



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Cabinet

Tuesday, 13 October 2020

6.00 pm

Virtual WEBEX video conference via YouTube

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

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Minutes of the meeting on 15 th September 2020.	(Pages 3 - 12)
4.	PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on Wednesday 7 th October.	
	SECTION 2 :THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	SECTION 4 : OTHER COMMITTEES <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
5.	DEVOLUTION AND RECOVERY WHITE PAPER Report of the Leader of the Council	(Pages 13 - 18)
6.	ENVIRONMENTAL SERVICES - DRAFT STRATEGY	(Pages

		2020-2030 AND UPDATED POLICY Report of the Cabinet Member Clean and Green Environment	19 - 80)
7.		RESPONSE TO 'PLANNING FOR THE FUTURE' Report of the Cabinet Member Economy and Development	(Pages 81 - 100)
8.		DISCRETIONARY SELF-ISOLATION SUPPORT PAYMENTS SCHEME Report of the Cabinet Member Finance to follow	
		SECTION 6 : BRIEFING SESSION • Leader and Cabinet Members	
9.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	

Contact Officer: Bev Thomas, Democratic Services Team Leader, 01242 264246
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Cabinet

**Tuesday, 15th September, 2020
6.00 - 6.45 pm**

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Victoria Atherstone (Cabinet Member Economy and Development), 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), Andrew McKinlay (Cabinet Member Cyber and Safety) and Max Wilkinson (Cabinet Member Climate and Communities)
Also in attendance:	

Minutes

1. APOLOGIES

Councillor Jeffries was unable to join the meeting.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the meetings held on 7th July 2020 and 28th July 2020 were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

1.	Question from Councillor Klara Sudbury to the Cabinet Member Housing, Councillor Peter Jeffries
	How many homeless people from Cheltenham have been moved out of the Borough to temporary accommodation elsewhere in the Country?
	Response from Cabinet Member
	<p>Since the 1st April 2017 (and up until the 24.08.20) there have been 170 recorded emergency homeless placements out of the Borough, which is equivalent to less than 1 emergency placement/week. Such placements are generally short term in nature (for instance, as at 1st September 2020, there are 4 placements currently out of the Borough). Please also note that these are placements as opposed to clients – as some clients may be placed more than once.</p> <p>It should also be noted these figures do not include placements into hotel accommodation during the response to Covid-19 (though again, as at 1st September, there are 3 clients placed by Cheltenham remaining in these</p>

	hotels).
2.	Question from Councillor Klara Sudbury to the Cabinet Member Housing, Councillor Peter Jeffries
	How many homeless people have been moved into temporary accommodation in Cheltenham Borough by other councils?
	Response from Cabinet Member
	We are not normally notified of emergency homelessness placements into our Borough. Should a local authority make such a placement, it will generally be on a short-term, emergency basis while alternative solutions are sourced locally.
3.	Question from Councillor Klara Sudbury to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	As lockdown was eased, there were increased incidence of litter and anti-social behaviour in the parks and gardens in Cheltenham, which included reports of drug paraphernalia being left by young people. Following this there was joint working by Cheltenham Borough Council and the Police to deal with these issues. How many additional bins were provided as a result of the increase in litter? What youth outreach work has taken place during the summer in our parks and gardens, to engage with young people to prevent the use of harmful drugs through education?
	Response from Cabinet Member
	<p>During the lockdown period all our available stock of 10 bins were installed to provide additional capacity and the majority of these were put into Montpellier Gardens. During this period Ubico reported that the bins already provided were often empty or only half full and that litter was just being left on the floor. Whilst the additional bins have provided extra bin capacity, the most significant difference has been made by Ubico changing the litter picking and bin emptying schedule. Additional resource has been diverted to litter picking and bin emptying to keep Cheltenham tidy. The 'Don't be a Tosser' campaign supports the need for us all to be responsible for our litter and put it in a bin. More recently a Recycle and Go bin set has been installed in Montpellier Gardens on a trial basis and we are starting to see the recycling bins being used.</p> <p>There was increased ASB in the parks that was a response to many factors and the borough council worked through the Town Centre Enforcement Team with the Police to put in place an action plan. We experienced a period of very warm weather and amendments in lockdown guidance that allowed more personal interpretation of the rules.</p> <p>We worked with the Police and continue to work with the Police, not just following the reports of ASB and drug paraphernalia, to understand where demand was and took the necessary steps together (meetings, bins, patrols and regular communication) to pre-empt and address areas of note.</p> <p>The Police have been supported by members of Young Glos, to complete outreach work with young people at locations where we had identified that they were congregating. This allowed a positive engagement with</p>

	them and provided reassurance for local residents.
4.	Question from Councillor Klara Sudbury to Cabinet Member Cyber and Safety, Councillor Andrew McKinlay
	Now that the trial of traffic changes at Boots Corner has ended, when will the fake grass, which was introduced as a temporary 'improvement' be removed? When it is removed will it be replaced with something environmentally and ecologically friendly (as well as more pleasing on the eye)?
	Response from Cabinet Member
	<p>We fully acknowledge that the fake grass is not the ideal solution and does not meet our long term environmental aspirations at present.</p> <p>Whilst I would like to reassure you that this will not be a permanent fixture, the temporary solution has been well utilised by the public as an area to convene, rest and play due to all the additional seating the scheme has provided, so whilst there is a need to plan for a permanent solution, what exists continues to form part of the place making of this part of the High Street.</p> <p>Unfortunately, with the proposed changes to Boots Corner not going ahead, new decisions and plans will need to be made by the County Council (in its role as the Highways Authority) to determine the future of the road network in the area. These decisions will inform this Council's approach to future design work in the area.</p> <p>Boots Corner improvements will be delivered as part of the overall proposals for the High Street regeneration – the next phase of which is due to be Cambray and the Strand. All of which is subject to our Covid recovery strategy going forward.</p>
5.	Question from Councillor Klara Sudbury to Cabinet Member Cyber and Safety, Councillor Andrew McKinlay
	The Urban Gulls Scrutiny Task Group Report from November 2018 concluded that "If nothing is done by CBC to control the urban gull population, it could grow exponentially. This is because of the long life span of gulls, the relative safety of nesting in Cheltenham, plentiful food sources, the social nature of gulls, and the fact that each breeding pair can rear up to three chicks a year. This would be detrimental to the quality of life of local residents and could impact negatively on the visitor experience during the breeding season." In light of this, please can the Cabinet member outline the progress made to date on recommendations from the Urban Gull Task Group report?
	Response from Cabinet Member
	<p>A decision was made by senior management not to undertake the egg oiling programme this year due to the Covid-19 pandemic.</p> <p>In January this year an update was given to O&S detailing progress made on recommendations from the Urban Gull Task Group report and officers have reported that no further work has been undertaken to date since this</p>

	<p>progress report.</p> <p>Subject to budget availability, many of the intended proposals outlined in the January O&S paper will be picked up in readiness for the next gull season.</p>
6.	Question from Councillor Klara Sudbury to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	<p>As there are a number of takeaways near Sandford Park, a lot of the litter put in the bins in the park originates from the takeaways. However, as the bins in the park have a large top opening, gulls can easily take all the litter out and scatter it around to sort through. Please can the current bins be taken out of use and be replaced with gull proof bins?</p>
	Response from Cabinet Member
	<p>Gulls certainly make a mess when they empty bins for the waste food that they contain and this isn't just limited to Sandford Park. Less people about does seem to have made the gulls braver but hopefully when normality resumes the situation will improve again.</p> <p>In line with the government's Resources and Waste Strategy published in December 2018 which encourages waste reduction and re-use, officers are working with Ubico to seek to retrofit gull proof lids to the existing bins so they can be re-used rather than thrown away. Unfortunately supply chain issues as a direct result of Covid-19 are slowing down responses from suppliers.</p> <p>I am sure we wait with interest to see what the government will do on the Extended Producer Responsibility issue on packaging and whether this will extend to take away food packaging.</p>
	Supplementary question from Councillor Sudbury
	<p>Thank you. I understand the point about this issue not being limited to Sandford Park but this park is really close to a number of late night takeaways in a way that places like many other of the towns parks aren't. Having picked up the litter scattered around the bins in Sandford Park by gulls it is clear that it is litter from nearby takeaways that is their meal of choice. I understand that it may be difficult to retrospectively fit with a lid the bins that are there and that they would be difficult and costly to remove, but I am really keen to see a solution to this issue. Could sponsorship be looked into to see if local businesses would sponsor the removal of the existing bins and replacement with gull proof ones?</p>
	Response from Cabinet Member
	<p>I agree that it is an unsightly problem, and we working with Ubico to put it right. My understanding is that it is mostly a supply chain issue caused by Covid rather than a financial issue, and I would be happy to look at sponsorship possibilities to take things forward.</p>
7.	Question from Councillor Klara Sudbury to Cabinet Member Finance, Councillor Rowena Hay

