

LTP draft consultation document, as once approved, the LTP will set strategic transport policy for the county, make commitments to highway schemes and guide future funding decisions. Given the agenda set by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy together with the Cheltenham Plan and wider contexts set by the Gloucestershire Strategic Economic Plan and emerging Local Industrial Strategy, together with Cheltenham's response and actions to the declaration of a climate emergency, it is essential that these are reflected in the LTP to ensure future delivery of transport infrastructure and behavioural change within the context of a modal shift agenda that responds effectively to the carbon neutral challenge.

### **3. Alternative options considered**

- 3.1 The purpose of the LTP consultation is to gain feedback on the policies and strategies proposed and this may help to inform an alternative strategy.

### **4. How this initiative contributes to the corporate plan**

- 4.1 Transport is a key outcome of the Corporate Plan and the Cheltenham Place Vision.

### **5. Consultation and feedback**

- 5.1 Gloucestershire County Council engaged with stakeholders during spring 2019 to help inform the LTP draft now available for consultation. Officers engaged informally with members to inform the preparation of an officer response and with key stakeholders, including the Cheltenham Chamber of Commerce and Cheltenham Development Taskforce. This response was submitted to the LTP review team in March 2019.

- 5.2 Consultation with the LTP review team took place at Cheltenham Borough Council offices on Tuesday 28<sup>th</sup> January, 2020. This consultation was in 2 parts, firstly a daytime surgery open to all stakeholders and members of the public and secondly, a presentation with Q&A with elected members and stakeholders. Invitations to this latter consultation activity were shared with transport providers, businesses and statutory consultees and interested parties. Key issues arising from this session have been incorporated into the response and a note of the points raised provided at appendix 4. Key points raised included;

- Need to be in step with 2030 climate change target
- Needs to clearly set out what will be measured and how.
- Clarity needed on funding and over what period
- Modal shift requires significant behavioural change – needs political will
- More serious intent on public transport solutions
- Need to be bold

- 5.3 In March 2019, Cheltenham Borough Council commissioned consultants BMG to undertake a survey to understand resident's perceptions and experiences of living in Cheltenham, and in understanding how the Council can best implement its corporate strategy. Almost half of residents believe either reducing traffic in general (25%), or improving traffic management (20%), will make the greatest difference to air quality. There was also support for improved public transport and greener ways of getting around. Just under a third of residents believe that promoting walking, cycling and public transport should be one of the Council's top three priorities (29%) and 12% of residents believe the priority for the town centre should be making it easier to walk and cycle there.

**5.4** From the survey more than four in five Cheltenham residents agree that the Council should play a role in tackling air quality issues (83%), enabling people to walk/ cycle more (82%) and enabling public transport use (81%). Three quarters (75%) of residents agree that Cheltenham Borough Council should try to reduce vehicle emissions in the borough. Given that more than three quarters of vehicle users (77%) support environmental action, it is clearly not the case that high frequency vehicle users oppose the promotion of alternative transportation. The Cabinet paper that considered the report can be viewed via the following link

[https://democracy.cheltenham.gov.uk/documents/s31473/2019\\_12\\_17\\_CAB\\_Residents\\_Survey.pdf](https://democracy.cheltenham.gov.uk/documents/s31473/2019_12_17_CAB_Residents_Survey.pdf) .

The full survey findings can be viewed via the following link

[https://democracy.cheltenham.gov.uk/documents/s31458/2019\\_12\\_17\\_CAB\\_Resident\\_Survey\\_2019.pdf](https://democracy.cheltenham.gov.uk/documents/s31458/2019_12_17_CAB_Resident_Survey_2019.pdf)

## **6. Performance management – monitoring and review**

**6.1** The Planning Policy and Townscape teams will follow the progress of the review of the LTP closely and report back to Cabinet on any issues which it is considered may impact upon the Borough and its residents.

<b>Report author</b>	<b>Contact officer: Director of Planning</b> <a href="mailto:tracey.crews@cheltenham.gov.uk">tracey.crews@cheltenham.gov.uk</a>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Cheltenham Borough Council - comments to Local Transport Plan draft for consultation</li> <li>3. 1 page summary of Cheltenham key asks and priorities sought from LTP</li> <li>4. Notes of comments arising from GCC consultation with CBC and stakeholders Tuesday 28th January, 2020</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1. Local Transport Plan draft for consultation <a href="https://www.gloucestershire.gov.uk/transport/gloucestershires-local-transport-plan-2015-2031/ltp-review-201920/">https://www.gloucestershire.gov.uk/transport/gloucestershires-local-transport-plan-2015-2031/ltp-review-201920/</a></li> </ol>

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 LTP is not updated effectively there is a risk that the delivery of infrastructure will be delayed or not achieved and therefore jeopardise the approval and delivery of new development.	Tracey Crews	25.3.15	4	2	8	Reduce	Planning Policy Team to continue to review changes arising and report back to Cabinet as appropriate.	As required	David Oakhill	Planning
62	If the LTP is not updated effectively there is a risk that local pollution levels may rise with poor air quality affecting a wider area, with damaging health and reputational impacts for the town, which could also trigger formal action by DEFRA against the authority	Cabinet	21.01.20	5	5	25	Reduce	Ensure that the new LTP takes appropriate account of current air quality challenges across Gloucestershire and that the strategy is sufficiently ambitious to address existing traffic pollution issues		Mike Redman	Yes – Corporate risk register
	If key strategic plans and projects fail to take sufficient account of their climate change impacts, there is a significant risk that public authorities will	Cabinet	11.02.20	5	4	20	Reduce	Lobby GCC to ensure that the new LTP takes appropriate account of transport related carbon emissions across	Spring 2020	Darren Knight	New corporate risk

	be unable to meet their commitments to reduce carbon emissions, with significant reputational consequences							Gloucestershire and that the strategy is sufficiently ambitious to address existing traffic pollution issues which currently constitute around a third of all such emissions			
	If the LTP does not respond to the more ambitious timescale set by the council (and other districts) for achieving a net zero carbon borough by 2030 then the council's ability to achieve its target could be significantly compromised	Cabinet	13.02.20	5	4	20	Reduce	Continued engagement with GCC on delivery of transport projects that prioritise carbon reduction	Ongoing	Tracey Crews	New corporate risk

**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

For a summary of the key asks and priorities arising from this schedule, see Appendix 3.

Section /policy/para	Comment
<b>General comments</b>	
General	<p>The LTP is a substantial document, there is repetition across a number of the chapters, but this has resulted in the production of a long document where it is not always clear what the essential issues and strategies for delivery are. Whilst the background is helpful, this would be better placed in an appendix to enable the LTP to be shorter and more focussed. Document needs structure, confusion between analytical data and policies. It needs to tell us:</p> <ul style="list-style-type: none"> <li>• The baseline - what we need to know – this is how we currently get around the county and these are the actions</li> <li>• The actions that will deliver the change needed, and</li> <li>• Clear delivery plan</li> </ul> <p>We want to go down a modal shift challenge, but we have 2 historic scheme that need to be resolved (1) M5 junction 10 and A417 missing link. These open up the county, but also set the infrastructure for then more proactively responding to the modal shift agenda.</p> <p>A number of policies seem to be very unwieldy, due to the number of separate points within each policy. This should be reviewed. Policies need to be easy to interpret and provide clarity of message to aid engagement across a broad range of stakeholders including developers, transport operators, businesses and local communities. The LTP is now at 435 pages. It’s a mix of analysis, wish lists, download of information, policies – it is not a useable LTP. It needs to be focussed with clear baseline, ambitious vision, strategy, policy and clear delivery. A good comparator is the 2050 vision that was clear and concise, but was supported by the depth of supporting documentation for those interested in the technical analysis.</p> <p>In a number of areas policies could be worded more positively</p> <p>The LTP makes reference to important documents like the Local Industrial Strategy, Strategic Economic Plan, climate change etc, but what it fails to do is then clearly articulate how the LTP will influence and deliver against the key outcomes.</p> <p>The approach to an LTP based upon a road hierarchy needs to move to a mode hierarchy as set out in Connecting Cheltenham strategy with the focus on moving goods, people and services within a climate change backdrop.</p> <p>The document feels as if written by a highways authority not a transport authority, as such the priority remains focussed on roads. There needs to be a step change in approach e.g. delivery strategy Table 4 – county wide scheme delivery plan, this has no mention of rail investment.</p>

	<p>Appreciating that the LTP is having a light touch review, but as drafted it is too much business as usual and fails to adequately respond to the very challenging environment we are now planning in the context of and in recognition of the needs clearly stated by the young people of the county. <a href="https://www.gfirstlep.com/downloads/2019/gfirst-lep-youth-survey-2019v2.pdf">https://www.gfirstlep.com/downloads/2019/gfirst-lep-youth-survey-2019v2.pdf</a> Section 2.8 refers to changes in attitude and consumer behaviour. Needs to make reference to GFirst LIS data from youngsters where they saw public transport as a key barrier for the County. Surely this should lead with the commitment of GCC and the districts to climate change and the critical role of transport in tackling that challenge. This would allow the whole thrust of the document to be on mode shift, zero emission last mile deliveries etc.</p> <p>Cover page gives the impression it is out of date – should clarify that this is a 2020 review of the 2015-2041 policy.</p> <p>Page ii (and subsequent similar pages, which often have nothing to do with rail) – why does the statement refer only to rail?</p>
<b>Foreword</b>	
Foreword	Support for extending date of review to 2041.
Foreword	It would be helpful here to reference city region.
Foreword	Welcome context of LTP responding to more responsive and less environmentally damaging modes of transport, but this needs to be bolder. The LTP is built upon a modal shift agenda. The LTP needs to be upfront about this and clearly articulate the vision for delivery. We cannot be apologetic for the impacts of transport, but have a mature conversation with those stakeholders and the wider community on this agenda. A key issue is urgency – we need to be taking actions now such that by 2041 x,y and z will have changed – it reads like we have time.
<b>Shaping the way to 2041</b>	
Whole section	<p>A lot of words in here which set the scene, but it is lacking punch. More emphasis needs to be given on clearly articulating the vision for transport. The LTP needs to be robust in putting people and their health at the centre of decision making, helping everyone to use cars less and to walk, cycle and use public transport more. If the strategy is changed from that based on a road hierarchy to one based on a mode hierarchy, this would go a significant way to resetting the baseline for decision making and the policies that flow from the LTP.</p> <p>At the heart of the vision should be the ambition to create places for people. By being upfront about the modal shift agenda in the vision, we are making a statement for Gloucestershire that recognises that congested streets (and roads outside of town centres) make our places more unpleasant places to be, causes pollution, adds delay to journeys made by public transport, reduces the efficiency in commercial journeys and has huge impacts on the health outcomes of the county. A recent Cheltenham survey of residents commissioned by the borough council identified the following points;</p> <ul style="list-style-type: none"> <li>• Almost half of residents believe either reducing traffic in general (25%) or improving traffic management (20%) will make the greatest difference to air quality.</li> <li>• There was also support for improved public transport and greener ways of getting around. Just under a third of residents believe promoting walking, cycling and public transport should be one of the Council’s top three priorities (29%) and 12% of residents believe the priority for the town centre should be making it easier to walk and cycle there.</li> </ul>

- More than four in five Cheltenham residents agree that the Council should play a role in tackling air quality issues (83%), enabling people to walk/ cycle more (82%) and enabling public transport use (81%).
- Three quarters (75%) of residents agree that Cheltenham Borough Council should try to reduce vehicle emissions in the borough. Given that more than three quarters of vehicle users (77%) support environmental action, it is clearly not the case that high frequency vehicle users oppose promotion of alternative transportation.

The Cabinet report 17 December 2019, together with the full survey report can be accessed via the following links

[https://democracy.cheltenham.gov.uk/documents/s31473/2019\\_12\\_17\\_CAB\\_Residents\\_Survey.pdf](https://democracy.cheltenham.gov.uk/documents/s31473/2019_12_17_CAB_Residents_Survey.pdf)

[https://democracy.cheltenham.gov.uk/documents/s31458/2019\\_12\\_17\\_CAB\\_Resident\\_Survey\\_2019.pdf](https://democracy.cheltenham.gov.uk/documents/s31458/2019_12_17_CAB_Resident_Survey_2019.pdf)

Over 2019 Cheltenham Council/Cabinet has responded to the declaration of a climate change emergency, including the publication of 'Carbon Neutral Cheltenham' report which can be viewed via the following link

[https://democracy.cheltenham.gov.uk/documents/s30896/2019\\_10\\_14\\_Carbon%20Neutral%20Cheltenham%20Report.pdf](https://democracy.cheltenham.gov.uk/documents/s30896/2019_10_14_Carbon%20Neutral%20Cheltenham%20Report.pdf) Eliminating emissions from transport is a key challenge to carbon Neutrality. It is positive to see that the LTP draft for consultation includes some of the elements of this report, including transport hubs, zero emission last mile deliveries, EV charging infrastructure, infrastructure for walking and cycling, but this section could be bolder about the role the LTP will play in delivering real change.

Today's children are the first generation that is expected to live more of their lives in ill health from chronic disease than their parents. The LTP references the patterns of journey behaviours of this demographic and as such the vision should recognise the future generations it is planning for.

May be helpful to reference the Industrial Strategy White Paper 5 foundations to drive productivity as these have a direct relevance to transport, these being;

- Place
- Ideas and Innovation
- People
- Business environment

Missing from this section overall is the context of place shaping and how through transport interventions, behavioural change, access to big data, digital connectivity etc, the LTP can have a positive impact on place making outcomes across the county.

This section needs to clearly articulate the key outcomes that the LTP will be tackling, setting the scene for the overarching strategy. Suggest review of the vision set out in the Mayors Transport Strategy for London (2018) that sets a clear narrative for reducing dependency on the private car.