	<p>Please could the cabinet member give an update on the progress of the joint working between CBC and GCC to bring the footpath over Pilley Bridge Nature Reserve back into use footpath back into use or to replace it?</p>
	<p>Response from Cabinet Member</p>
	<p>Councillor Sudbury will hopefully recall that the bridge she refers to in her question formed part of the 2020/21 budget proposals that were debated and agreed by Full Council in February 2020. I recall that Councillor Sudbury felt the wording at paragraph 6.5 was ambiguous, and asked whether the wording could be changed to 'originally allocated to the restoration of the unsafe bridge in Pilley Nature Reserve which has led to the closure of the public footpath behind old pats'.</p> <p>The budget proposals were formulated on the grounds that the Council needed to prioritise its diminishing resources to the delivery of its corporate plan priorities. This is even more so the case given the financial uncertainty and fallout from Covid-19. The budget proposals agreed, included re-allocating £75k to climate change from the planned maintenance reserve which was originally set aside to part-fund the restoration of the bridge. The bridge had a number of footpaths to enable crossing, however it was agreed by Full Council that the budget would be better off allocated to delivering more benefit for the whole town by being in the climate emergency budget. Ultimately Full Council agreed the benefit for the whole town must be considered.</p> <p>It is my understanding that the bridge footpath surface is the responsibility of the County Council and the closure of access at both ends was undertaken by them perhaps as the county councillor you could ask the county for an update.</p>
	<p>Supplementary question from Councillor Sudbury</p>
	<p><i>The county council have most recently told me the following – ‘The county council would like to work in partnership with Cheltenham Borough Council to progress a project at Greatfield Road/Pilley Footbridge, in recognition that, while the borough council has a responsibility as owner of the bridge, and the land it crosses, the county is responsible for the footpath running across it. While we can’t dedicate a specific sum to it at this stage, we do need to work with the Borough Council and to find a satisfactory solution to the community severance caused by the bridge closure. Ideally a project could start by clearing vegetation from around the immediate bridge so an assessment can be done as to possible repairs or replacement options, though it is unlikely to be repairable. However no detailed survey has yet been carried out.’</i></p> <p>The county tell me they have been pursuing this issue with CBC but had no substantive reply yet. This may be because of changes in personnel or understandably issues relating to Covid?</p> <p>Can I request that CBC agrees to work in partnership with GCC to enable</p>

	<p>the initial ground works to be done so that the scope and costs of the project can be better understood. This would be with a view to a larger partnership solution to funding replacing the bridge, which could include the involvement of CK Parish Council, FOPBNR and the local community – through crowdfunding or grant funding? I am optimistic that such a partnership approach could be successful but it needs the ground work to prepare this approach to even be considered.</p>
	<p>Response from Cabinet Member</p>
	<p>We have spent a great deal of time working with GCC to find a resolution. I refer back to my original answer: the tender process resulted in a minimum cost of £350k to rebuild the bridge, which was not justifiable. We put forward £75k as a justifiable contribution. The bridge was shut by the county council, and since then both authorities have been working towards a resolution. We would be happy to meet with the county council, parish council and wider community to see how the money could be raised.</p>

5. REVIEW OF SHOPMOBILITY

The Cabinet Member Healthy Lifestyles presented the report, which outlined the reasons for ceasing Shopmobility operations.

She noted that there had been both an options appraisal and community impact statement. The report outlined the significant cost of the scheme in detail, which had been made even worse with no income coming in – the service having been closed since 18th March. Even before Covid, it cost up to £97k per year to operate, and never brought in more than £6k. She asked that Cabinet Members endorse the recommendations to decommission the service.

The Cabinet Member Clean and Green Environment drew attention to the executive summary, which referred to mobility scooters costing as little as £450 to buy. He stressed that this was not a small amount of money, but acknowledged that there was charitable support available to those who could not afford it. He stressed that the closure of Shopmobility was clearly not a decision that was taken lightly.

The Cabinet Member Finance agreed that it was one of many difficult decisions needed due to Covid. She emphasised that the council did not intend to disenfranchise anyone who needed the service, but rather to reconsider value for money in a difficult financial situation. The service was used by a small group of people who could be supported in other ways

The Cabinet Member Cyber and Safety echoed his colleagues’ points, stressing that it was a refocusing of funds rather than a cancellation. He noted that usage of the service had halved anyway, even pre-Covid.

The Leader added that it had been a valuable service, but noted that there were now genuine alternatives towards which people could be directed. He moved to the vote, which was carried unanimously.

RESOLVED THAT

1. **The Council's Shopmobility service be decommissioned and not reopened;**
2. **A comprehensive communications plan be implemented to make affected customers aware of the change and where they can find alternative support;**
3. **A comprehensive communications plan be implemented to ensure savings realised from the change are used to support the Council's Medium Term Financial Strategy.**

6. LOCAL DISCRETIONARY BUSINESS RATES RELIEF SCHEMES

The Cabinet Member Finance presented the report, noting that it was an updated version of a policy that had been considered by Council several times. The situation developed very quickly, and the council's priority was to get funding out to local businesses as soon as possible. She praised the finance team for their work in distributing the money quickly, noting that a delay of just a week or two could have had serious ramifications for businesses. The report did not contain any major policy changes, only a revision to the 2020-21 budget.

The Cabinet Member Economy and Development praised efforts to support the local economy, which was echoed by several members. The Leader added particular thanks to the wider finance team for putting the report together, and moved to the vote, which was carried unanimously.

RESOLVED THAT:

1. **The changes to the business rates retail discount scheme for 2020/21 as detailed in appendix 2 and the detailed guidance in appendix 3 be approved;**
2. **The nursery discount scheme for 2020/21 in line with appendix 2 and the detailed guidance in appendix 4 be approved;**
3. **The Head of Revenues and Benefits be authorised, in consultation with the Cabinet Member Finance, to implement any further changes in 2020/21 made by the Government to the reliefs detailed in appendix 2;**
4. **The Head of Revenues and Benefits be authorised, in consultation with the Cabinet Member Finance, to implement any new business rate relief schemes introduced by the Government in 2020/21 in accordance with any guidance provided and subject to them being fully funded;**
5. **Authority be delegated to the Head of Revenues and Benefits to take decisions relating to the reliefs outlined in this report; and authority be delegated to the Executive Director Finance and Assets, in consultation with the Cabinet Member Finance, to consider and determine any reviews requested in respect of such decisions.**

7. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Economy and Development explained that as a new Cabinet Member, she would wait until the next meeting to give a full briefing.

The Cabinet Member Healthy Lifestyles thanked officers and members of many organisations across the town for their work in ensuring families did not go hungry over the summer. She praised the level of support from all those involved, and stressed that it must be built on in order to form a cross-Cheltenham network which could offer help to everyone who needs it. She added that the council's work combatting hunger tied into its No Child Left Behind project and wider goals, and reported that 40 organisations, including schools, had signed up to No Community Left Behind. She reported that the council continued to develop its Culture Strategy, which would head to Cabinet and Council relatively soon.

The Cabinet Member Finance did not have a briefing at this time, but noted an exciting opportunity to join the CBC finance team, with a vacancy having opened up for a Deputy Section 151 officer. She added that the council retained its ambitious financial agenda despite Covid, and expected a strong group of applicants.

The Cabinet Member Corporate Services reported that the Municipal Offices were being made increasingly Covid-secure, and praised the hard work of cleaning staff for making that possible. He clarified that although working from home was still the default where possible, Covid-secure offices would enable more staff to physically come to work and make more appointments available to the public. He added that the council had now launched its Institute of Leadership and Management Development programme, giving opportunities to staff and helping residents to build leadership and management skills.

The Cabinet Member Climate and Communities added that he was grateful for his new portfolio, and was pleased to see positive work developing. He stressed that he was working with the council's Communications team to publicise the good climate work done within the organisation, and hoped to bring all the important information into one place so residents could more easily understand what exactly the council was doing on climate issues.

The Leader of the Council noted that Cabinet would now have greater capacity due to the two new members and their respective portfolios, covering climate & communities (Cllr. Wilkinson) and economy & development (Cllr. Atherstone). This had been planned a while ago but was delayed, first by the 2019 general election and then by Covid. He emphasised the importance of the tasks the council was doing, and wished both new members all the best in their roles. He added that the next Cabinet meeting would be an extraordinary one, scheduled for 28th September 2020.

Several Members outlined the decisions they had made since the last meeting.

The Cabinet Member Finance reported that she had taken the decision to sell a small strip of land between Chapel Spa and Portland Place. The land was purchased many years ago in order to facilitate a bus node, but was never big enough for that. Two interested parties submitted sealed bids, and one was accepted. Although she could not disclose the amount at the moment, it would be made public once everything was finalised.

She added that the Section 151 officer had made a waiver relating to the new tenants moving into the Municipal Offices, as painting and furniture work was urgently needed in order to meet the moving in deadline. Although this was not a formal decision, it needed to be reported to Cabinet.

The Cabinet Member Cyber and Safety reported that he had taken the decision to note amendments made to the existing Licensing Act 2003 Statement of Licensing Policy, and approved the amended policy for consultation. He explained that Covid restrictions had required licensing functions to be amended, and added that the results of consultation would come back to Cabinet for approval.

The Leader of the Council outlined the two decisions he had made. One related to the addition of the two new Cabinet Members (Climate & Communities and Economy & Development) and the change of Councillor McKinlay's portfolio from Development & Safety to Cyber & Safety. The other related to the appointment of a new Managing Director of Ubico, of which CBC was a shareholder.

Chairman

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Cheltenham Borough Council

Cabinet – 13 October 2020

Devolution and Recovery White Paper

Accountable member	Leader of the Council, Councillor Steve Jordan
Accountable officer	Chief Executive, Gareth Edmundson
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	To consider allocating £25,000 to explore potential devolution and local government reorganisation options for Gloucestershire, in the context of and in response to the expected publication of the ‘Devolution and Recovery’ Government White Paper in the coming months.
Recommendations	<p>That Cabinet:</p> <ul style="list-style-type: none"> a) Agrees the allocation of £25,000 for the purpose of addressing Cheltenham Borough Council’s response to the expected publication of the Government’s Devolution and Recovery White Paper. b) To authorise the Chief Executive to enter in to appropriate legal or other documentation as necessary to implement a) above.
That Cabinet recommends to Council that:	Cheltenham Borough Council explores, with other local authorities in Gloucestershire, options for devolution and reorganisation, including a two-unitary local government model for the county.

Financial implications	<p>The Council holds a number of earmarked reserves to meet known or predicted requirements. The Pension & Restructuring earmarked reserve was established a number of years ago to meet the cost of future re-organisational changes. It is therefore appropriate that this reserve is used to fund the initial work, with a budgetary allocation of £25,000.</p> <p>Contact officer: paul.jones@cheltenham.gov.uk</p>
Legal implications	<p>None directly arising from this report. There will be significant legal implications to be considered if Gloucestershire moves forward with devolution and reorganisation.</p> <p>Contact officer: legalservices@tewkesbury.gov.uk, 01684 272017</p>

<p>HR implications (including learning and organisational development)</p>	<p>None at this stage. As this is an initial proposal to explore devolution no posts will be affected. However, exploring devolution may provide opportunities for officers to be involved in developing options and in the wider programme.</p>
<p>Key risks</p>	<p>See appendix 2</p>
<p>Corporate and community plan Implications</p>	<p>Cheltenham's Place Strategy has a clear outcome to ensure that everyone thrives. Exploring devolution is intended to secure investment and get the best deal for Gloucestershire and all those that live work and visit in Cheltenham.</p>
<p>Environmental and climate change implications</p>	<p>None at this stage, however, greater devolution may present a multitude of opportunities to meet environmental challenges and tackle climate change in a coordinated and impactful way.</p>
<p>Property/Asset Implications</p>	<p>Devolution may have a future impact on Cheltenham's property and assets. However, this is, as yet, unknown.</p> <p>Contact officer: Dominic.Stead@cheltenham.gov.uk</p>

1. Background

- 1.1. The Government has announced that it intends to publish the 'Devolution and Recovery White Paper' in the coming months. It is widely expected that this White Paper will contain proposals for changes to local government. While the specific details of the White paper will be made clear on publication, the government have provided a strong indication that they will include the offer of greater powers and investment being devolved, favouring the established model of establishing more combined authorities and elected mayors across large parts of England. Currently, Gloucestershire's seven councils cover a large and diverse county. District Councils are responsible for services such as housing, waste collection, leisure and culture as well as a range of regulatory and environmental services that help to maintain and enhance our high streets, open spaces and neighbourhoods. The County Council is responsible for services such as education, schools, adults and children's' social care, transport and highways, waste disposal, fire and public health. The Police and Crime Commissioner is an elected position responsible for the police in the county. The government have indicated that as part of the devolution white paper they may aim to simplify the current local government in England with two tier structures found in Gloucestershire being replaced with a unitary model – where all service delivery sits within one authority.

2. Devolution and Recovery White Paper

- 2.1. Local government reorganisation and devolution has been on central government's agenda several times since 1974, but this has often brought about piecemeal change and has resulted in a mixture of local government structures. Most recently, a relatively small number of combined authorities and elected mayors have been created in Manchester, Birmingham and the North East. Those areas which have embraced change have also been those which have benefitted most from devolution deals with central government often attracting substantial funding packages. In the majority of cases to date, reorganisation has taken place on the basis of consensus between the relevant councils, with the occasional imposition of unitary status in response to a failing council. For example, the recent failure of Northamptonshire County Council has resulted in the government authorising the creation of two unitary authorities.
- 2.2. The anticipated White Paper appears to solidify the government's desire to encourage more combined authorities and elected mayors – which are perceived by current ministers as a strong model to drive economic growth. This is combined with a commitment to respond and recover to the Covid-19 emergency where substantial amounts of emergency funding has been provided to support councils to deliver enhanced services during the pandemic and to replace lost income which help to fund a range of essential services. The full content of the white paper is not yet known but there are strong indications that it will include a mandate for further devolution and potential local government reorganisation.
- 2.3. In the Gloucestershire context, the publication of the white paper may prompt arguments for reorganisation of the current two tier authorities to secure a devolution deal and investment into the county. At present, most of the public sector organisations – police, fire, health and local enterprise partnership all have coterminous boundaries with the County Council. This in itself may create an assumption that a single council to serve all of Gloucestershire would deliver alignment. However, a single county-wide council would establish the third biggest unitary authority in the country, would need to cover a large geographic area and serve the needs of unique and extremely diverse rural and urban communities.
- 2.4. As part of any review of the existing local government structure in Gloucestershire, it is important to consider a number of options to deliver the best solution for the county. This should include establishing two unitary authorities within Gloucestershire as a viable alternative that would still meet existing government criteria on population size. Exploring alternative options to

single-unitary council for Gloucestershire could offer a more proportionate and representative proposal that will keep existing public services closer to residents and ensure that investment in infrastructure, housing, the economy and climate change is directed to best effect.