Headings should be more explicit about the environmental & health drivers – does their inclusion in the 'changes in attitude' sections

	give them sufficiently high profile?
1.1	Support for extending date of review to 2041.
2.1	<p>Paragraph 1.1 talks about the need for an ambitious strategy, but this is not followed through in the vision. The dictionary definition of vision is “the ability to think about or plan the future with imagination”. As CBC stated in our early comments on the emerging LTP, the vision needs to be bold and needs to clearly articulate the direction of travel for the strategy as a whole. As drafted the vision does not reflect the spirit of Gloucestershire 2050, emerging Local Industrial strategy or Cheltenham Place vision. Vision references ‘door to door’ transport, surely we are not predicating the vision on travel by the private car? The vision needs to clearly set out the commitment to a shift towards sustainable transport modes and a reduction in the use of private vehicles. Clear statement needed on strategy for modal shift.</p> <p>Vision is slightly different from that on the front page – why? ‘door to door’ has been removed.</p> <p>Is sufficient consideration being given to managing demand for transport?</p>
2.3	This is the place to be upfront about the strategy for modal shift. As drafted it is lost.
2.5	Seeming confusion re population growth – is it ‘low’ as in this para or ‘unprecedented’ as in the ‘Foreword’?
2.8	Reference the actual contribution of transport to greenhouse gas emissions
2.9	<p>The 3% reduction in young licence holders is at variance with this data</p> <p><a href="https://www.telegraph.co.uk/news/2017/07/10/record-decline-teenagers-learning-drive-figures-show/">https://www.telegraph.co.uk/news/2017/07/10/record-decline-teenagers-learning-drive-figures-show/</a></p>
2.11	The link between ‘innovation’ and transport needs to be clear. As drafted it is forced – be better to make direct links with LIS and need for effective sustainable transport underpinning the plan
3.8	What’s the ‘total transport’ project? Can’t find references on the GCC website or in the delivery plan.
3.12	Think the quoted Street Manager implementation date is out of date, looks like footnote 15 is also out of date
3.19	Good point – how will this happen?
4.4	Are there any stats on current and future targets for mode shift. It talks about ‘significant’ mode shift but no explanation.
4.5	<p>Specific actions are not included in the delivery plan.</p> <p>The key missing is leadership. It notes the importance of partners but as witnessed with CTP phase 4 – district and bus partner / stakeholders on board and evidence provided but modal shift benefits potentially lost</p>
5.4	Reference to the three boards but these do not have private representation whereas the LTP claims that this is key in 4.5. Mixed messages – either the approach is inclusive of private partners or it’s not.
5.10	Positive reference to cyber but the importance of garden communities principles missed; re: walking, cycling etc
5.12	Opportunity to reinforce mass transport and low carbon solutions alongside road schemes
5.15	Reference to mass public transport but feasibility doesn’t appear as a specific county wide priority in table 4 Delivery Plan

5.16	Focus on bus priority measures but in Cheltenham Arle Court bus priority and CTP phase 4 which delivered demonstrable bus benefits abandoned – so difficult to evidence commitment
5.17	Ambition for community transport provided by charity and voluntary sector. How will this emerge without early support / funding?
5.18	Looking to deliver strategic cycle desire lines is admirable but does it match the figure A map, e.g. the route between Cheltenham and Gloucester and Cheltenham – Bishops Cleeve appear to be ‘off-line’ solutions whereas previous feasibility has looked at a route parallel to A435
5.24	Words missing at top of page 21
Page 25 – 30	Paragraph numbering goes awry
6.0	<p>This section offers the opportunity to clearly articulate the longer term ambitions for Gloucestershire, painting the vision for connected Gloucestershire built upon the foundations of a modal shift strategy to deliver real change. As drafted the list of potential schemes are helpful, but do not spell out what the collective vision is through the implementation of these schemes.</p> <p>The long term ambition focuses on a host of very positive non-road strategies; surely these have to be re-prioritised so that they become the short term targets viz walking, cycling, bus transport. This should be a key focus of the delivery plan.</p>
Table 1	Scheme interventions set out here are supported, not clear whether there is any prioritisation across the schemes.. how will schemes be delivered?
<b>Overarching Strategy</b>	
General	<p>Is it a strategy or an analysis?</p> <p>Given the data provided it appears to be an overview or assessment of current situation</p>
Figure A	Not clear what is meant by council strategy in this diagram. Is this referring just to GCC council strategy, if so, what strategy, or council strategies across the districts and county?
Figure B	Very difficult to navigate the policy documents despite figure B. How do PDs 0.n fit in?
Table A	spectrum ignores rail
Figure D	Graph doesn’t seem to match figures in 2.4
Figure E (graph)	LGV increase appears alarming – needs comment (and action) Probably internet shopping delivery vans hence need for last mile zero emission models, so opportunity for LTP to think about supporting a radical solution in the urban areas for last mile deliveries.
1.5	See previous comments on vision.
1.6	Opportunity here to provide a clear and upfront statement on modal shift. Clear focus is needed on increasing modal share allocated to walking, cycling, public transport and the connections between these modes. This can then flow through to each of the sub sections across the LTP. mass
2.7 / Fig E	<p>Worrying data here for Gloucestershire against the national average. With recorded dip in public transport, which records flows at the lowest levels since 2000, this sets the context for response of LTP to be focussed on modal shift. Is there a breakdown of this table for the urban areas as the wider rural context may be skewing the overall picture?</p> <p>Equally CTP phase 4 recorded a 4.3% growth in bus patronage against a national decline of 2% but scheme not supported. So what is</p>

	the ambition?
2.10	<p>Linked to number of short trips, would be worth highlighting here the propensity to cycle figures for the main urban areas of Cheltenham and Gloucester.</p> <p>This paragraph should make the connection to the city region and the TTW area linked to that, paving the way for the subsequent sections and interventions to deliver a step change in travel modes and behaviours.</p>
2.11	Transport greenhouse gas emissions – 27% or 44.6%? Also subsequent split by mode and the Fig I graph are confusing, presumably these are percentages of the 27%?
2.13	Useful to point out that the high car travel to work percentage (is it high in comparison to other areas) provides an opportunity (as well as a challenge!)
2.16	What are the proposed targets for these sustainable modes? This is the first mention of behavioural change, this need to be one of the key drivers for the strategy.
3.1.5	The LTP target for the county is 2050 (as per 3.1.7), but recognition also needs to be made of district targets set at 2030.
3.1.9	What do the possible interventions to contribute to carbon neutrality look like? How far will the LTP take us on that journey? What else is required? There is an opportunity in this section to start setting out some of the longer terms ‘asks’ that will inform future pathways.
3.1.13	This section should be more explicit around planning in the context of the understanding of TTW areas and identifying growth areas that respond to that context.
3.1.18	Low emission zones flagged but are not included in policies or delivery plan.
Policy LTP PD0.1 Reducing transport carbon emissions and adapting to climate change	How will this policy be measured? What does success look like?
Policy LTP PD0.2 Local Environmental Protection	<p>Suggest this may be the time to introduce Boots corner, severance, place making etc.....</p> <p>This policy should make reference to ‘Building with Nature’. Supporting text should outline how this can be taken into account.</p> <p>A policy with 27 requirements seems unwieldy, look at opportunities to refine</p>
3.3.2	<p>This section fails to make reference to the wider place making context and the environmental/townscape benefits that can arise from this.</p> <p>Third bullet point should include ‘inclusive’.</p>
4.1.3	This needs to clearly articulate the city region, the opportunities for economic prosperity in the context of the M5 corridor.

	Reference here that GCC is now entered a partnership agreement with the JCS councils and will work collaboratively on delivery of the JCS and its review.
Figure M	Could this map define the city region boundary, TTW areas would be the obvious definition against which to capture this.
4.1.9	LTP targets - where are these set out?
4.1.13	'The encouragement of active travel', shouldn't the LTP be more directional than this?
4.1.14	How are ideas of 'invisible infrastructure' reflected in policy and delivery plans and applied to existing? LTP PD 0.4 seems to deal with new developments.
Policy LTP PD0.3 Maximising investment in sustainable transport network	5 <sup>th</sup> bullet point, remove the wording 'where possible'. 7 <sup>th</sup> bullet point – this must have regard to wider place shaping outcomes and heritage considerations
Policy LTP PD0.4 Integration with land use planning and new development	Opportunity via the policy to embed the work of the LEP construction and infrastructure group 'Removing Barriers to development' 2 <sup>nd</sup> bullet point – suggest more positive working would be to promote rather than support 6 <sup>th</sup> bullet point – this would be an opportunity to link in PPA's 21 <sup>st</sup> bullet point - make reference to 'Building with Nature'. Supporting text should outline how this can be taken into account.  A policy with 22 requirements seems unwieldy, look at opportunities to refine
4.3.20(b)	2 <sup>nd</sup> bullet point - Do we want to reference Boots Corner here?  4 <sup>th</sup> bullet point – not just about existing public transport, maximising existing and expanding network so that public transport becomes a mode of choice  7 <sup>th</sup> bullet point – where is the ambition in this statement, surely we are aiming for better than 'fit for purpose'. Both the main urban areas have a high propensity to cycle due to their geography and topography this provides the LTP with an advantage and opportunity to provide interventions that can deliver both best practice nationally and drive towards being exemplar in cycling infrastructure.
Policy LTP PD0.5	CBC in 2018 submitted consultation findings on a 20's plenty survey across the borough. This evidence clearly showed the appetite to implement 20's plenty and this has been included within the agreed Transport strategy for Cheltenham 'Connecting Cheltenham' with an ambition to deliver a speed strategy across the borough. We request that this is incorporated into this policy.  17 <sup>th</sup> bullet point - make reference to 'Building with Nature'. Supporting text should outline how this can be taken into account.

	A policy with 18 requirements seems unwieldy, look at opportunities to refine
5.0	Section generally needs a quality check to remove cosmetic errors.
6.0	Thinktravel – what resources, what specific deliveries, is it more than a portal?
<b>PD1 Public &amp; Community transport</b>	
Policy LTP PD1.1	<p>Bus reliability is noted in the supporting section to this policy, this policy therefore needs to be clear on the interventions that will bring the biggest gains. This policy should reference implementation of A40 bus lane or link to the delivery strategy where this intervention should be explicit.</p> <p>The transport strategy for Cheltenham ‘Connecting Cheltenham’ has a clear recommendation for park and interchange, this should be referenced clearly within this policy.</p> <p>Given the context of Cheltenham as The Festival Town, public transport does not appropriately support the extension of events into the evening or the transition between the daytime and night time economy. This policy would be an appropriate place with which to recognise the economic value of providing services that support this.</p> <p>The evidence quoted in section 2.0 omits the impressive modal shift and performance improvements achieved through CTP phase 4 where growth of 4.3% against a national decline of 2% was achieved.- Stagecoach data made public. The challenge is that this demonstrable modal shift was not supported and as a consequence the major operator less likely to support other schemes</p>
3.3.2	1 <sup>st</sup> bullet point – support A40 bus corridor improvements, but this should be explicit in referencing the delivery of A40 bus lane.
Policy LTP PD 1.3	Bus Priority was trialled successfully as part of CTP phase 4 but not made permanent. It secured full support from Stagecoach as main operator as not only had it improved modal shift but also reliability. Difficult to understand what further evidence for bus priority schemes is required.
Table C	Not at all clear what this means, is it a standard or a segmentation?
4.1.3	99% of buses have contactless, 10% don’t? check the statement and amend.
8.1.4	Identified hubs are nowhere near train stations. What are the criteria influencing their siting?
<b>PD2 Cycle</b>	
1.0	This section misses the opportunity to set a clear and ambitious vision for cycling. The ambition needs to be more than “to create better cycling opportunities”. There is an opportunity in a number of localities across Gloucestershire to set ambitious targets for modal shift to cycling. The agreed transport strategy for Cheltenham ‘Conencting Cheltenham’ sets a clear ambition for the delivery of CheltWays. This provides a best practice starting point that the LTP could deliver against.
Policy LTP PD 2.1 Gloucestershire’s cycle network	3 <sup>rd</sup> bullet point – this policy needs to be more ambitious than improving cycle links. To deliver change both strategic and local cycle networks need to be identified, designed and implemented. Simply working with what we have will not address the issues of the need to quality infrastructure and the connectivity of that infrastructure.
Policy LTP PD 2.3. Active Travel; safety,	See pervious comments made to Policy LTP PD0.5. through the introduction of a speed strategy within the main urban areas all road users will benefit, both in terms of opportunities to drive modal shift, improve safety and confidence of pedestrians and cyclists, creating places for people that reads to the wider place making agenda.

awareness and confidence	
<b>PD3 Freight</b>	
2.1	<p>White van expansion. The CTP phase 4 trial closure to through traffic created no concerns from delivery firms who merely re-routed or delivered within the non-exempt times; demonstrating that behavioural change can be achieved. Like with all change there were challenges in the early period of implementation, but these bottomed out through the course of the trial.</p> <p>This section should reference the ‘last mile’, the opportunity for the LTP to act as an influencer in last mile logistics. This ranges from shared vehicles, smart technology, autonomous vehicles, drones and robots. Gloucestershire has an opportunity to recognise the importance of business to business delivery and set a clear ambition to respond to the evidence base and options for intervention. Note this is referenced in paragraph 7.1.10 and policy LTP PD3.5, but this should be more prominent with clarity on the ambition to make real change.</p> <p>With the compact nature of the main urban areas of Gloucestershire, the county is well placed to develop best practice and test innovative solutions.</p>
Policy LTP PD 3.1 Gloucestershire’s Freight network	Reference should be made to policy LTP PD3.5 in respect of last mile deliveries.
<b>PD4 Highways</b>	
Policy LTP PD 4.3 Highways maintenance	<p>Communication in regards to highways maintenance has not always been effective with the districts, who given their engagement within their local communities are often best placed to provide advice on prioritisation of works. Add in a bullet point that makes this communication a requirement within the policy.</p> <p>Street trees are an important feature within the street scene across Gloucestershire; these should be recognised in terms of maintenance and replacement in the context of highways maintenance.</p>
Policy LTP PD 4.4	See previous comments made to Policy LTP PD0.5. through the introduction of a speed strategy within the main urban areas all road users will benefit, both in terms of opportunities to drive modal shift, improve safety and confidence of pedestrians and cyclists, creating places for people that reads to the wider place making agenda.
6.1.2	CBC also has EV charge points in its car parks and is currently undertaking a review to determine future provision.
<b>PD5 Rail</b>	
1.0	Welcome focus in the LTP on capturing the opportunity to increase rail usage
1.1.6	Where’s figure B? Should it be fig A?
<b>PD6 Walk</b>	
1.0	<p>This chapter should emphasise the importance of place shaping in the provision of infrastructure for walking.</p> <p>The importance of ‘meanwhile spaces’ in the provision of infrastructure for walking should be recognised in this chapter. By creating</p>