- 2.5.** Thus far, the Council's Administration has made clear representations that while local, regional and national government is working hard to respond to the ongoing challenge of Covid-19, it would be inappropriate to divert attention to respond to a devolution white paper. Unfortunately, the timing on publication of any white paper remains under the control of the Ministry of Housing, Communities and Local Government and if the eventual publication of the white paper contains proposals that could impact the structure and powers of local government for decades to come, then it is important that Cheltenham Borough Council are able to take a proactive part in an issue that will have wide ranging impacts for all those that live, work and visit Cheltenham in the future. The Council has set ambitious objectives for our Borough. We want to create a post Covid-19 new deal for our borough where we cement our position as the cyber capital of the UK and where future growth, prosperity and opportunity are available to all. We want our spaces, places and cultural offer to be welcoming, high quality and encourage everyone in Cheltenham to thrive.
- 2.6.** Therefore, it is important that the Council takes appropriate preparatory measures to ensure that it can take a full part in shaping a progressive and effective devolution deal and a potential reorganisation of local government in Gloucestershire - if this is ultimately mandated whenever the expected white paper is published. The allocation of £25,000 will help to support this aim and enable the development of viable future options for the county that will help to deliver the best for both residents and businesses in Gloucestershire.

3. Options Proposal

- 3.1.** It is expected that the process to explore and implement any local government change can take many years.
- 3.2.** To adequately prepare for the expected publication of the devolution white paper it is proposed that an initial £25,000 is allocated to explore devolution and local government reorganisation.
- 3.3.** As the publication date of the white paper is, as yet, unknown it is proposed that the funding will not be committed until more certainty is provided on the expected publication date and contents of the government's proposals.

The council will also seek to work with other local authorities in an open and positive way to explore a range of options for both devolution and reorganisation where appropriate with the aim of securing the best outcome for businesses and residents in Cheltenham and Gloucestershire.

Report author	Contact officer: Gareth Edmundson, Chief Executive, gareth.edmundson@cheltenham.gov.uk
Appendices	1. Risk Assessment
Background information	None

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	Risk of local government reorganisation being imposed on Cheltenham	GE	Sept 2020	5	3	15	Appropriate governance arrangements and funding in place Senior Cabinet & Officer Sponsorship	Develop appropriate governance and secure suitable specialist advice to develop options	Jan 2021	GE	No
<p>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</p>											

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Cheltenham Borough Council Cabinet – 13 October 2020 Environmental Services – Draft Strategy 2020-2030 and Updated Policy

Accountable member	Councillor Chris Coleman, Cabinet Member Clean, Green Environment
Accountable officer	Karen Watson, Environmental Partnerships Manager
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>Cheltenham Borough Council is committed to delivering sustainable long term environmental change and recognises the need to take action to tackle the climate emergency now to protect our environment for future generations.</p> <p>Given the extent to which environmental services, particularly waste and recycling, contribute to reducing the impact of climate change, an environmental services strategy has been developed (see appendix 2) taking into account the huge amount of change over the last few years and to help us tackle the challenges ahead including the reduction of plastics, particularly single use plastics within the council and the wider community.</p> <p>To support delivery of our long term environmental services strategy an action plan will be required and this will be developed over the coming months to sit alongside the environmental services policy, a policy which has been in place since 2011. The policy, attached to this report at appendix 2, has been reviewed and updated in recognition of the climate emergency and further strengthens the council's position on waste reduction and the need for high quality recycling at the kerbside via the 'no side waste and closed bin lid' and 'incorrectly presented/unsorted recycling box' sections as well as tackling the amount of recycling being disposed of in the residual waste skip at the household recycling centre in Swindon Road. The policy seeks to achieve behaviour change by supporting residents and businesses with advice and support, wishing to avoid formal enforcement action if possible.</p> <p>Delivery of our strategy and policy cannot be done in isolation and needs the support of the public, partners and the council's environmental services provider/partner, Ubico Ltd. Ubico Ltd is a teckal company wholly owned by local authorities, and has delivered high quality services during the pandemic and unlike some other authorities managed to maintain delivery of all our kerbside services throughout the year, working closely with the Council, despite the service challenges presented by COVID-19.</p> <p>In 2019 a value for money review of the services provided by Ubico was commissioned by the Council to ensure tax payers in Cheltenham were receiving high quality, cost effective and efficient services. The review demonstrates this is the case and provides confidence to the authority to</p>

further extend its contract with Ubico for delivery of our environmental services and seek a longer term partnership arrangement to deliver our strategic ambitions for Cheltenham.

To support delivery of the council's long term strategic ambitions this report recommends extending the existing contract for a maximum of 5 years and seeks to work with Ubico and other partner authorities to review and update the Ubico contract documentation in readiness for a longer term partnership/contract agreement with Ubico at the end of the 5 year contract extension or sooner if appropriate

Recommendations

That Cabinet:

- 1. Approves the draft environmental services strategy 2020-2030, including the draft single use plastics strategy for public consultation and delegates authority to Managing Director Place and Growth, in consultation with the Cabinet Member Clean Green Environment, to further develop this draft strategy and an action plan, for consideration by Cabinet in 2021 following public consultation.**
- 2. Approve the revised environmental services policy supporting the authority's recognition of the climate emergency particularly relating to:**
 - 2.1 Amendments to the no side waste and closed bin lid section as set out in the report at section 2.9**
 - 2.2 Introduction of the incorrectly presented/unsorted recycling box section as set out in the report at section 2.16**
 - 2.3 The reduction in single use black bags disposed of at the household recycling centre in Swindon Road to support removal of recycling from this waste stream over the next 12 months as set out in the report at section 2.22**
- 3. Approves the extension of the existing Ubico contract for the delivery of environmental services for the maximum period of 5 years and delegate authority to the Managing Director, Place and Growth in consultation with the Cabinet Member Clean Green Environment to:**
 - 3.1 formally write to Ubico to implement the contract extension prior to March 2021 and to do such other steps as are necessary to carry out this recommendation and**
 - 3.2 to work with Ubico and other partner authorities to review and update the Ubico contract documentation in readiness for a longer term partnership/contract agreement with Ubico at the end of the 5 year contract extension or sooner if appropriate.**

Financial implications	None identified as part of the strategy and updated policy. The new Ubico agreement will need to be considered in line with the Medium Term Finance Strategy. Contact officer: Andrew Knott, andrew.knott@publicagroup.uk
Legal implications	<ol style="list-style-type: none"> 1. Sections 46A to D of the EPA 1990 provide the Council with the powers and enforcement regime to deal with situations where occupiers fail to present waste in the manner the authority has specified. In order to take enforcement action the Council must be able to show that the occupier's failure to comply with the authority's requirements: <ol style="list-style-type: none"> (i) has caused, or is or was likely to cause, a nuisance, or (ii) has been, or is, or was likely to be, detrimental to any amenities of the locality. 2. As noted in the body of the report Ubico Ltd is a "Teckal " company. Under Regulation 12 of the Public Contracts Regulations 2015 contracts awarded to Ubico Ltd by the Council fall outside the public procurement regime, provided the authority remains a shareholder in the company. Thus the Council is free to extend its current contract with Ubico Ltd in accordance with its terms. The Council may also award a new contract to Ubico Ltd in the future without undertaking any new competitive exercise. 3. The Council needs to be satisfied that it has discharged its consultation duties imposed by section 3(2) of the Local Government Act 1999 (as updated by revised Best Value Guidance Statutory Guidance of March 2015) and has had regard to its duties under the Equality Act 2010. <p>Contact officer: Linden Dunham, Linden.Dunham@tewkesbury.gov.uk</p>
HR implications (including learning and organisational development)	None identified Contact officer: Clare Jones, clare.jones@publicagroup.uk
Key risks	Environmental, financial and reputational risk are set out in the risk assessment attached to this report
Corporate and community plan Implications	The content of the report supports the delivery of corporate priority 3 in the corporate plan
Environmental and climate change implications	The content of the report supports the implementation of a strategy, policy and partnership approach to successfully deliver the authorities corporate priorities and outcomes to improve the environment and climate change
Property/Asset Implications	None identified Contact officer: Dominic.Stead@cheltenham.gov.uk

1 Background

1.1 In the 25 Year Environment Plan, the government pledged to leave the environment in a better

condition for the next generation. The government's Resources and Waste Strategy published in December 2018 is intended to help meet that commitment and we are waiting for further government guidance and regulation around deposit return schemes and extended producer responsibility. It promotes the circular economy, sustainable production, helping consumers take more considered actions, cutting down on food waste, international leadership, research and innovation and measuring progress.

- 1.2** The EU's Circular Economy Package (CEP) includes increasing recycling rates for municipal waste up to 65% by 2035. The UK has committed to adopting these CEP targets even after Brexit. Cheltenham's current recycling rate, at the end of 2019/20, is 51.23% which means 48.77% of the municipal waste thrown away in Cheltenham is not recycled or re-used therefore there is room for improvement.
- 1.3** In 2008, local authorities in Gloucestershire adopted the Gloucestershire Joint Municipal Waste Management Strategy (JMWMS) which provided a route map for managing waste in the county from 2007 to 2020. The main objectives of the 2007-2020 strategy were based upon a hierarchy of preferred approaches, focusing on waste prevention and reduction, recycling and composting more, and treating the remaining waste in a more sustainable way. The strategy outlined how this will be achieved by working together in partnership and many of the objectives are still relevant.
- 1.4** A new JMWMS will be developed by the new Gloucestershire Resources and Waste Partnership which replaces the Gloucestershire Joint Waste Committee. Cheltenham has committed to joining this new non statutory partnership which will have no delegated functions or funding requirement from Cheltenham and is intended to assist joint working across Gloucestershire, including development of the JMWMS.
- 1.5** The next ten years will see considerable change within waste, recycling and environmental services. In addition, the challenge of the climate emergency will demand that industry, businesses and residents consider their carbon footprint, how materials are used and aim to reduce waste.
- 1.6** Cheltenham Borough Council is committed to delivering sustainable long term change and recognises the need to take action to tackle the climate emergency now to protect our environment for future generations. It is essential that Cheltenham Borough Council develops an ambitious future waste and recycling strategy which is allied to an established flexible and efficient delivery partner, with access to the right assets and equipment if the council is to meet the goal of becoming carbon neutral and ensure that waste, recycling and environmental services meet current and future need.
- 1.7** We know Cheltenham is growing and our environmental services strategy will need to take account of this. By 2030 planners expect approximately 6,900 new homes, a population increase of almost 15,000 (population estimate formula $2.16 \text{ people per household by } 2030 - 2.16 \times 6,900$) and 39,500 new jobs for the whole Joint Core Strategy area.
- 1.8** A draft environmental services strategy has been developed taking into account the huge amount of change over the last few years and to help us tackle the challenges ahead including the reduction of plastics, particularly single use plastics within the council and the wider community. .. These strategies will in turn support the JMWMS as the overarching waste strategy for Gloucestershire as well as our own council corporate plan and the public will be consulted on them in 2021.
- 1.9** The Council's medium term financial strategy (MTFS) requires financial savings which can only be delivered by innovation, efficiencies, and maximising income generation and the action plan to deliver the strategy will need to take account of the Council's financial pressures, worsened by COVID-19. These challenges are even greater with the housing growth predicted which will inevitably increase service costs.
- 1.10** As part of the Council's commitment to ensuring that the council's environmental services, are fit

for purpose, deliver high quality and represent value for money, White Young Green (WYG) were commissioned to provide an independent review of all services currently undertaken by the Council's teckal company, Ubico. The scope of the review included the following service areas: waste and recycling; commercial waste; street cleansing, public conveniences and grounds maintenance.

- 1.11** WYG completed and presented the conclusions of their report in February 2019 and found that the council receives excellent value for money for the services that it commissions from Ubico and that if these services were delivered in the private sector (as opposed to a council-owned company) it would create significant additional cost to the Council. This is particularly the case in the areas of street cleansing and grounds maintenance which WYG singled out for particular praise for the excellent quality delivered when compared to the cost recharged back to the council. The conclusions within the WYG report have been taken into consideration when developing the environmental services strategy and will form part of the action plan to deliver it.
- 1.12** As evidenced in WYG's independent review, Ubico represents both excellent value for money, high quality of service provision and is a flexible operator that is well placed to deliver future change. Therefore, this report recommends that, to support the implementation of a future strategy, an extension of the existing Ubico contract is approved in line with clause 28.1 of the contract, for the maximum period of 5 years.
- 1.13** This report also recommends that the council works with Ubico and other partner authorities to review and update the Ubico contract documentation in readiness for a longer term partnership/contract agreement with Ubico at the end of the 5 year contract extension to ensure we are able to plan into the long term with confidence.
- 1.14** To further support delivery of our environmental services strategy and the delivery of longer term strategic ambitions, the council's environmental services policy has been reviewed and updated and further details are set out at 2.6 of this report.

2 Reasons for recommendations

2.1 Environmental Services Strategy

- 2.2** The government's developing national resources and waste strategy published in December 2018 will undoubtedly impact and influence the local strategies councils devise and develop in order to meet the challenge of encouraging greater reuse, recycling as well as reducing waste. In addition, the drive to deliver carbon neutrality by 2030 will have a considerable influence on the future of environmental services, not least on the types of vehicles, plant and equipment used to reduce the carbon emissions associated with completing collections.
- 2.3** At present, the technology required to deliver a fleet using alternative greener fuels is still developing as well as being expensive and this will need to be monitored closely and factored into our fleet replacement plans for 2024 including any infrastructure requirements. Similarly, greater engagement and education will be required to encourage residents and business to increase recycling and reduce unnecessary waste.
- 2.4** The council will only be able to meet the challenges ahead as set out in the background of this report with an ambitious, coherent strategy supported by an action plan that delivers the council's vision: We want Cheltenham to be a clean green and sustainable town that wastes less and recycles. We want to work towards being a zero waste town as well as being carbon neutral by 2030.
- 2.5** This report recommends that members approve the draft environmental services strategy including appendix A, a draft single use plastics strategy, and ask officers to develop an appropriately resourced action plan to deliver it which will also support delivery of the soon to be drafted Gloucestershire Joint Municipal Waste Management Strategy. The strategy documents will be

subject to public consultation before being brought back to Cabinet for final approval in 2021.

2.6 Environmental Services Policy

- 2.7** The existing environmental services policy has been in place since 2011 and requires reviewing and updating in line with the government's resources and waste strategy published in December 2018, the climate emergency and to support our own environmental services strategy.
- 2.8** Most of the existing policy remains unchanged as it is still relevant however the main changes to the policy are set out below and all support the need to reduce waste and increase high quality recycling.
- 2.9** No side waste and closed bin lids
- 2.10** This is part of the existing environmental services policy in place now and is intended to make residents think about how much waste they are generating and encourage a better take up of the recycling service as well as the food waste service.
- 2.11** The updated process for dealing with additional residual waste presented at kerbside is called 'no side-waste and closed bin lid' process and revolves around education and advice as set out in the policy. At all stages the council offers advice and support to help residents, most of whom want to do the right thing but either haven't thought about it or don't know how to go about it.
- 2.12** Essentially residents will receive a warning sticker signposting them to advice on the first occasion they present too much residual waste; on the second occasion, two weeks later, they will receive a letter providing fuller information and the reasons why minimising waste is important - the advice will include information about recycling as well; on the third occasion, 4 weeks after the first warning sticker, the resident will receive a final warning sticker confirming that the matter has been passed on for enforcement action but still offering an opportunity for the resident to get help and reduce the waste. The resident will have the opportunity after the third warning for a period of two weeks' to reduce their waste or contact the council for help, a total of six weeks to change what they do with their waste.
- 2.13** If the resident still doesn't reduce the amount of waste presented after the six weeks has elapsed, public protection will pursue enforcement action in accordance with S46 of the Environmental Protection Act. Residents will have six weeks to get it right from when they are first warned before the excess waste is left at kerbside for the householder to dispose of and investigation in accordance with S46 of the Environmental Protection Act begins. Adequate warnings will be given and every opportunity will be taken to provide help and advice including home visits (subject to risk assessment relevant to lone working and COVID-19). The formal enforcement procedure is set out at appendix B of the policy.
- 2.14** Systems thinking work previously carried out indicated that majority of households changed what they did following a letter which provided information and help. It is expected that only a small percentage of households will be passed to public protection for S46 enforcement action.
- 2.15** The council has had the existing policy in place for some time but chose to allow residents an opportunity to get used to it before pursuing enforcement action for those not doing the right thing for the environment. Requiring bin lids to be closed and preventing overloaded bins is a health and safety requirement to prevent fatal accidents when operatives load the bins on the vehicle. Since 2011 nearly all other local authorities in Gloucestershire implement a no side waste policy of some sort and do not take excess waste. Cheltenham will now be fully implementing its policy and ensuring that no excess waste presented is taken.
- 2.16** Incorrectly presented/unsorted recycling
- 2.17** Whilst the existing policy requires residents to sort their recycling, avoiding contamination, and the

website sets out how they should do this, there is no process for education and advice or enforcement if they do not do this.