	<p>attractive, shaded places to sit/rest along a journey will improve the opportunity for those with less mobility to incorporate walking into their transport patterns. It also responds to the extremes in weather providing places to stop for shade is extreme heat or offer shelter from the rain/snow. Placement of street trees are a positive contribution and future planting should have regard to developing a network of meanwhile spaces with the supporting infrastructure of seating.</p> <p>See pervious comments made to Policy LTP PD0.5. through the introduction of a speed strategy within the main urban areas all road users will benefit, both in terms of opportunities to drive modal shift, improve safety and confidence of pedestrians and cyclists, creating places for people that reads to the wider place making agenda.</p>
Policy LTP PD 6.1 Gloucestershire's pedestrian network	CTP phase 4 trial demonstrated improved footfall both through Boots Corner itself but also within the town centre. The Cheltenham BID reported a 7% increase in footfall towards the end of the trial demonstrating the impact of prioritising pedestrians over vehicles; an impressive outcome given the challenging retail environment. The importance of footfall to wider town centre performance needs strengthening
<b>Connecting Places Strategy</b>	
3.0	Given the importance of the two urban areas of Cheltenham and Gloucester to the economic outcomes for Gloucestershire, acting as the engine room for this part of the south west region, there is an opportunity here to set a clear and ambitious vision for transport. This section as drafted relies heavily on work already in train and 'seeking improvements'. The LTP should set a vision that is bold and visionary to address head on the challenges across the CSV.
3.1.14	This paragraph should reference the ambition to deliver a strategic cycle network 'CheltWays' as set out in Cheltenham transport strategy 'Connecting Cheltenham'
3.2.4	Do we want to reference Boots Corner here?
3.2.5	Commitment should be made here to implementation of A40 bus lane and cross reference to longer term ambition of mass transit between Cheltenham and Gloucester
3.2.10	Should read 45ha of employment. Please use terminology Cyber Central Garden Community not business park
<b>Delivery</b>	
	<p>This section as drafted is opaque. It doesn't reflect the overarching strategy of prioritisation of walking, cycling and public transport. As stated earlier in our comments the LTP should reflect a mode hierarchy not a road hierarchy and this should flow through into the delivery section.</p> <p>Indicators have not been pulled through from the main body of the document, so how does this section demonstrate effective delivery.</p> <p>Not clear which schemes are funded (see fig A, comments in 4.9 and tables). Noticeable that 'Highways' mode schemes seem clearer in their funding sources than other modes, reference our previous comment that LTP should have a mode hierarchy not a road hierarchy. Which schemes are being funded through the GCC Capital programme? As currently drafted the delivery section is not realistic, it feels that delivery is predicated on the 'hope' of schemes being delivered e.g. community transport.</p>

	<p>LTP recognises the big challenge of freight and mass movement of people, so why is delivery section not making the best bang for the buck focussed on these? Rapid transit appears 5 times/mass transit appears 16 times across the LTP, but why isn't the delivery section leading with this? Countywide schemes are all about roads, rail investment strategy not referenced, mass transit not referenced</p> <p>No target dates.</p> <p>There are 5 tests of delivery of a scheme set out in this section. None of these tests include assessment against climate change. One of the test is public acceptability, but we need to recognise that change isn't comfortable and behavioural change requires leadership.</p> <p>Monitoring Indicators – what's the baseline / how are they measured / what's the performance to date (from 2015)? Monitoring outcomes need to be linked to the vision.</p>
1.7	<p>In delivering the LTP at an officer level, it would seem appropriate to have officer representation from District/Borough/City on the LTP Management Board. It is likely that the delivery of new planning policy and new development will impact on and fund the delivery of the LTP.</p>
Table 1, 2 and 3	<p>Heavy focus on Highways improvements</p> <p>Some of the proposed cycle improvements (for eg Chalford to Cirencester cycle improvements) need to have clearly defined purpose and desired outcome</p>

This summary is a synthesis of the more detailed schedule of comments from CBC to the LTP consultation and reflects the positive stakeholder engagement generated through the Systra 'Connecting Cheltenham' commission and reflects the GCC engagement session with elected members and stakeholders. Key points are as follows:-

- Whilst the dramatic tonal change towards sustainable solutions is welcomed, as is the emergence of a rail strategy, there is significant concern that this has not translated into the 'delivery section', where CBC hoped to see many more of the Connecting Cheltenham ambitions. The LTP document remains far too long (at 435 pages!); it needs to be concise with a clear measurable action/delivery plan which itself needs to move from 'road strategy' to 'mode strategy'. As a consequence walking, cycling, bus and rail become the focus.
- Modal shift should be the primary target throughout the document. Without this the economic growth to which GCC, CBC and GFirst LEP aspire, as set out in the draft Local Industrial Strategy will be stifled. This needs clear political leadership; the 'Boots Corner' trial demonstrated that modal shift can be achieved but it will not be universally popular. Rhetoric about brave decisions and leadership has to date not been evidenced by decision making.
- Need to align targets on climate change CBC 2030 / LTP 2050. 2050 is too late as the opportunity exists to impact the strategic allocations already made via JCS and deliver a more sustainable future for the young people of today that will be adults by 2030.
- Need for clarity over ambitions for cycling. Existing cycle routes are well-used and joint working, as with the Lansdown bridge railway station cycle link demonstrate what could be achieved but we need the resources to unlock other ambitions. The Bishops Cleeve link has been pending since the construction of the Centaur but the value of the contributions is eroded by inflation. The Cheltenham Transport Plan demonstrated the propensity to encourage cycling; it would be a mistake to 'back-pedal' on the progress achieved.
- Bus prioritisation to improve reliability and performance is critical. The Cheltenham Transport Plan demonstrated this with improvements in punctuality which went from 92.5% to 93.1% (based on all routes which cover about 2.6 million annual miles). This in turn helped to drive an extra 270,000 bus passenger journeys across Cheltenham in the first 12 months of the trial. Despite this there is seemingly still resistance to full bus prioritisation on major arterial routes and yet as Stagecoach has openly asked at the GCC engagement event would request infrastructure improvements over subsidy.

We fully recognise the infrastructure deficit that bedevils the County and appreciate the need for key infrastructure to proceed to level the playing field, crucially for Cheltenham, M5 Junction 10 and the A417 'missing link'. Only then can we seek sustainable long-term solutions as envisaged at West Cheltenham with its 'Garden Community' status, together with North West Cheltenham and trip internalisation ethos.

On this basis we would emphasise the ambitions set out in 'Connecting Cheltenham' with its 'Drivers for Change' and clear delivery targets

- Public transport interchanges (town, district and micro hubs) to support modal shift. Modal shift targets - double cycle trips; increase bus trips by 30%; retain levels of walking – all supported by behavioural change
- Cycle Cheltways – a cycle network hierarchy
- Liveable streets – a hierarchy based around cycling, public realm and delivery of borough wide speed strategy
- Strategic connections – M5 Junction 10, rail enhancements, strategic bus routes
- Technology & information to better inform choices

**Councillor comments**

- CBC climate target is 2030 – LTP out of step with 2050 target
- How are you going to change behaviours – big ask to bring members of the public on behavioural change journey
- Remain to be convinced in the delivery section that changes will be made. Need to prioritise. E.g. cannot see Cheltenham transport hub as a priority.
- Urban bus network isn't addressed appropriately. This is fundamental for delivery of connectivity
- Can't see that the Systra (Connecting Cheltenham) report has been properly taken into account
- LTP too long
- Speed reduction policy needed
- How much will emissions be reduced by, how much is air quality going to be reduced by? Without measurable targets is undeliverable. Why not include a target such as no AQMA's in Gloucestershire. Need to be looking at how we can move to carbon positive
- £150m of improvements over what period?
- All targets need to be quantitative and measurable. Missing the detail
- Working with districts – cannot trust GCC to deliver, e.g Boots Corner, support for planning committee
- 2km is not a comfortable walking distance for less able. Cannot assume people will walk that distance.
- All cycleways that currently exist and new need to be linked together
- Modal shift – people will not do this unless there is a clear alternative
- LTP needs to fully understand economic growth plans and the demands on transport. The impact of this on climate change is an imperative now, not in 2050
- Plan needs to be properly costed and clarity on funding. Not convinced there is currently the political will for delivery prioritised for modal shift
- Where is the space at Cheltenham rail station to develop a transport interchange/hub?
- Disappointed that no strategic aspiration is placed on modal shift. Need to be bold and say this upfront.
- GCC is getting an additional £40m+, but where is the commitment for footways and cycleways and make it easier for less able to get around by improving quality of paving
- Lack of clarity on bus subsidies
- Need to look at transport provision and interchange at the east of Cheltenham.
- Difficult decisions take bravery, but where is political bravery at GCC?
- Change will never to take place unless we take on the pressure from those that don't want change.
- Buses – make them faster, reliable
- Will be in same place in 10 years' time.

**Stakeholder comments**

- More serious intent that bus is a solution not an irritation. However, serious concerns if you want to deliver is not subsidy, its infrastructure. What is proposed is not going to scratch the surface of the modal shift if average speeds of the bus is not being improved, journeys not reliable.
- Need 10% fewer cars on the road – this is the scale of ambition if we are working to addressing the climate emergency. Need to be bold.
- Rail strategy appears to be out of date, references to companies that are superseded, works that have been delivered. Error on the map
- Need for greater bus priority. Need for bus lanes

- Need for better kerbside drainage if you are encouraging walking and cycling, improved shelter at bus stops
- Opportunity missed with current Cheltenham train station scheme, with space squeezed for additional car parking
- Massive road building programme in Gloucestershire, this isn't going to address modal shift
- Cycle networks are not particularly helpful, it takes more to get people cycling than just providing the network, this section needs to be better developed.
- GCC should investigate alternative means of funding
- Good there is recognition of climate change, but there is very little of concrete actions, or vision and action. Other councils are recognising there is a step change e.g. Manchester setting ambition for x miles of new cycle ways, traffic free town centres. Can't see anything in plan that recognises anything other than business as usual. Plan is nowhere near ambitious enough

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## Cheltenham Borough Council

### Cabinet – 3<sup>rd</sup> March 2020

#### Housing Revenue Account – Garage Strategy

<b>Accountable member</b>	<b>Councillor Peter Jeffries, Cabinet Member Housing</b>
<b>Accountable officers</b>	<b>Martin Stacy, Lead Commissioner Housing Services; Dominic Stead, Head of Property and Assets</b>
<b>Ward(s) affected</b>	<b>Various</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>Cabinet is asked to approve the appended garage strategy up to 2023, which outlines the approach to managing CBC garage assets and sites. The garage strategy is based on three core principles of the CBC Corporate Plan (2019-2023) to increase the supply of affordable homes helping to build resilient communities (for example by addressing ASB issues), and making the best use of CBC assets (to maximise HRA resources). It also supports the Council’s Housing, Homelessness and Rough Sleeping Strategy (2018-23) by increasing the supply of affordable homes by way of ‘additionality’ – i.e. delivering new affordable homes over and above that which would otherwise be delivered if CBC were to rely on market forces alone. This garage strategy will therefore contribute towards our multi-million pound housing investment plan.</p> <p>The strategy seeks to strike a balance between the demand for garages from existing HRA tenants, the cost of maintaining and improving garage blocks and the desire to increase the supply of affordable homes. Where a garage site has development potential, it will be given a priority status and an option appraisal process will be followed to determine whether development of the site should be progressed.</p> <p>To date, CBC and CBH have successfully redeveloped 13 former garage sites to provide 41 new affordable homes. A further initial review of the remaining garage sites has identified that some of these sites may be suitable for redevelopment to provide more affordable homes. These sites will be reviewed, taking into account operational criteria as detailed in the strategy.</p> <p>The recommendations of this report set out the key milestones during which decisions/approvals will be taken in relation to the progression of any proposed sites. These include the decision to progress with initial feasibility work on these sites and to explore their redevelopment potential further. Initial feasibility work could include outline architect drawings, outline cost plan, legal title search, utilities search and site constraints plan. Should it be determined that redevelopment is feasible and viable, decisions will then be taken to progress these sites to planning and procure a contractor partner/s to redevelop the sites. In accordance with the Constitution, no commitment to contract will be made before tendered costs and financial information has received approval from the Cabinet Member for Housing.</p> <p>Where redevelopment is not an option, alternative uses for the garage site will be considered as appropriate. This may include providing parking spaces, community space or allotments for example, subject to any relevant approvals being given.</p>

**Recommendations**

**Cabinet is recommended to:-**

**1. Approve the garage strategy at Appendix 2**

**2. To note that:-**

2.1 the Head of Property Services, in consultation with the Cabinet Member – Housing will agree which sites will be taken forward for the further feasibility work as outlined above in the Executive Summary