- 2.18** The updated process for dealing with incorrectly presented/unsorted recycling presented at kerbside also revolves around education and advice as set out in the policy. At all stages the council offers advice and support to help residents, most of whom want to do the right thing but either haven't thought about it or don't know how to go about it.
- 2.19** Essentially residents will receive a warning sticker signposting them to advice on the first occasion they incorrectly present or do not sort their recycling; on the second occasion, two weeks later, they will receive a letter providing fuller information and the reasons why minimising waste is important - the advice will include information about how to sort recycling; on the third occasion, 4 weeks after the first warning sticker, the resident will receive a final warning sticker confirming that the matter has been passed on for enforcement action but still offering an opportunity for the resident to get help and properly sort their recycling. The resident will have the opportunity after the third warning for a period of two weeks' to sort their recycling or contact the council for help, a total of six weeks to change what they do with their recycling.
- 2.20** If the resident still doesn't sort their recycling after the six weeks has elapsed, public protection will pursue enforcement action in accordance with S46 of the Environmental Protection Act. Residents will have six weeks to get it right from when they are first warned before unsorted recycling is left at kerbside for the householder to properly sort and investigation in accordance with S46 of the Environmental Protection Act begins. Adequate warnings will be given and every opportunity will be taken to provide help and advice including home visits (subject to risk assessment relevant to lone working and COVID-19).
- 2.21** The council wishes to encourage waste reduction and recycling and is doing what is practicable to ensure residents have adequate provision for recycling. Residents who need additional recycling boxes to sort recycling properly will be encouraged to collect them from the household recycling centre in Swindon Road however a free of charge delivery service for those residents unable to collect boxes when near the household recycling centre will remain in place.
- 2.22** Recyclable waste and non-recyclable waste at the household recycling centre
- 2.23** To support our drive to reduce residual waste and increase the amount of recycling removed from this waste stream it is appropriate to also consider how much residual waste is processed by the household recycling centre at Swindon Road and we know from bag splitting exercises at the site that about 50% of the contents of black bags disposed of is recyclable.
- 2.24** To ensure less recycling is being put into the residual waste skip, householders will be encouraged to stop disposing of residual waste in single use black plastic bags and change to using either clear re-usable plastic bags to show there is no recyclable material contained in the bag or another type of reusable container which can easily be tipped into the skip. This will be phased in over the next 12 months to allow residents an opportunity to acquire re-usable clear bags or other reusable containers. This initiative will also support the reduction of single use black plastic bags in Cheltenham.
- 2.25** Weeds, bees and biodiversity
- 2.26** The updated policy also includes an outline of the council's developing approach to weed control. It seeks to minimise the use of glyphosate herbicides, move to more environmentally friendly approaches to weed removal within existing resources and promote wild flower planting and biodiversity. This is set out at appendix A of the policy.
- 2.27** **Provision and delivery of environmental services**
- 2.28** The council committed to undertaking a review of waste, recycling and environmental services to

inform the future development and improvement of the service. The decision to end the formal partnership of the Gloucestershire Joint Waste Committee (GJWC) in 2019 and Cheltenham Borough Council's creation of a dedicated commissioning function provided a further driver to review and test current services and inform future strategy

The scope of the review included:

- Waste and recycling
- Commercial Waste
- Street cleansing & public conveniences
- Grounds maintenance (including sites maintained on behalf of Cheltenham Borough Homes)

The aim of the review was to:

- Assess the quality of services provided
- Determine whether the council's partner Ubico was providing value for money comparative to alternative service models e.g. commissioning a private contractor
- Make recommendations for improvements

2.29 To provide necessary independence, an external company, White Young Green (WYG) were commissioned to undertake the review. WYG were chosen due to their considerable experience in the sector and their direct experience of supporting many local authorities to assess and procure environmental services. Their work with local authorities has allowed WYG to build a significant body of service data that provides an essential means of comparing services and providing commissioners with confidence in their assessment of quality.

WYG's methodology for conducting the review included the following:

- undertaking site visits
- interviewing staff at CBC, CBH and at Ubico
- benchmarking of outputs
- calculating a private-sector cost equivalent for the services – subject to data

2.30 A joint project team was established between the Council and Ubico to collect necessary data and utilise industry-standard vehicle route planning software to produce outline analysis of vehicles and resources required to fully roll-out a weekly service.

2.31 WYG were also requested, as part of their overarching report on the existing service to provide a headline assessment of the potential resources and costs of implementing a weekly recycling service.

2.32 Headline Findings – WYG Report

2.33 WYG completed their final report in February 2020 and reported headline findings are as follows:

Waste & Recycling

- Overall, the service represents good value for money and costs ca. £350K per annum less than a private sector contractor would charge.
- Whilst performance is satisfactory some improvements can be made to improve efficiency and productivity of some collection rounds.
- To maximise productivity, the council should conduct a more detailed review to fully optimise rounds. In addition, the composition and type of some vehicles should be reviewed when appropriate to maximise efficiency.

- The council should seek to encourage the pre-sorting of recycling material at the kerbside to improve collection efficiency.
- The costs of operating the Household Recycling Centre are entirely reasonable and low when the opening hours of the centre are taken in to account.

Commercial Waste

- The services offered to commercial businesses are comprehensive
- The service operates at a profit.
- Turnover is not high given nature of Cheltenham and scope exists to further develop the service and improve profitability.

Street Cleansing & Public Conveniences

- Overall street cleansing in Cheltenham was to a very high standard particularly in the town centre – well above 'normal' standards, representing excellent value for money.
- Very few litter failures were observed across the Borough however some detritus and was more common further from the town centre
- Some site visits showed evidence of weed growth, however, subsequent visits (following weed spraying) showed a noticeable reduction.
- The majority of car parks surveyed were free from litter and levels of detritus were minimal.
- Of the Bring Sites surveyed there were small amounts of litter present but there was evidence of fly-tipping at some sites.
- Public conveniences were cleaned to a good standard, however, some of the sites require investment and improved signage.

Grounds Maintenance

- Overall grounds maintenance is delivered to an very high standard across the borough, representing excellent value for money. Some parks and open spaces are comparable with some of the best standards seen nationally.
- Several of the social housing blocks had expanses of grass surrounding them, of those inspected all were found to be well maintained and recently cut.

2.34 The detailed service review and value for money assessment completed by WYG has confirmed that, overall, Ubico deliver a good quality services and represent value for money to CBC. Street cleansing and grounds maintenance in particular have been highlighted as being excellent services and as an example of high quality at comparatively low cost. As a collective package, CBC can be confident that if these services were provided under a singular private sector contract it would cost the council significantly more – estimated to be over £1m per annum to receive the same standard of service. However, CBC and Ubico should continue to strive for improvements in productivity and further investment in technology is needed to optimise and modernise the service.

2.35 Under a council-owned Teckal arrangement, Ubico also offers flexibility to implement significant future change whilst minimising the costs. It also offers established, local expertise and have worked closely with CBC to inform the development of future strategy and key commissioning decisions.