2.2 following the feasibility work, the Cabinet Member – Housing will receive recommendations from the Head of Property Services to approve those garage sites which should be developed as affordable housing to be owned by the Authority (subject to planning permission and costs being within budget)

2.3 following identification of the garages sites pursuant to recommendation 2.2, CBH, on behalf of the Authority, will apply for planning permission and conduct procurements to select contractors to carry out the design and construction of the new housing

2.4. subject to the tenders for the construction of the new housing being within the budgets approved by full Council and the receipt of planning permission, the Cabinet Member – Housing will approve the change of use of the garage sites to use for the provision of new Council owned affordable housing and will authorise the award of the contracts to the successful bidders where contracts are in excess of £100,000

2.5 if the feasibility work identifies uses for the garage sites other than affordable housing to be owned by the Authority, a further report(s) will be prepared for approval by Cabinet or the Lead Member as required by the Constitution

**3. Delegate authority to the Executive Director – Finance and Assets, in consultation with the Cabinet Member Housing to:-**

3.1 submit and accept bids to Homes England for grant funding to support the delivery of new build schemes

3.2 agree the tenure of the affordable housing that will be delivered on individual sites

**4. Delegate authority to the Head of Property, in consultation with the Borough Solicitor, to take all necessary steps and undertake all necessary procedures, including entering into any legal agreements and contracts which do not exceed £100,000 or other documentation as may be required to implement or facilitate the developments**

<b>Financial implications</b>	<p>None as a direct consequence of this report.</p> <p>Full Council, at its meeting in February 2019, and in the Treasury Statement October 2019, approved the budgets to finance development within the HRA. Any specific garage sites that are proposed for development will be subject to the approval requirements as detailed within the recommendations of this report.</p> <p><b>Contact officer: Paul Jones, Executive Director- Finance and Assets</b></p> <p><b><u><a href="mailto:Paul.Jones@cheltenham.gov.uk">Paul.Jones@cheltenham.gov.uk</a></u></b></p> <p><b>01242 264365</b></p>
<b>Legal implications</b>	<p>The Council has the power under Section 9 of the Housing Act 1985 to build new housing accommodation on land it owns for that purpose. Title to all the properties will need to be investigated to ascertain whether there are any restrictions or third party rights that may impact on the ability to develop housing.</p> <p>Given that the garage sites are likely to be within estates built by the council, it is likely that if the Council sold dwellings in these areas under the right to buy, by virtue of the Housing Acts the purchasers will have acquired various rights of support, use of services and access for maintenance etc. The burden of these rights in general terms will be noted on the Council's title registered at HM Land Registry. Where specific rights are known, these need to be accommodated or varied otherwise obtaining insurance is advisable in case the development interferes with any third party rights of which the Council is not aware.</p> <p>Site inspections should also be undertaken at an early stage to identify signs of any encroachments or unauthorised use.</p> <p>The Council's contract rules and the Public Contracts Regulations 2015 will need to be complied with when looking to appoint contractors, the design team and other professionals required to design and build the new housing. There are various options that can be used to appoint the contractors and consultants such as the use of frameworks or going out to tender for all the sites at once and splitting the sites into 'lots'. Advice from One Legal and Publica procurement team must be sought at an early stage.</p> <p>Before the contractors, suppliers, architects and consultants commence work, appropriate legal documentation prepared or approved by One Legal must be completed.</p> <p><b>Contact officer: Donna Ruck, Solicitor, One Legal</b> <b><u><a href="mailto:donna.ruck@tewkesbury.gov.uk">donna.ruck@tewkesbury.gov.uk</a></u> 01684 272696</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no direct HR implications arising from this report.</p>
<b>Key risks</b>	<p>Please see risk assessment at Appendix 1 of this report</p>

<p><b>Corporate and community plan Implications</b></p>	<p>By increasing the provision of new affordable housing we will be supporting our key strategic objective of strengthening our communities. The proposed scheme supports the aspirations of the Place Strategy for Cheltenham, approved in March 2018, to focus on housing delivery as a priority with the aspiration to increase the number of affordable, accessible, safe and secure housing, and to build strong, healthy and inclusive communities.</p>
<p><b>Environmental and climate change implications</b></p>	<p>Some of the garage sites are currently redundant, void and in a potential state of disrepair awaiting investment. If the principles in the garage strategy are adopted this will ensure that the future use of all of the sites is considered which will lead to improvements to the local environment.</p> <p>The intention is that some of the sites will be redeveloped to provide new homes. The overall environmental performance of the properties will be discussed once the project team has been assembled. We will assess the financial viability of schemes with a view to reducing the carbon footprint, thereby seeking to support the Council's aim to be carbon neutral by 2030.</p>
<p><b>Property/Asset Implications</b></p>	<p>An active asset management approach to the garage sites will make best use of CBC assets and thus HRA resources. The strategy outlines that the existing use of some of the sites may change to provide hard standing for parking spaces, community uses or for the provision of new affordable homes. However it is likely that in reviewing the garage sites, repairs and maintenance will be needed for some of the assets that will result in costs to CBC that has not necessarily been identified previously and therefore budgeted.</p> <p>The development of some of the sites will be dependent on the satisfactory negotiation/resolution concerning the rights of access issues. Based on historical negotiations, the time and cost to deal with these will be significant and Property need to plan on how best to manage these inevitable challenges.</p> <p><b>Contact officer: Dominic Stead, Head of Property and Asset Management</b></p> <p><a href="mailto:Domonic.Stead@cheltenham.gov.uk">Domonic.Stead@cheltenham.gov.uk</a> 01242 264151</p>

## **1. Background**

- 1.1** The garage strategy up to 2023 aims to strike a balance between: the demand for garages from existing HRA tenants; the cost of maintaining and improving garage blocks and the desire to increase the supply of affordable homes. Where a garage site has development potential it will be given a priority status and an option appraisal process followed to determine whether development of the site is progressed. A range of operational criteria has been established against which sites will be reviewed and considered to determine the proposed strategy to manage that site in the longer term.
- 1.2** The Council's managing agent, Cheltenham Borough Homes (CBH), has been working with Council officers via the Operational Working Group (OWG) to identify suitable sites for new build within the HRA.
- 1.3** As part of an initial review of garage sites in 2010, a number of sites were identified as being no longer financially viable as garage sites with some identified as suitable for redevelopment to provide new affordable housing. Since 2010 CBH has successfully redeveloped 13 garage sites for affordable housing, providing a total of 41 new homes. The sites developed to date reflect the 'quick wins' with the more complex sites remaining. It is anticipated that of those garage sites that remain, circa 35 sites may have development potential.
- 1.4** CBH is currently developing a Development Strategy on behalf of CBC. As part of this, CBH is currently exploring the potential for further pipeline regeneration and new build opportunities to support our multi-million pound housing investment plan. This work will be complemented by a review of all funding options and sources in order to identify longer term capacity and constraints. It follows that CBC's garage strategy will complement the proposed wider Development Strategy, which will be brought before Cabinet for approval in due course.

## **2. Scheme Details**

- 2.1** On behalf of CBC, CBH manages 51 garage sites located throughout the Borough totalling 646

individual garages. Garages are let on a licence basis to both HRA tenants and where there is insufficient demand they are offered to private customers. Presently out of those that are currently let, approximately 35% are let to CBH tenants and the remaining 65% to private customers. The number of garage voids at present is 137 of which 111 are non-lettable requiring investment. The remaining 26 are available to let however remain void.

- 2.2** In order to ensure that we are making best use of CBC assets the proposal is to review all of the garage sites against the operational criteria outlined in the strategy.
- 2.3** Following a further review of the remaining garage sites there could be up to 35 sites that may have redevelopment potential. Undoubtedly the actual number of sites will diminish as until further feasibility work has been undertaken it is not possible to have certainty over which sites will ultimately be developable and thus the number of potential new affordable homes that could be provided.
- 2.4** CBH has significant experience in developing former garage sites. One factor that has affected historic sites and will undoubtedly affect the remaining sites is in respect of specific and general legal rights. CBH will work closely with the Head of Property Services and the Borough Solicitor to agree the proposed approach to dealing with these rights of way.
- 2.5** If this option appraisal process supports development of the site this will be taken forward by the CBH development team as resources allow. Should a site be identified as having development potential the proposal is to appoint a project team and progress a planning application. The scheme would then be tendered to identify a favourable contractor, subject to any relevant approvals being given.
- 2.6** Wherever possible, sites in the same geographic location will be packaged together to ensure economies of scale. This approach will need to remain flexible to take account of the individual context and status of the garage site. For example, one site within close proximity to another may be deemed to be a 'quick win' e.g. vacant and secured whilst the other may still be occupied with rights of way matters to resolve prior to progressing further. In this circumstance the sites would

potentially be split into different tranches to ensure speedy delivery.

- 2.7** If redevelopment is not a viable option, consideration will be given to whether the site should continue as garage sites or whether an alternative use is appropriate, such as community space, allotments, parking spaces or other facilities for the benefit of local residents. If any of these options are more favourable than the existing use option, then relevant approvals will be sought to progress our preferred way forward. This will ensure CBC makes best use of its assets. The sites will then be prioritised, to inform investment decisions and ensure maintenance is targeted where garages are in high demand and where additional rental income can be secured.

### **3. Reasons for recommendation**

- 3.1** The proposed garage strategy is based on three core principles of the CBC Corporate Plan (2019-2023) to increase the supply of affordable homes, help to build resilient communities (for example by addressing ASB issues), and making the best use of CBC assets (to maximise HRA resources). It also supports the Council's Housing, Homelessness and Rough Sleeping Strategy (2018-23) by increasing the supply of affordable homes by way of 'additionality' – i.e. delivering new affordable homes over and above that which would otherwise be delivered if CBC were to rely on market forces alone.
- 3.2** The benefits of proceeding with the principles noted in the garage strategy include the following:
- Make best use of CBC assets whether through potentially investing in garage sites in high demand and where rents for private customers can be increased or in redeveloping the site to provide much needed affordable housing. The sites are held in the HRA and thus there is no acquisition cost. The provision of further affordable houses would strengthen the HRA through a positive return on investment over 40 years.
  - Tackle potential Anti-Social Behaviour (ASB) hotspots and manage areas of ongoing concern.
  - Ensure the garage sites are fit for purpose and alternative uses are considered that meet the needs of the local community.

#### **4. Alternative options considered**

- 4.1 Do nothing - The sites could be retained as they are at present and rented out with no change to the existing management or rents payable. Over time the investment needed in the garages will increase which may not represent value for money.
- 4.2 Dispose of the garages – this would generate additional income to the HRA however could potentially lead to ASB issues as well as limit the future options for providing further affordable homes in the HRA.

#### **5. Consultation and feedback**

- 5.1 The principles of the garage strategy have been discussed and are supported by key officers who make up the CBC/CBH Operational Working Group (OWG) and are to be discussed in detail at the next Strategic Housing Delivery Group (SHDG) meeting taking place ahead of Cabinet. CBH's New Supply Committee and Board are also kept fully informed.
- 5.2 The detailed proposals relating to any change from the existing position as a garage site will be developed through consultation with key stakeholders including Ward Councillors. Where the proposal is to demolish the garages and provide hard standing for additional parking provision, local residents and affected garage tenants would be contacted and the proposals discussed in advance.
- 5.3 Should redevelopment be the preferred route, local residents surrounding the various sites will be written to confirming the intention to redevelop to provide new affordable housing. Prior to the formal submission of the planning application an information session will be arranged at a local facility to give residents and local stakeholders the opportunity to review and comment on the proposals.
- 5.4 Formal pre-application planning advice will be sought for each site and the schemes will be amended to incorporate comments from the Planning Department. The proposals submitted to the Planning Department will reflect the feedback received from the information sessions, CBC Planning department and CBC and CBH colleagues.

**6. Performance management - monitoring and review**

6.2 The specific proposals for each garage site would be discussed with CBC colleagues at CBC/CBH Operational Working Group and proposals agreed between both parties.

6.3 For sites to be redeveloped for new build housing, the governance structure for new build schemes would apply, overseen by the joint CBC/CBH Strategic Housing Delivery Group. The CBH Development team will manage the projects on a day to day basis. The various forums will monitor the overall delivery of the schemes, alongside the other development opportunities that materialise as part of the current pipeline of work.

<p><b>Report author</b></p>	<p><b>Contact officer:</b>  <b>Alison Salter, CBH Head of Development</b>  <a href="mailto:Alison.Salter@cbh.org">Alison.Salter@cbh.org</a> 01242 387512  <b>Martin Stacy, Lead Commissioner- Housing Services</b>  <a href="mailto:Martin.stacy@cheltenham.borough.council">Martin.stacy@cheltenham.borough.council</a> 01242 264171</p>
<p><b>Appendices</b></p>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Garage Strategy (including Appendix A – flow chart and Appendix B - Map of garage sites)</li> </ol>
<p><b>Background information</b></p>	<p>None</p>

**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
1	If third party rights of way are identified and cannot be accommodated or removed then this may adversely affect the ability to develop the sites	Dominic Stead	January 2020	3	3	9	Accept	Discuss and reach a suitable negotiated agreement/settlement. Submit planning applications and go out to tender for contractors once sites are unencumbered.		Alison Salter (CBH)	
2	If third party rights cannot be resolved, or there are other matters which affect the ability to develop the sites, then there will be abortive costs and time if schemes prove not to be viable.	Dominic Stead	January 2020	3	3	9	Accept	Mitigate by undertaking only necessary works.		Alison Salter (CBH)	
3	If we adopt a 'do nothing' approach this may lead to potential ASB and higher maintenance costs	Dominic Stead	January 2020	3	3	9	Reduce and Close	Adopt the strategy for managing garage sites and ensure that the approach is reviewed on an ongoing basis.		Matthew Ward (CBH)	
4.	If, following the	Dominic	February	1	3	3	Reduce	This will be monitored		Alison	

	outcome of the feasibility study, we do not progress with the development of a garage site for the purposes of providing new affordable housing, then the capital sums allocated for these feasibility works will in effect be written off.	Stead	2020					by CBC and CBH officers as part of the regular Operational Working Group meetings.		Slater/Stafford Cruse (CBH)	
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**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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## 2020-2023: Garage Strategy

### 1. Executive Summary

The purpose of this report is to outline the strategy which CBH will follow in managing CBC's garage assets and garage sites. The strategy is based on three key elements of the CBC Corporate Plan (2019-2023): increase the supply of affordable homes, help to build resilient communities (for example by addressing ASB issues), and making the best use of CBC assets (to maximise HRA resources). It also supports the Council's Housing, Homelessness and Rough Sleeping Strategy (2018-23) by increasing the supply of affordable homes by way of 'additionality' – i.e. delivering new affordable homes over and above that which would otherwise be delivered if CBC were to rely on market forces alone.

Each garage site will be reviewed against the following operational criteria and factors:

- the level of demand for garages and parking for existing HRA tenants.
- maintenance costs for existing garages and whether required improvements are value for money
- if there are associated ASB or tenancy management issues with the site
- whether there is a current regeneration plan for the area in which the garage site is located or the garage site is attached to a sheltered scheme, currently being considered as part of the sheltered scheme review.
- does the site have development potential to provide additional affordable homes
- is there an opportunity to increase the financial return from the site as an existing garage site.
- if there are other options available to improve the site, for example neighbourhood works.

The strategy aims to balance the demand for garages from existing HRA tenants, the cost of maintaining and improving garage blocks and the desire to increase the supply of affordable homes. Where a garage site has development potential it will be given a priority status and an option appraisal process followed with each site considered in relation to the criteria noted above to determine whether development of the site should be progressed.

Sites will be reviewed on an ongoing basis during the strategy period to reflect the fact that circumstances may change relating to the condition of garages, demand for garages from tenants and the opportunities for regeneration or development.

### 2. Background

On behalf of CBC, CBH manages 51 garage sites located throughout the Borough totalling 646 individual garages. Garages are let on a licence basis to both HRA tenants and where there is insufficient demand they are offered to private customers. Presently out of those that are currently let, 34% are let to CBH tenants and the remaining 64% to private customers. The number of garage voids at present is 137 of which 111 are non-lettable requiring investment. The remaining 26 are available to let however remain void. The number of people currently on the waiting list for a garage is 72 however the demand tends to be location specific with high demand in the town centre whereas in some other areas there is very low demand.

Rental for garages let to HRA tenants does not include VAT, however for non-CBC tenants VAT is charged on the rent. In recent years, the investment in garage sites and more focussed lettings management has led to the number of garage voids reducing. A review of the terms of the licence is ongoing and the garage rents are also being evaluated with a view to achieving higher income generation particularly from private customers. This would be consistent with the position taken by a number of other Local Authorities including Oxford City Council and Bristol City Council.

As part of an initial review of garage sites in 2010, a number of sites were identified as being no longer financially viable as garage sites with some identified as suitable for redevelopment to provide new affordable housing. Since 2010 CBH has successfully redeveloped 13 garage sites for affordable housing providing a total of 41 new homes. The sites developed to date reflect the 'quick wins' with the more complex sites remaining.

Developing garage sites for affordable housing is often resource intensive with limited scope to deliver a significant number of new homes due to the size and configuration of the garage sites; they are generally infill sites with limited access and within very close proximity to adjoining properties. In addition, over time, adjoining residents may have acquired a prescriptive right of access over part of a garage site which needs to be addressed before the site can be redeveloped. Despite these challenges the benefits of redevelopment are significant in terms of providing new homes, improving potentially problematic sites for the local community and increasing the financial resources available in the HRA.

Over the last 9 years approximately £650k has been invested in improving the garage sites. This has focussed on demolishing those in poorest structural condition with the sites either being secured or converted to parking areas. Other sites where there are good levels of demand have received a programme of improvements including door renewals, however more significant structural repair and roof replacements may not have been undertaken as these do not represent good value for money when comparing the level of investment required against the potential rental income at current rent levels. Approximately 14% of current garages are not lettable due to their condition and the investment required to bring them to a lettable condition exceeds future income potential.

The majority of the garages are small in size having been built in the 1960's and 1970's and as a result are not ideally suited to modern larger cars. In two locations (at Coates and Elgar House and Marsland Road), as part of wider neighbourhood improvement works the original garages have been removed and replaced with new, larger garages and demand for these has been good.

Whilst it is clear there is the potential for greater income generation if more garages were let, this has to be balanced against the cost of investment needed, ongoing maintenance and management considerations and alternatives uses of the sites.

### 3. Proposed strategy

The release of the HRA debt cap brings with it the opportunity to increase the supply of affordable housing and the development potential of existing HRA assets, such as garage sites, has been identified as one way to assist in delivering this additional affordable housing.

In the first instance all current garage sites will be reviewed and assessed against the operational criteria noted above to determine whether there is viable development potential, taking into account unit capacity, legal encumbrances, complexity and cost of potential build. In addition, certain garage sites may be located in an area earmarked for potential regeneration (subject to CBC approval) or adjoining a property that is undergoing an option appraisal process and therefore the site will be included within this specific appraisal process.

Where sites are identified as having development potential these will then be prioritised based on the following (see appendix A):

- Garage sites that may fall within a potential future regeneration area or sheltered stock options appraisal. In these instances, these garage sites will be appraised within the scope of the respective project, once the project has been approved by CBC.
- Garage sites that have been demolished and access secured (PRIORITY 1);
- Garage sites that have been demolished with hardstanding area used for parking (PRIORITY 2);
- Garage sites that are in low demand or not lettable (PRIORITY 3);
- Remaining garage sites with full/high occupation and waiting lists (PRIORITY 4).

There are circa 35 sites that might have development potential and therefore prioritisation of these sites is important. A detailed options appraisal will be conducted on each of these sites in consideration of the operational criteria noted above but also incorporating the following:

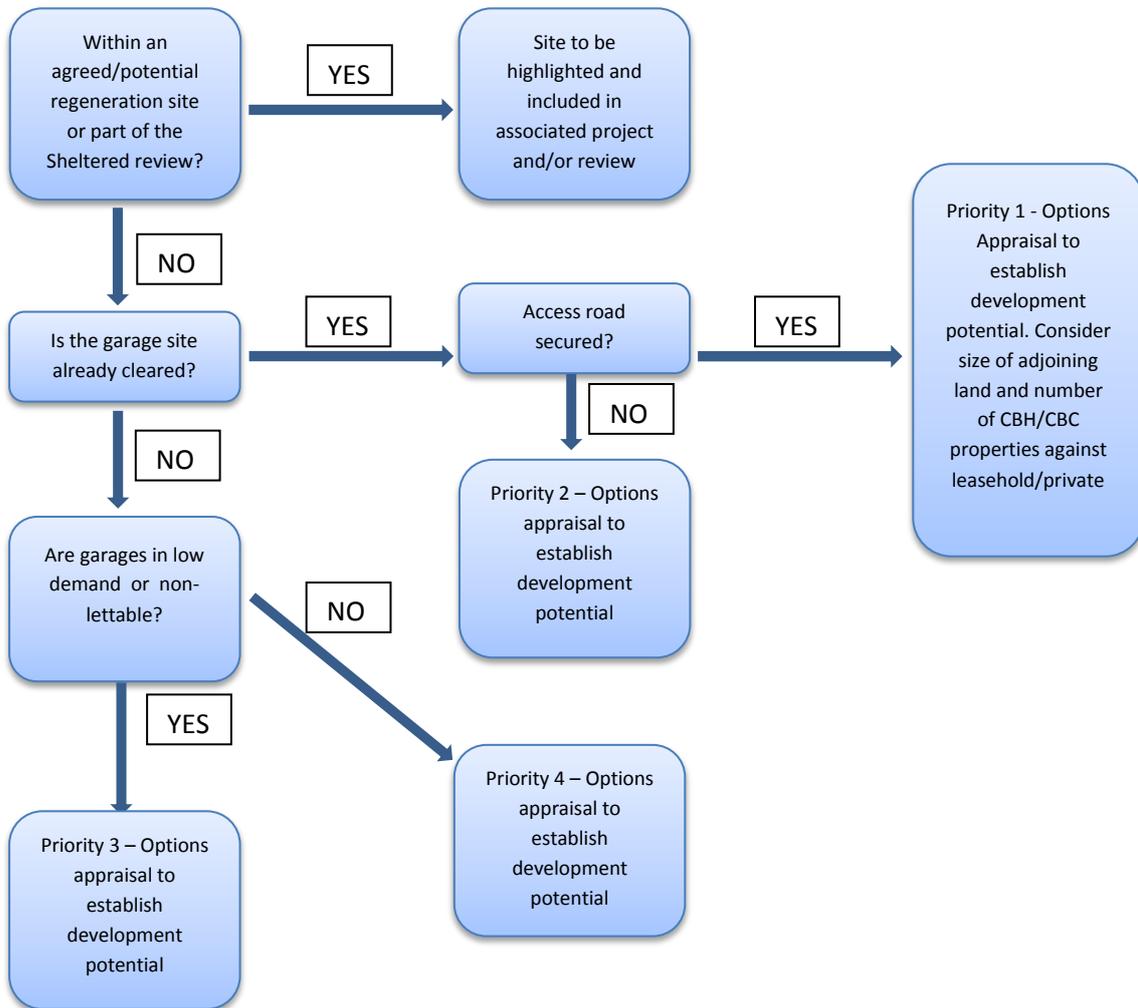
- Detailed site visits to identify any potential Rights of Way/access issues or other constraints to development.
- Legal enquiries utilising One Legal to provide detailed report on titles identifying any legal constraints to development (covenants, Rights of Way etc.) and service enquiries with the utility companies.
- Discussions with CBC officers regarding tenure and housing needs in the local area.
- Procuring an architect to carry out an initial sketch proposal to provide an indication as to the likely number of homes that can be provided on sites and a consideration of any site constraints.
- Holding a preliminary meeting to seek advice from the planning department on the sketch proposals drawn up.

If this option appraisal process supports development of the site this will be taken forward by the CBH development team as resources allow.

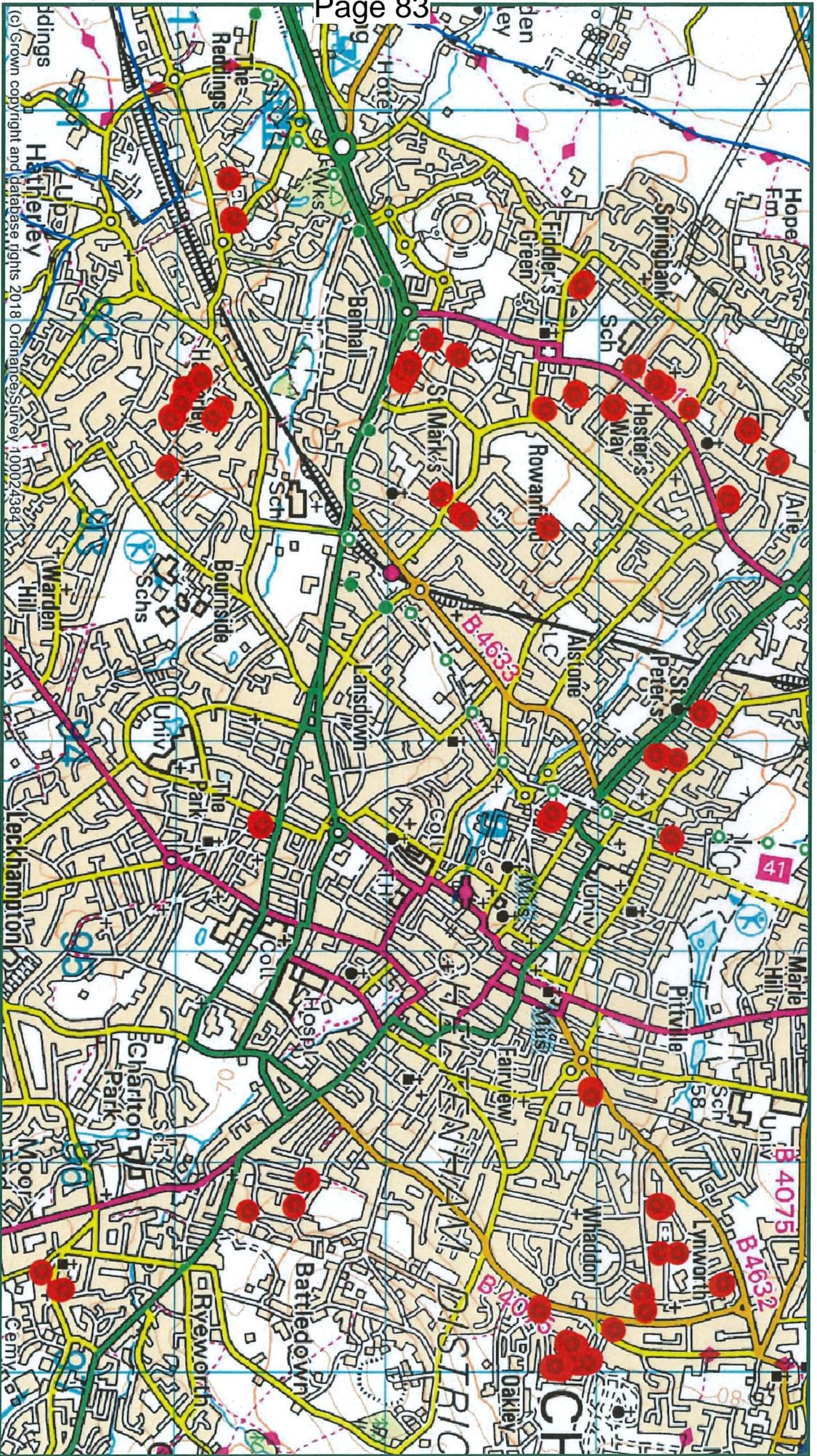
Whilst looking at sites through the option appraisal process, it is important to consider the number of CBC/CBH properties within the direct vicinity adjoining the garage sites against numbers of private and or leasehold units, rights of way, size of adjacent land in and around the site. A number of sites are surrounded by CBC stock and when existing dwellings are considered in conjunction with the footprint of the garage sites the potential developable land could be enhanced.