2.36 In addition, since 2012, Ubico has had the opportunity to consolidate its operation and deliver continuous improvement. For example, the company has achieved both the ISO 14001 and 45001 standards in Environmental Management and Health and Safety and has consistently worked with shareholder partners to improve the quality of performance and financial information provided. This should provide further assurance to CBC of the quality and safety of the service provided. With additional targeted investment, the company has further potential to deliver greater value back to

shareholders via greater efficiencies or commercial success. The fact that 6 of Gloucestershire's 7 councils are all current shareholders presents future scope for partnership working that will increase the resilience, efficiency and quality of services for residents.

- 2.37** When considering that the medium term is likely to present significant challenges and decisions to CBC on the future of environmental services it is recommended that the existing partnership with Ubico continues beyond the current agreement in order to support CBC achieve its strategic ambitions and meet future needs.
- 2.38** The report therefore recommends that members approve the extension of the existing Ubico contract for the delivery of environmental services for the maximum period of 5 years. It also recommends that working with Ubico and other partner authorities to review and update the Ubico contract documentation in readiness for a longer term partnership/contract agreement with Ubico at the end of the 5 year contract extension or sooner if appropriate.

3 Alternative options considered

- 3.1** With the amount of national policy change and the urgency the climate emergency demands, the council will only be able to meet these challenges with an ambitious, coherent strategy supported by an action plan and updated policy that delivers the council's vision: We want to Cheltenham to be a clean green and sustainable town that waste less and recycles. We want to work towards being a zero waste town as well as being carbon neutral by 2030.
- 3.2** To support delivery of the council's ambitious long term strategy, close working relationships with our environmental services provider will required and this will influence not only strategic decision making but also our financial well being. The council could choose to go out to the market, undertaking a full procurement exercise, for a long term service provider however, given the financial cost of carrying out this procurement and in light of our current service providers high levels of performance during the COVID-19 pandemic and the results of the WYG value for money review it is not recommended as an option.
- 3.3** This report recommends an extension to the existing contract arrangement with Ubico.

4 How this initiative contributes to the corporate plan

- 4.1** The environmental services strategy and appendices, along with the updated policy have been specifically produced to strengthen our ability to deliver key priority 3 within the council's corporate plan and the action plan will focus entirely on the objectives and outcomes to support this.

5 Consultation and feedback

- 5.1** The draft environmental services strategy and appendices, along with the updated policy have been subject to internal consultation and provide a direction of travel for the authority.
- 5.2** An environmental impact assessment has been carried out and the implementation of the updated policy will focus on advice and support with the aim of minimising the need for formal enforcement action and as such, given the environmental imperatives and the constraints presented by COVID-19 in terms of meaningful consultation over and above an on line survey, further consultation on the implementation of the updated policy will take place as part of the public consultation on the strategy planned in 2021.
- 5.3** The draft environmental services strategy and appendices will be subject to further consultation including public consultation along with the Joint Municipal Waste Management Strategy being drafted by the newly formed Gloucestershire Resources and Waste Partnership for final approval by members in 2021.

6 Performance management –monitoring and review

- 6.1 The environmental services strategy will be subject to public consultation before a final version is brought back to members for approval including an action plan to deliver it. Once approved progress will be reported annually to members.
- 6.2 The environmental services policy will be reviewed annually as required and any changes will be brought before members for approval.
- 6.3 A robust commissioning arrangement will remain in place to continue to develop strong partnership arrangements between CBC and Ubico. This will deliver robust contract monitoring through established budgetary and service monitoring governance with both CBC and Ubico.

Report author	Contact officer: Karen Watson, Environmental Partnerships Manager Karen.watson@cheltenham.gov.uk, 01242 264397
Appendices	<ul style="list-style-type: none"> 1. Risk Assessment 2. Draft environmental services strategy including draft single use plastics strategy (appendix A) 3. Environment Services Policy including our approach to weed control (appendix A) and formal enforcement procedure (appendix B)
Background information	<ul style="list-style-type: none"> 1. Resources and waste strategy published December 2018

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 council does not implement policies to reduce residual waste in line with government guidance the council will be less able to meet its recycling rate target and support the climate emergency	Karen Watson	25/9/20	2	1	2	Reduce	Develop an action plan to support the draft strategy and implement the updated policy attached to this report	Reviewed annually	Karen Watson	Updated risk will be transferred after the cabinet decision 13/10/20
	If the council does not implement policies to reduce residual waste in line with government guidance and improve the quality of recycling collected, the council will be less able to meet the requirements of the medium term financial strategy.	Karen Watson	25/9/20	2	3	6	Reduce	Develop an action plan to support the draft strategy and implement the updated policy attached to this report. Work with Ubico and re-processors to maximise the quality of recycling materials to ensure more is recycled at a higher income to the council.	Reviewed annually	Karen Watson	Updated risk will be transferred after the cabinet decision 13/10/20
	If the council fails to provide adequate advice and support to the public when it implements the no side waste and	Karen Watson	25/9/20	2	2	4	Reduce	The clean green team will prioritise the implementation of the policy in conjunction with Ubico and work	Review Dec 2020	Karen Watson	Updated risk will be transferred after the cabinet decision

	unsorted boxes section of the updated policy it is likely to receive greater levels of negative publicity and challenge.								closely with customer services, proving relevant information to assist the public and minimise the need for S46 enforcement. Public consultation will take place as part of the strategy in 2021			13/10/20
	If tighter controls as a result of COVID-19 restrict the council's ability to provide advice and support to residents, the policy will be less effective and likely to generate more negative publicity and challenge.	Karen Watson	25/9/20	3	3	9	Accept	To reduce this risk the clean green team will prioritise the implementation of the policy in conjunction with Ubico and work closely with customer services, proving relevant information to assist the public and minimise the need for S46 enforcement. More telephone and email contact will be delivered if home visits are prohibited due to COVID-19. Public consultation will take place as part of the strategy in 2021		Karen Watson		Updated risk will be transferred after the cabinet decision 13/10/20
	If the council fails to	Karen	25/9/20	2	2	4	Reduce	The clean green	Review	Karen		Updated

	provide adequate explanation and action regarding weed removal and the promotion of biodiversity, the council may see negative publicity and a lack of support from the public	Watson/Adam Reynolds						team will prioritise the implementation of the policy in conjunction with Ubico and work closely with green space and customer services, providing relevant information to assist the public	Dec 2020	Watson/Adam Reynolds	risk will be transferred after the cabinet decision 13/10/20
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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

Draft Environmental Services Strategy 2020-2030

Introduction – the case for action

The UK committed to recycling 50% of municipal waste by 2020. Cheltenham achieved this by the end of 2018/19 with a recycling rate of 50.74%. Our current recycling rate, at the end of 2019/20, is 51.23% which means 48.77% of the municipal waste thrown away in Cheltenham is not recycled or re-used. Whilst we have all worked hard to meet our target there is still room for improvement and many residents tell us they think they could do better.

The EU's Circular Economy Package (CEP) includes increasing recycling rates for municipal waste up to 65% by 2035. The UK has committed to adopting these CEP targets even after Brexit.

In the 25 Year Environment Plan, the government pledged to leave the environment in a better condition for the next generation. The government's Resources and Waste Strategy published in December 2018 is intended to help meet that commitment. It promotes the circular economy, sustainable production, helping consumers take more considered actions, cutting down on food waste, international leadership, research and innovation and measuring progress.

Cheltenham is committed to delivering sustainable long term change and recognises the need to take action to reduce the impact of climate change and protect our environment for future generations.

The 2020 COVID-19 pandemic changed how we all behaved – we stopped driving to work, we stayed at home and recycled more (47% more recycling during the March-May 20 lockdown), we enjoyed our green open spaces, more litter was generated, we did more on-line shopping and disposed of more packaging, our buying habits generated more waste, we did more gardening and with all this our natural environment benefitted. This behaviour change has resulted in a positive step change in the uptake in recycling and how we view waste but we need to be thinking about the years ahead. Cheltenham is growing.

By 2030 planners expect approximately 6,900 new homes, a population increase of almost 15,000 (population estimate formula 2.16 people per household by 2030 – $2.16 \times 6,900$) and 39,500 new jobs for the whole Joint Core Strategy area.