If redevelopment is not a viable option consideration will be given to whether the site should continue as a garage site or whether an alternative use is appropriate, such as community space, allotments, parking spaces or other facilities for the benefit of local residents. This will ensure CBC makes best use of its assets. The sites will then be prioritised, to inform investment decisions and ensure maintenance is targeted where garages are in high demand and where additional rental income can be secured. As noted, the rents for private customers will also be reviewed with a view to increasing income generated from garage sites and ensure best use of CBC assets.

**APPENDIX 2A)– Garage Prioritisation Methodology**



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*Garage Sites - Appendix B.*



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**Cheltenham Borough Council**  
**Cabinet 3<sup>rd</sup> March 2020**  
**Local Discretionary Business Rates Relief Schemes**

<b>Accountable member</b>	<b>Councillor Rowena Hay, Cabinet Member Finance</b>
<b>Accountable officer</b>	<b>Jayne Gilpin, Head of Revenues and Benefits</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>Business Rate relief schemes have been in place since the 2017 revaluation and retail discounts were introduced in 2019/20. These schemes are now being updated for 2020/21. In addition the government is introducing a new relief scheme for pubs in 2020/21.</p> <p>The reliefs are to be awarded using the Council's discretionary powers and approval is also being sought to continue these reliefs in accordance with the Government guidance and funding.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the increase in the business rates retail discount scheme for 2020/21 as detailed in appendix 2 and the detailed guidance in appendix 3</b></li> <li><b>2. Approve the local discretionary revaluation support scheme for 2020/21 in accordance with section 2 of this report and appendix 2</b></li> <li><b>3. Approve the continuation of the Supporting Small Businesses Relief Scheme in accordance appendix 2</b></li> <li><b>4. Approve the Pub Discount scheme for 2020/21 in line with appendix 2 and the detailed guidance in appendix 4</b></li> <li><b>5. Authorises the Executive Director Finance and Assets, in consultation with the Cabinet Member Finance, to reset the percentage relief level for local revaluation support in respect of 2020/21 if necessary</b></li> <li><b>6. Due to the volume of cases, delegate decisions relating to the application of these reliefs to the Head of Revenues and Benefits and officers in the Business Rates team. In the case of a dispute reconsideration is to be made by the Executive Director Finance and Assets.</b></li> </ol>

<b>Financial implications</b>	<p>As detailed within the report and appendices Central government will fully reimburse local authorities for the local share of the retail discounts provided the Council uses its powers to grant them in accordance with the guidance.</p> <p>With regards to local revaluation support, the Government has allocated a specific sum of money to billing authorities for each of the four years 2017/18 to 2020/21 to fund a locally designed relief scheme as set out in para 2.1.</p> <p><b>Contact officer: Paul Jones</b> <b>paul.jones@cheltenham.gov.uk, 01242 775154</b></p>
<b>Legal implications</b>	<p>The Council has statutory power to award discretionary rate relief under S47 of the Local Government Finance Act 1988 (as amended by S69 of the Localism Act 2011).</p> <p>The cost of relief to the Local Authority can be recovered from the Government by way of grant under Section 31 of the Local Government Act 2003. The government must establish a discretionary scheme for administering the relief to access this funding.</p> <p>Providing discretionary relief is likely to amount to State Aid and as such the relief should be awarded in accordance with the De Minimis Regulations, and an undertaking must advise the Council if they have received any other State Aid that exceeds a total of €200,000 in a 3 year period.</p> <p><b>Contact officer: Sarah Farooqi,</b> <b><a href="mailto:sarah.farooqi@tewkesbury.gov.uk">sarah.farooqi@tewkesbury.gov.uk</a>, 01684 272012</b></p>
<b>HR implications (including learning and organisational development)</b>	There are none associated with this report
<b>Key risks</b>	<b>See appendix 1</b>
<b>Corporate and community plan Implications</b>	None
<b>Environmental and climate change implications</b>	None
<b>Property/Asset Implications</b>	<p>There is nothing in this report which impacts on Council properties</p> <p><b>Contact officer: Dominic.Stead@cheltenham.gov.uk</b></p>

## 1. Retail Discounts

- 1.1 In the budget statement on 29 October 2018 the Government announced that it would provide business rates discounts for retail properties for the financial years 2019/20 and 2020/21.
- 1.2 In 2019/20 the discounts apply to occupied properties being used for retail purposes with a rateable value of less than 51,000. The value of discount is one third of the full rates payable, to be applied after other reliefs.
- 1.3 Retail discounts totalling just over £900,000 have been awarded to 300 businesses in 2019/20.
- 1.4 The Government has confirmed that for 2020/21 the level of discount is being increased to 50% of the rates payable after all other reliefs and extended the criteria to include music venues and cinemas.
- 1.5 In addition to the cinemas and music venues being added for 2020/21 the discount is available to shops, bars, pubs, café's, restaurants, coffee shops and takeaways. It also includes those properties being used for services such as travel agents, hair dressers, dry cleaners and shoe repairs. A list of the types of retail purposes is in the guidance in appendix 3
- 1.6 As these are a temporary measure, the government is not changing business rates legislation; it expects billing authorities to use their discretionary relief powers under section 47 of the Local Government Finance Act 1988, amended by the Localism act, to adopt a scheme to grant the discounts using the detailed guidance provided which is in appendix 3. Administration and State Aid in sections 5 and 6 of appendix 2 will also apply to this relief.
- 1.7 The Government will fully fund the local share of retail discounts awarded, provided the Council uses its powers to grant relief in accordance with the eligibility criteria in the guidance.
- 1.8 The discounts are subject to state aid rules so larger businesses with multiple outlets will not qualify.
- 1.9 The 50% discount will be included on bills for 2020/21 being issued in March 2020

## 2. Local Revaluation Support 2020/21

- 2.1 Local Revaluation Support has been available since 2017/18 to help businesses facing large increases in rates bills due the to the 2017 revaluation. The Government allocated a specific sum of money to billing authorities for each of the four years 2017/18 to 2020/21 to fund a locally designed relief scheme. This Council was allocated the following amounts:

<b>Amount of discretionary fund awarded (£000s)</b>			
<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
271	132	54	7.7

- 2.2 As the revaluation support scheme is intended to provide relief to businesses that faced increased bills due to the revaluation, relief will only available to businesses that have qualified continually since 2017/18.
- 2.3 220 businesses have benefited from support in 2019/20.
- 2.4 2020/21 is the final year of funding for Local Revaluation Support Relief with just £7,700 being available to distribute to businesses.
- 2.5 In 2020/21 businesses in receipt of any other mandatory or discretionary reliefs, including those funded by the Government will be excluded from this scheme. This leaves about 120 businesses to share the £7,700.
- 2.6 The relief awarded will be calculated at 0.35% of the net rates payable after all reliefs
- 2.7 Approval is being sought to award the relief in line with the funding available and the scheme conditions in appendix 2.
- 2.8 Authority is also being sought for the Executive Director Finance and Assets, in consultation with the Cabinet Member for Finance, to reset the actual percentage to be applied, should it be necessary to ensure the maximum funding is distributed to businesses.

### **3. Relief for Businesses losing Small Business Rate Relief**

- 3.1 This relief is available to help those ratepayers who as a result of the 2017 revaluation lost all or some of their small business rate relief and faced large increases in bills.
- 3.2 The relief limited the increase in 2017/18 to the greater of 5% or £600. It then reduced each year.
- 3.3 The relief in 2020/21 is a continuation of the scheme since 2017/18 and is the final year.
- 3.4 The relief is funded by the Government and will be awarded in line with the detailed guidance using the Council's discretionary powers. Sections 5 and 6 on State Aid and Administration in Appendix 2 will also apply to this relief.

### **4. Pubs Discount 2020/21**

- 4.1 On 22 January 2020 the Government announced its intention to provide a £1,000 business rate discount to pubs.
- 4.2 The discount is a one year measure for 2020/21 only and will apply to pubs with a rateable value of less than £100,000, subject to state aid rules.
- 4.3 The discount will be fully funded by the Government and is to be awarded in line with the detailed guidance in Appendix 4 using the Council's discretionary powers. Sections 5 and 6 on State Aid and Administration in Appendix 2 will apply to this relief.
- 4.4 The business rates team are identifying pubs likely to qualify for this discount, subject to state aid rules, The discount will be applied to business rates bills.
- 4.5 The business rates team are identifying eligible businesses but most likely will be asked

to verify that they are not in receipt of any other state aid that would mean they exceed the current limits

## 5. Alternative options considered

- 5.1 Government funding is available for all of the reliefs in this report. In respect of Revaluation support, funding is limited to the stipulated amount. If the policy is not approved and implemented the funding must be returned to the Government
- 5.2 In respect of the other reliefs Government expects billing authorities to grant these reliefs to qualifying ratepayers and will fully reimburse the Council for its share of the cost of reliefs awarded in line with the guidance. If the policy is not approved and implemented the funding must be returned to the Government.

## 6. Consultation and feedback

- 6.1 Gloucestershire County Council as a precepting authority receiving funding via the business rates retention system were consulted on the revaluation support scheme through the countywide Chief Finance Officer group.

## 7. Performance management –monitoring and review

- 7.1 The number of businesses benefiting from these relief schemes and the total amount awarded will be monitored by the Head of Revenues and Benefits.
- 7.2 A review will be undertaken during each year to ensure the maximum funding is being allocated to businesses.

<b>Report author</b>	<b>Contact officer: Jayne Gilpin, Head of Revenues and Benefits</b> <b>Jayne.gilpin@cheltenham.gov.uk,</b> <b>01242 264323</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Local Discretionary Business Rates Relief Schemes March 2020</li> <li>3. Retail Discount guidance</li> <li>4. Pub Discount Guidance</li> </ol>
<b>Background information</b>	1. Section 47 Local Government Finance Act 1988, as amended by clause 69 of The Localism Act 2011

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the policy is not approved local businesses will suffer and the funding available for the revaluation support scheme will have to be returned to the Government	Jayne Gilpin	12/02/2020	2	1	2	Accept	Cabinet Approves the report recommendations	03/03/2019	Jayne Gilpin	
2	If more local revaluation support is awarded than the funding received from Government the council will be required to cover the cost	Jayne Gilpin	12/02/2020	2	3	6	Accept and Monitor	The amount of relief available to businesses does not exceed the funding available. Monitoring will be undertaken monthly	03/03/2020	Jayne Gilpin	

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**Explanatory notes**

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

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

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

**Guidance**

Types of risks could include the following:

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

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

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

### **Risk ref**

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

### **Risk Description**

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

### **Risk owner**

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

### **Risk score**

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

### **Control**

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

### **Action**

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

### **Responsible officer**

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

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

### **Transferred to risk register**

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

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**Cheltenham Borough Council Policy for  
Local Discretionary Business Rates Relief Schemes  
Cabinet 03 March 2020**

The policy sets out the Council's Local Discretionary Rate Relief Schemes for 2020/21 under section 47 of the Local Government Finance Act 1988, as amended.

**Section 1: Retail Discounts**

Retail discounts will be available in the financial years 2019/20 and 2020/21 for occupied retail properties with a rateable value of less than £51,000. The discounts will end on 31 March 2021.

In 2019/20 the discount is one third of the rates payable after mandatory reliefs, supporting small business relief and local revaluation support 2019/20.

In 2020/21 the discount is fifty per cent applied after mandatory reliefs, supporting small business relief but before pub discount and other discretionary reliefs.

The discounts will be awarded in line with the detailed guidance issued by the Ministry of Housing, Communities and Local Government. State Aid rules as detailed in section 3 will apply and the relief will be administered as detailed in section 4.

**Section 2: Local Revaluation Support**

The revaluation support scheme is available to businesses with increased rate bills on 1<sup>st</sup> April 2017 compared to 2016/17 bills, as a result of the 2017 revaluation. As the relief is based on increases due to revaluation it is only applicable in 2018/19 and 2019/20 to those businesses continually in receipt of relief since 1<sup>st</sup> April 2017, provided the qualifying conditions continue to be met.

2020/21 is the final year of this scheme and relief will end on 31 March 2021. In 2020/21 relief will only be applicable to those businesses which have continually been in receipt of the relief since 1st April 2017, meet the qualifying conditions below are not also in receipt of one of the following reliefs:

- Transitional relief
- Small business rate relief
- Supporting small business relief
- Retail discount
- Pub discount
- Any other mandatory or discretionary reliefs

## Qualifying Conditions

Revaluation Support will only be awarded in respect of the rates payable for a property where the following conditions are met

- There has been an increase in the rates bill from 1<sup>st</sup> April 2017 compared to 2016/2017 bill, as a result of the 2017 revaluation
- The ratepayer must be in occupation and liable for business rates for the relevant property on 31<sup>st</sup> March 2017 and 1<sup>st</sup> April 2017
- The rateable value is less than 200,000
- The annual increase in rates bill for 2017/18 is more than £50.00 or 3% more, whichever is greater, when compared to the annual bill for 2016/17
- The property must be occupied, relief will not apply to empty properties
- The business must not occupy more than two properties anywhere in the UK. If a business occupies no more than two properties and both are in Cheltenham relief will be available in respect of both properties

Relief will not be awarded in the following circumstances

- The relevant property is empty or becomes empty
- The relevant property is not in the rating list on 31<sup>st</sup> March and 1<sup>st</sup> April 2017
- The ratepayer occupies the property on or after 1<sup>st</sup> April 2017
- The ratepayer is in receipt of mandatory, discretionary or CASC rate relief
- The rateable value is 200,000 or more, or increases to 200,000 or more
- New, split or merged properties in the rating list after 1<sup>st</sup> April 2017
- Where the rates payable increases due to the ratepayer ceasing to qualify for any other reliefs
- Where a business occupies more than two properties anywhere in the UK
- Educational establishments, sports centres, health centres/doctors surgeries and any publicly funded organisation will not be eligible

Relief will be recalculated in the following circumstances

- A change in rateable value in either the 2010 or 2017 rating lists
- The provision of a certificated value for the 2010 or 2017 rating list
- Any other reduction in the rates payable before revaluation support relief is applied
- Where there is an increase in rateable value after 1<sup>st</sup> April 2017 relief will not be awarded in respect of the rates payable attributable to the increase
- Any of the above conditions cease to be met

## Amount of Relief

<b>2017/18</b>	85% of the increase in 2017/18 bills compared to 2016/17 where the increase is over 3% or £50, whichever is the greater
<b>2018/19</b>	4.1 % of the net rates payable after other reliefs
<b>2019/20</b>	1.6% of the net rates payable after other reliefs apart from Retail discount
<b>2020/21</b>	0.35% of the net rates payable before this relief is applied

### **Section 3: Supporting Small Businesses Relief**

Relief will be awarded to ratepayers losing some or all of their small business rate relief due to the 2017 revaluation. The relief will be awarded in line with the detailed guidance issued by the Ministry of Housing, Communities and Local Government and the scheme will end on 31 March 2021. State Aid rules as detailed in section 3 and will apply and the relief will be administered as detailed in section 4.

### **Section 4: Pubs Discount**

A maximum discount of £1,000 will be awarded to pubs where the rateable value is less than 100,000 in line with the detailed guidance issued by the Ministry of Housing, Communities and Local Government. This relief is available in 2020/21 only and will end on 31<sup>st</sup> March 2021. State aid rules as detailed in section 4 will apply and the relief will be administered as detailed in Section 5.

### **Section 5: State Aid**

The award of Retail discounts, Revaluation Support, Pub Discount and Supporting Small Business Relief must all comply with EU law on State Aid. This law continues to apply after 31 January 2020. Businesses applying for, or in receipt of, relief must advise the Council if they have received any other State Aid that exceeds, in total, €200,000 in a 3 year period, under the De Minimis Regulations EC 1407/2013. The total amount of State Aid received includes any other discretionary business rates reliefs being granted in respect of all properties for which the business is responsible. Further information on State Aid law can be found at <https://www.gov.uk/state-aid>.

### **Section 6: Administration**

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- Cheltenham Borough Council will administer the schemes under Section 47 of The Local Government Finance Act 1988 as amended by The Localism Act 2011 and The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059)
- Relief awarded under the above provisions cannot be awarded in respect of any financial year once after 6 months after the end of that financial year have elapsed.
- Entitlement to Retail Discounts, Revaluation Support and Supporting Small Business Relief and Pubs Discount will be dependent on the qualifying conditions being met.
- Relief awarded in respect of each financial year will end on 31 March in the relevant year
- Relief will be recalculated or cancelled to reflect a change in circumstances, change to entries in Rating List, or any of the conditions cease to be met.
- Decisions relating to the granting of reliefs will be delegated to the staff within the Revenues and Benefits Service
- Reliefs may be granted automatically where information held on the business rate account confirms eligibility in line with the qualifying criteria. In these cases businesses will be asked to notify the council if they are in receipt of other State Aid
- Where sufficient information is not held businesses will be required to complete and submit an application form including a declaration in respect of State Aid
- There is no statutory right of appeal against a decision made by the Council in respect of Retail Discounts, Supporting Small Businesses, Pubs Discount, or Revaluation Support Relief. However, the Council will reconsider the decision if the ratepayer is dissatisfied with the outcome.
- The request for a reconsideration must be made no later than 3 months after the end of the financial year for which relief is being requested.
- The review will be carried out by the Executive Director Finance and Assets in consultation with the Cabinet Member Finance
- If an unsuccessful applicant requests a reconsideration they will need to continue to pay their rates bill. Once the reconsideration has been carried out, the ratepayer will be informed, in writing, of the decision.



Ministry of Housing,  
Communities &  
Local Government

## Business Rates

Retail Discount 2020/21 – Local Authority Guidance



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January 2020

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## About this guidance

This guidance is intended to support local authorities in administering the business rates Retail Discount announced in a Written Ministerial Statement on 27 January 2020. This guidance applies to England only.

1. This guidance sets out the criteria which central government considers for this purpose to be retail and eligible for this discount. The guidance does not replace existing legislation.
2. Enquiries on this measure should be addressed to:  
[ndr@communities.gov.uk](mailto:ndr@communities.gov.uk)

## Introduction

3. The Government recognises that changing consumer behaviour presents a significant challenge for retailers in our town centres and is taking action to help the high street evolve.
4. The Government announced in the Budget on 29 October 2018 that it would provide a Business Rates Retail Discount, to apply in the years 2019/20 and 2020/21. In a Written Ministerial Statement on 27 January 2020 the Government announced that it would extend the value of the Retail Discount from one third of the bill to 50% in 2020/21. This relief will apply to occupied retail properties with a rateable value of less than £51,000 in the year 2020/21. Where an authority applies a locally funded relief under section 47 this is must be applied after the Retail Discount and, where appropriate, the 2020/21 pubs discount.
5. This document provides guidance to authorities about the operation and delivery of the policy. The Government expects that local authorities will include details of the relief to be provided to eligible ratepayers for 2020/21 in their bills for the beginning of that year.

## Retail Discount

### How will the relief be provided?

6. As this is a measure for 2020/21 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers, under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief. It will be for individual local billing authorities to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). The

Government expects local government to apply and grant relief to qualifying ratepayers from the start of the 2020/21 billing cycle.

7. Central government will reimburse billing authorities and those major precepting authorities for the actual cost to them under the rates retention scheme of the relief that falls within the definitions in this guidance. However, authorities should continue to complete their NNDR1 for 2020/21 based on the previous one third discount scheme - local authorities will then be asked to provide a further and separate estimate of their likely total cost for providing the 50% relief in 2020/21.<sup>1</sup> Central government will provide payments to authorities to cover the local share, as per the usual process.
8. Local authorities will also be asked to provide outturn data on the actual total cost for providing the relief, as per the usual process, via the National Non-Domestic Rate 3 (NNDR3) forms for 2020/21. Any required reconciliations will then be conducted at these points.<sup>2</sup>

### **Which properties will benefit from relief?**

9. Properties that will benefit from the relief will be occupied hereditaments with a rateable value of less than £51,000, that are wholly or mainly being used as shops, restaurants, cafes, drinking establishments, cinemas and live music venues.
10. We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:
  - i. **Hereditaments that are being used for the sale of goods to visiting members of the public:**
    - Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
    - Charity shops
    - Opticians
    - Post offices
    - Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
    - Car/caravan show rooms
    - Second hand car lots
    - Markets
    - Petrol stations
    - Garden centres
    - Art galleries (where art is for sale/hire)

---

<sup>1</sup> Should authorities have calculated the value of retail discount on a 50% basis, they do not need to recalculate this. However they must ensure that the department is notified that the figures have been calculated on that basis when submitting their NNDR1 form.

<sup>2</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.

**ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:**

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

**iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:**

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

**iv. Hereditaments which are being used as cinemas**

**v. Hereditaments that are being used as live music venues:**

- live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music.

Although we would expect this would be clear in most circumstances, guidance on this may be found in Chapter 16 of the statutory guidance issued in April 2018 under section 182 of the Licensing Act 2003.<sup>3</sup>

11. To qualify for the relief the hereditament should be wholly or mainly being used as shops, restaurants, cafes, drinking establishments, cinemas and live music venues. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.
12. The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. There will also be mixed uses. However, it is intended to be a guide for authorities as to the types of uses that the Government considers for this purpose to be retail. Authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.
13. The list below sets out the types of uses that the Government does not consider to be retail use for the purpose of this relief. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the relief under their local scheme.

**i. Hereditaments that are being used for the provision of the following services to visiting members of the public:**

- Financial services (e.g. banks, building societies, cash points, bureaux de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
- Post office sorting offices

**ii. Hereditaments that are not reasonably accessible to visiting members of the public**

14. Generally speaking, the government also does not consider other assembly or leisure uses beyond those listed at paragraph 11 to be retail uses for the purpose of the discount. For example, theatres and museums are outside the scope of the scheme, as are nightclubs. Hereditaments used for sport or physical recreation (e.g. gyms) are also outside the scope of the discount. Where there is doubt, the local

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<sup>3</sup> The statutory guidance can be accessed here: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

authority should exercise their discretion with reference to the above and knowledge of their local tax base.

**How much relief will be available?**

- 15. The total amount of government-funded relief available for each property for 2020/21 under this scheme is 50% of the bill, after mandatory reliefs and, with the exception of the 2020/21 pubs discount, other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants.<sup>4</sup> The 2020/21 pubs discount should be applied after the retail discount. There is no relief available under this scheme for properties with a rateable value of £51,000 or more. Of course, councils may use their discretionary powers to offer further discounts outside this scheme. However, where an authority applies a locally funded relief under section 47 this is must also be applied after the Retail Discount.
- 16. The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a chargeable day for particular hereditament in the financial year 2019/20:

Amount of relief to be granted =

$$\frac{V}{2} \text{ where}$$

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding the pubs discount and those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants.<sup>5</sup>

- 17. This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.
- 18. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid De Minimis limits.

**State Aid**

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<sup>4</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.

<sup>5</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.

19. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State aid. However, Retail Relief will be State aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)<sup>6</sup>.
20. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years). Local authorities should familiarise themselves with the terms of this State aid exemption, in particular the types of undertaking that are excluded from receiving De Minimis aid (Article 1), the relevant definition of undertaking (Article 2(2))<sup>7</sup> and the requirement to convert the aid into Euros.<sup>8</sup>
21. To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State aid is not relevant to the De Minimis calculation). Annex B of this guidance contains a sample De Minimis declaration which local authorities may wish to use, to discharge this responsibility. Where local authorities have further questions about De Minimis or other aspects of State Aid law, they should seek advice from their legal department in the first instance.<sup>9</sup>
22. Whilst the UK is scheduled to leave the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during an implementation period State aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. Local authorities should therefore continue to apply State aid rules, including De Minimis, to the relief for during the implementation period.

### **Splits, mergers, and changes to existing hereditaments**

23. The relief should be applied on a day to day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day.

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<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

<sup>7</sup> The 'New SME Definition user guide and model declaration' provides further guidance: [http://ec.europa.eu/enterprise/policies/sme/files/sme\\_definition/sme\\_user\\_guide\\_en.pdf](http://ec.europa.eu/enterprise/policies/sme/files/sme_definition/sme_user_guide_en.pdf)

<sup>8</sup> [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/infoeuro/infoeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/infoeuro_en.cfm)

<sup>9</sup> Detailed State Aid guidance can also be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15277/National\\_State\\_Aid\\_Law\\_Requirements.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15277/National_State_Aid_Law_Requirements.pdf)

## Annex A: Calculation examples for 2020/21

The retail discount (one third) is always calculated after mandatory relief and other discretionary reliefs funded by section 31 grant. The multiplier used here is provisional.

### Example 1: An occupied shop with a rateable value of £40,000

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Retail discount (50%):	= -£9,980
Rates due (after retail discount):	= £9,980

### Example 2: An occupied charity shop with a rateable value of £40,000

Gross rates (before any reliefs) = £40,000 x 0.512	= £20,480
Net rates after charity relief:	= <u>£4,096</u>
Retail discount (50%):	= -£2,048
Rates due (after charity relief and retail discount):	= £2,048

### Example 3: An occupied shop with a rateable value of £13,500 eligible for Small Business Rate Relief (SBRR)

Gross rates (before any reliefs) = £13,500 x 0.490	= £6,737
Net rates after SBRR (50%):	= <u>£3,368</u>
Retail discount (50%):	= -£1,684
Rates due (after SBRR and retail discount):	= £1,684

### Example 4: An occupied shop with a rateable value of £10,000 eligible for Small Business Rate Relief (SBRR)

Gross rates (before any reliefs) = £10,000 x 0.499	= £4,990
Net rates after SBRR (100%):	= £nil
Rates bill is nil and, therefore, no retail discount applies	

### Example 5: An occupied shop with a rateable value of £40,000 eligible for Transitional Relief (TR) and receiving Revaluation Discretionary Relief

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Transitional Relief (say):	= -£1,500
Net rates after Transitional Relief:	= £18,460
Net rates after Revaluation Discretionary Relief (say):	= <u>£15,460</u>
Retail discount (50%):	= -£7,730
Rates due (after TR, revaluation relief and retail discount):	= £7,730

### Example 6: An occupied shop with a rateable value of £18,000 previously paying nothing prior to revaluation 2017 and eligible for Supporting Small Businesses Relief (SSB)

Gross rates (before any reliefs) = £18,000 x 0.499	= £8,982
Supporting Small Businesses Relief (say):	= -£6,582

<b>Net rates after SSB:</b>	<b>= £2,400</b>
Retail discount (50%):	= -£1200
<b>Rates due (after SSB and retail discount):</b>	<b>= £1200</b>

**Example 7: A shop with a rateable value of £40,000 (example 1) but only occupied until 30 September 2019**

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Retail discount (50%):	= -£9,980
Rates due p.a. (after retail discount):	= £9,980
Daily charge while occupied (leap year):	= £27.34 per day
Occupied charge 1/4/20 to 30/9/20 (183 days):	= £4,976
Unoccupied property relief (1/10/19 to 1/1/20):	= £nil
Unoccupied property rates (1/1/20 to 31/3/20),	
£40,000 x 0.512 x 91/365	= £5,106
Rates due for the year (after retail relief):	= £10,082

**Example 8: A shop with a rateable value of £40,000 (example 1) with a rateable value increase to £60,000 with effect from 1 October 2019**

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Retail discount (50%):	= -£9,980
Rates due p.a. (after retail discount):	= £9,980
Daily charge while occupied (leap year):	= £27.34 per day
Charge 1/4/20 to 30/9/20 (182 days):	= £4,976
Daily charge on standard multiplier (1/10/20 to 31/3/21):	
(£60,000 x 0.512)/365	= £84.16 per day
Charge 1/10/20 to 31/3/21 (183 days):	= £15,402
Rates due for the year (after retail relief):	= £20,378

## Annex B: Sample paragraphs that could be included in letters to ratepayers about Retail Discount for 2020/21

In a Written Ministerial Statement on 27 January 2020 the Government announced that eligible retailers will receive a 50% discount on their business rates bills for one year from April 2020.

Relief will be provided to eligible occupied retail properties with a rateable value of less than £51,000 in 2020/21. Your current rates bill includes this Retail Discount.

Awards such as Retail Discount are required to comply with the EU law on State Aid.<sup>10</sup> In this case, this involves returning the attached declaration to this authority if you have received any other *de minimis* State Aid, including any other Retail Discount you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of Retail Discount does not exceed the €200,000 an undertaking<sup>11</sup> can receive under the *de minimis* Regulations EC 1407/2013.

Please complete the declaration and return it to the address above. In terms of declaring previous *de minimis* aid, we are only interested in public support which is *de minimis* aid (State Aid received under other exemptions or public support which is not State Aid does not need to be declared).

If you have not received any other *de minimis* State Aid, including any other Retail Discount you are being granted for premises other than the one to which this bill and letter relates, you do not need to complete or return the declaration.

If you wish to refuse to receive the Retail Discount granted in relation to the premises to which this bill and letter relates, please complete the attached form and return it to the address above. You do not need to complete the declaration. This may be particularly relevant to those premises that are part of a large retail chain, where the cumulative total of Retail Discount received could exceed €200,000.

Under the European Commission rules, you must retain this letter for three years from the date on this letter and produce it on any request by the UK public authorities or the European Commission. (You may need to keep this letter longer than three years for other purposes). Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on '*de minimis*' aid for the next three years.

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<sup>10</sup>.Further information on State Aid law can be found at <https://www.gov.uk/state-aid>

<sup>11</sup> An undertaking is an entity which is engaged in economic activity. This means that it puts goods or services on a given market. The important thing is what the entity does, not its status. Therefore, a charity or not for profit company can be undertakings if they are involved in economic activities. A single undertaking will normally encompass the business group rather than a single company within a group. Article 2.2 of the *de minimis* Regulations (Commission Regulation EC/ 1407/2013) defines the meaning of 'single undertaking'.

**'De minimis' declaration**

Dear [ ]

NON-DOMESTIC RATES ACCOUNT NUMBER: \_\_\_\_\_

The value of the non-domestic rates Retail Discount to be provided to [name of undertaking] by [name of local authority] is £ [ ] (Euros [ ]).

This award shall comply with the EU law on State Aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of *De minimis* aid within the current financial year or the previous two financial years). The *de minimis* Regulations 1407/2013 (as published in the Official Journal of the European Union L352 24.12.2013) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF> .

<b>Amount of <i>de minimis</i> aid</b>	<b>Date of aid</b>	<b>Organisation providing aid</b>	<b>Nature of aid</b>

I confirm that:

1) I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking]; and

2) \_\_\_\_\_ [name of undertaking] shall not exceed its *De minimis* threshold by accepting this Retail Discount.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

**Refusal of Retail Discount form**

<b>Name and address of premises</b>	<b>Non-domestic rates account number</b>	<b>Amount of Retail Discount</b>

I confirm that I wish to refuse Retail Discount in relation to the above premises.

I confirm that I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking].

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:



Ministry of Housing,  
Communities &  
Local Government

## Business Rates

Pubs Discount 2020/21 – Local Authority Guidance



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Fry Building  
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London  
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January 2020

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## About this guidance

1. This guidance is intended to support local authorities in administering the business “Pubs Discount 2020/21” scheme announced in a Written Ministerial Statement on 27 January 2020.
2. The guidance sets out how the scheme should operate and the eligibility criteria that should apply. This Guidance applies to England only.
3. Enquiries on this measure should be addressed to:  
[ndr@communities.gov.uk](mailto:ndr@communities.gov.uk)

## Introduction

4. The Government recognises the important role that pubs play in urban and rural communities across the country. In a Written Ministerial Statement on 27 January 2020, the Financial Secretary to the Treasury announced a £1,000 business rate discount for public houses with a rateable value of less than £100,000 for one year from 1 April 2020.

### How will the relief be provided?

5. As this is a measure for 2020-21 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. It will be for individual local billing authorities to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.
6. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). The Government expects local government to apply and grant relief to qualifying ratepayers from the start of the 2020/21 billing cycle.
7. Local authorities will be asked to provide an estimate of their likely total cost for providing the relief in a supplementary return for 2020/21. Central government will provide payments to authorities to cover the local share, as per the usual process.
8. Local authorities will also be asked to provide outturn data on the actual total cost for providing the relief, as per the usual process, via the National Non-Domestic Rate 3 (NNDR3) forms for 2020-21. Any required reconciliations will then be conducted at these points.<sup>1</sup>

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<sup>1</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and before the retail discount. This pubs discount should be applied after all other reliefs, including the retail discount, except for locally funded section 47 reliefs.

## Eligibility criteria - which properties will benefit from relief?

9. This section describes in principle the Pubs Discount 2020/21 scheme. Local authorities should use this section to determine eligibility for the relief. The scheme will be available to eligible occupied properties with a rateable value of less than £100,000. The majority of pubs are independently owned or managed and will not be part of chains. Where pubs are part of a chain, relief will be available for each eligible property in the chain, subject to meeting State Aid requirements.
10. There is no definitive description of a traditional pub or public house in law which could be readily used by local authorities to determine eligibility. The objective has been to adopt an approach that makes the design and eligibility of the scheme easy to implement by local authorities in a clear and consistent way, is widely accepted by the industry and which is consistent with the Government's policy intention as set out in this section.
11. The Government's policy intention is that eligible pubs should:
- be open to the general public
  - allow free entry other than when occasional entertainment is provided
  - allow drinking without requiring food to be consumed
  - permit drinks to be purchased at a bar.
12. For these purposes, it should exclude:
- restaurants
  - cafes
  - nightclubs
  - hotels
  - snack bars
  - guesthouses
  - boarding houses
  - sporting venues
  - music venues
  - festival sites
  - theatres
  - museums
  - exhibition halls
  - cinemas
  - concert halls
  - casinos
13. The proposed exclusions in the list at paragraph 12 is not intended to be exhaustive and it will be for the local authority to determine those cases where eligibility is unclear. We believe that billing authorities will already have a good understanding of the licensed premises in their areas and will be able to readily form a view on eligibility in the majority of cases. We expect local authorities to deliver the scheme using their knowledge of their business rates base and existing collection practices.

14. Where eligibility is unclear authorities should also consider broader factors in their considerations – i.e., in meeting the stated intent of policy that it demonstrates the characteristics that would lead it to be classified as a pub, for example being owned and operated by a brewery. Additionally, local authorities may also wish to consider other methods of classification, such as the planning system and the use classes order to help them decide whether a property is a pub or not. However, permission for a particular use class will not necessarily mean that the property meets the definition of a pub.

### **How much relief will be available?**

15. The total amount of government-funded relief available in the year 2020/21 under this scheme is £1,000 per eligible property. There is no relief available under this scheme for properties with a rateable value of £100,000 or more. Eligibility for the relief and the relief itself will be assessed and calculated on a daily basis.

16. This relief should be applied to bills after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, including the retail discount, but excluding those where local authorities have used their discretionary relief powers under section 47 which are not funded by section 31 grants.<sup>2</sup> Of course, councils may use their discretionary powers to offer further discounts outside this scheme. However, where an authority applies a locally funded relief under section 47 this must also be applied after the pubs discount.

17. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid De Minimis limits.

### **State Aid**

18. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However, pubs discount will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013).<sup>3</sup>

19. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years). Local authorities should familiarise themselves with the terms of this State Aid exemption, in particular the types of undertaking that are excluded from receiving De Minimis aid (Article 1), the relevant definition of undertaking (Article 2(2))<sup>4</sup> and the requirement to convert the aid into Euros.<sup>5</sup>

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<sup>2</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and before the retail discount. This pubs discount should be applied after all other reliefs, including the retail discount, except for locally funded section 47 reliefs.

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

<sup>4</sup> The 'New SME Definition user guide and model declaration' provides further guidance: [http://ec.europa.eu/enterprise/policies/sme/files/sme\\_definition/sme\\_user\\_guide\\_en.pdf](http://ec.europa.eu/enterprise/policies/sme/files/sme_definition/sme_user_guide_en.pdf)

<sup>5</sup> [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/infoeuro/infoeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/infoeuro_en.cfm)

20. To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation). Annex B of this guidance contains a sample De Minimis declaration which local authorities may wish to use, to discharge this responsibility. Where local authorities have further questions about De Minimis or other aspects of State Aid law, they should seek advice from their legal department in the first instance.<sup>6</sup>
21. Whilst the UK is scheduled to leave the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during an implementation period State aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. Local authorities should therefore continue to apply State aid rules, including De Minimis, to the relief during the implementation period.

### **Splits, mergers, and changes to existing hereditaments**

22. The pubs discount should be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day.

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<sup>6</sup> Detailed State Aid guidance can also be found at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15277/National\\_State\\_Aid\\_Law\\_Requirements.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15277/National_State_Aid_Law_Requirements.pdf)

## Annex A: Calculation examples for 2020/21

The retail discount (one third) is always calculated after mandatory relief and other discretionary reliefs funded by section 31 grant. The multiplier used here is provisional.

### **Example 1: An occupied pub with a rateable value of £40,000**

Gross rates (before any reliefs) = £40,000 x 0.499 = £19,960  
Retail discount (50%):= -£9,980  
Pubs discount (-£1,000):= -£1,000  
Rates due (after retail discount and pub discount): = £8,980

### **Example 2: An occupied pub with a rateable value of £70,000**

Gross rates (before any reliefs) = £70,000 x 0.512= £35,840  
Pub discount (-£1,000):= -£1,000  
Rates due (after pub discount):= £34,840

## Annex B: Sample paragraphs that could be included in letters to ratepayers about Pubs Discount for 2020/21

In a Written Ministerial Statement on 27 January 2020 the Government announced that eligible pubs will receive a £1,000 discount on their business rates bills for one year from April 2020.

Relief will be provided to eligible occupied pubs with a rateable value of less than £100,000 in 2020/21. Your current rates bill includes this pubs discount.

Awards such as pubs discount are required to comply with the EU law on State Aid.<sup>7</sup> In this case, this involves returning the attached declaration to this authority if you have received any other *de minimis* State Aid, including any other pub relief you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of pub relief does not exceed the €200,000 an undertaking<sup>8</sup> can receive under the *de minimis* Regulations EC 1407/2013.

Please complete the declaration and return it to the address above. In terms of declaring previous *de minimis* aid, we are only interested in public support which is *de minimis* aid (State Aid received under other exemptions or public support which is not State Aid does not need to be declared).

If you have not received any other *de minimis* State Aid, including any other pubs discount you are being granted for premises other than the one to which this bill and letter relates, you do not need to complete or return the declaration.

If you wish to refuse to receive the pubs discount granted in relation to the premises to which this bill and letter relates, please complete the attached form and return it to the address above. You do not need to complete the declaration. This may be particularly relevant to those premises that are part of a large pub chain, where the cumulative total of pubs discount received could exceed €200,000.

Under the European Commission rules, you must retain this letter for three years from the date on this letter and produce it on any request by the UK public authorities or the European Commission. (You may need to keep this letter longer than three years for other purposes). Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on '*de minimis*' aid for the next three years.

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<sup>7</sup> Further information on State Aid law can be found at <https://www.gov.uk/state-aid>

<sup>8</sup> An undertaking is an entity which is engaged in economic activity. This means that it puts goods or services on a given market. The important thing is what the entity does, not its status. Therefore, a charity or not for profit company can be undertakings if they are involved in economic activities. A single undertaking will normally encompass the business group rather than a single company within a group. Article 2.2 of the *de minimis* Regulations (Commission Regulation EC/ 1407/2013) defines the meaning of 'single undertaking'.

**'De minimis' declaration**

Dear [ ]

NON-DOMESTIC RATES ACCOUNT NUMBER: \_\_\_\_\_

The value of the non-domestic rates pubs discount to be provided to [name of undertaking] by [name of local authority] is £ [ ] (Euros [ ]).

This award shall comply with the EU law on State Aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of *De minimis* aid within the current financial year or the previous two financial years). The *de minimis* Regulations 1407/2013 (as published in the Official Journal of the European Union L352 24.12.2013) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF> .

<b>Amount of <i>de minimis</i> aid</b>	<b>Date of aid</b>	<b>Organisation providing aid</b>	<b>Nature of aid</b>

I confirm that:

1) I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking]; and

2) \_\_\_\_\_ [name of undertaking] shall not exceed its *De minimis* threshold by accepting this pubs discount.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

**Refusal of Pubs Discount form**

<b>Name and address of premises</b>	<b>Non-domestic rates account number</b>	<b>Amount of Pubs Discount</b>

I confirm that I wish to refuse pubs discount in relation to the above premises.

I confirm that I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking].

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

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