The Council's medium term financial strategy (MTFS) requires financial savings which can only be delivered by innovation, efficiencies, reducing collection costs and maximising income generation.

Strategic drivers

Our vision, ambition and outcomes are based on the intention that our future environmental services strategy recognises the diverse external and internal forces that impact on waste management, from public demand for more recycling, to the impact of the global market on waste as a commodity. Alongside this, our approach to street cleansing and grounds maintenance recognises the shortage in financial resources but the growing need to value our natural resources and promote biodiversity. Our strategy will need to respond to significant drivers for change, including:

- Demographics – a growing population and number of businesses
- Environmental, sustainability, and carbon reduction ambitions
- Renewed and widespread passion for environmental issues including biodiversity
- Public demand for change
- Legislation, targets, national strategies and policies
- Council's Corporate Plan, Local Plan, local strategies and policies
- Increasing cost pressures / affordability
- Waste Markets and future impact of Brexit

Our long term future strategy will focus on these themes

- Behaviour change and education
- Waste prevention including reuse
- Food waste – homes and businesses
- Recycling, composting and biodiversity
- Operations – efficient, future proofed and value for money
- Planning
- Recovering value - Markets and Technology
- Education, Advice and Enforcement
- Countywide and other partnerships, public and private

Our Vision

“We want Cheltenham to be a clean, green and sustainable town that wastes less and recycles more. We want to work towards being a zero waste town as well as being carbon neutral by 2030”.

Our Ambitions

- To change the way residents, visitors, businesses and organisations think about waste at home, at work and in the community.
- To build communities where excess waste and litter are socially unacceptable and biodiversity is understood and expected.
- To maximise the quality and quantity of reuse and recycling.
- To reduce the production of waste.
- To minimise the use of landfill - a poor option both environmentally and economically.
- Where prevention, reuse or recycling are not possible, to maximise recovery of our waste through sustainable and affordable collection and disposal channels.
 - Work with countywide and other partners, including our waste disposal authority, to maximise value from our waste

- When waste is produced to encourage community and commercial opportunities to use it as a resource.
- To be recognised as a town that learns from world leaders and aspires to lead in resource and waste management.

Our ambitions will deliver these Outcomes

- Benefits should be seen and felt by local people, businesses and the environment.
- Second-hand is no longer seen as 'second best', and repairing is a natural option.
- Communities, public and private sectors naturally work together to minimise the impact of and maximise the value of waste.
- Everyone, whether they live, work or visit the town, takes personal responsibility for waste.
- In time, a stronger local 'circular economy' supporting employment and investment.
- Waste is valued as a resource and managed accordingly.
- There is less waste in the bins and on the streets and Recycle and Go is the norm.
- Cheltenham is a cleaner, greener and more sustainable town that welcomes biodiversity and is an example of best practice nationally and internationally.
- Homes, schools and businesses throw away less food and save money, resulting in a zero-food waste town

Our Vision delivered by our objectives

Our vision will be delivered by the following objectives that we will deliver through an Action Plan that will be kept under review.

Behaviour Change, Education and Public Engagement

- We will develop and implement a number of behaviour change programmes and initiatives that enable residents to change their behaviour to reduce, reuse and recycle their waste and repair items for the long-term benefit for the whole community.
- We will implement our own and Keep Britain Tidy campaigns to increase civic pride and reduce litter and fly-tipping by rewarding, educating, fining and prosecuting. This will target both those groups that we know are more likely to litter and the law-abiding general public to encourage them to challenge negative behaviour.
- We will deliver services as sustainably as possible with biodiversity in mind.

Waste prevention including reuse

- We will lead by example to reduce packaging and the unnecessary use of single-use plastic and encourage other organisations in the Town to follow suit working with partners – plastic free Cheltenham and Vision 21
- We will support local businesses, landlords, retailers, and other organisations both small and large within the Town to understand their waste responsibilities to reduce, reuse and recycle their waste

Food waste

- Through the countywide Resources and Waste Partnership, WRAP and public engagement we will support households, schools and businesses to waste less food and save money, contributing to a zero waste town

Recycling and composting

- We will strive year on year to improve the quality of recycling and increase recovery levels to the highest practical and possible levels
- We will continue to collect a consistent set of dry recyclable materials from households and businesses in line with the consultation on the national Resources and Waste Strategy, and contractual obligations
- We will continue to review our bring site and household recycling centre provision to help residents reduce waste and recycle more

Operations

- We will plan waste and recycling collections to deliver our waste services in a coordinated, quality and cost-effective way that supports recycling and works for all residents of the town
- We will review the strategic waste site, Swindon Road, Cheltenham, its location and infrastructure required to support delivery of future proofed, environmentally sustainable, quality, cost-effective collection services including provision of a household recycling centre
- We will maximise the use of green fleet, minimising our impact on the environment and contributing to a carbon neutral town by 2030

Planning

- We will include the preferred options for waste and recycling for new housing and business development in Planning Guidance
- We will work with developers to consider innovative approaches to waste and recycling

Recovering value - Markets and Technology

- We will work with Gloucestershire County Council and countywide partners to develop a future waste treatment and disposal model which builds in flexibility and ensures the long-term stability of waste management for the residents of the town through to 2030 and beyond
- We will actively work to influence national Government policy including seeking powers for effective enforcement and regulation that helps to drive positive behaviour change and choices

Partnerships, public and private

- We will explore partnership opportunities to maximise value from our waste
- We will commission a long term, value for money, high quality environmental services provider/partner to deliver our vision, ambitions and outcomes into the future

Appendix 2 - The Waste Hierarchy



Reduce - Lowering the amount of waste produced by manufacturers

Reuse - Using materials repeatedly

Recycle - Using materials to make new products

Recovery - Recovering energy from waste such as refuse and food waste

Landfill - Safe disposal of waste to landfill. All our domestic waste arisings now goes to Javelin Park.

Cheltenham Borough Council

Draft Single use plastics strategy 2020

1. Introduction and Context

- 1.1. This single use plastic reduction strategy has been developed to support the council's procurement policy, protocols and process and will also contribute to the Council's actions to address climate change.
- 1.2. The government's resources and waste strategy published in December 2018 pledges to reduce our plastic waste and to make all plastic packaging reusable or recyclable by 2050 and within this wider context, this strategy aims to reduce and eliminate single use plastics as soon as possible within Cheltenham Borough Council.
- 1.3. Most plastic currently produced can be recycled, however, the extent to which plastics are recycled depends upon various technical, economic and logistical factors. As a valuable and finite resource, given that it is derived from fossil fuels such as oil and coal, the optimum recovery route for most plastic items at the end of life is for them to be recycled, preferably back into a product that can then be recycled again and again, ad infinitum.
- 1.4. It is estimated that 8.3 billion tonnes of plastics have been produced globally so far, with 6.3 billion tonnes of this becoming plastic waste. Only 9% of plastic is currently recycled and 12% is incinerated, resulting in 79% of the plastic produced to date either ending up in landfill or elsewhere in the natural environment, perhaps most worryingly in the world's oceans. Single Use Plastics make up a significant proportion of this total. Single Use Plastic refers to any disposal plastic item which is designed to be used just once.
- 1.5. The council recognises that discarded plastics, including non-recyclable food containers, cups and straws are a major pollutant and of detrimental impact to Cheltenham and the wider environment. The council is striving to implement 'recycle and go' bins to capture more recyclable plastic waste such as plastic bottles and pots, as well as empty coffee cups, within the town centre.
- 1.6. This strategy has been developed to expedite a program of plastics reduction actions that will have a long term positive impact on the current issues raised within the community.
- 1.7. When reviewed in 2019, the key areas of single use plastic within the council included:
 - Plastic cutlery
 - Coffee vending cups
 - Food containers
 - Straws
 - Condiment sachets
 - Soft drink bottles
 - Water cups
 - Bin liners

- Stationery items – plastic wallet files etc.

2. Strategy scope

- 2.1. This strategy aims to reduce and eliminate single use plastics within the council and encourage change within the borough based on the authority leading by example.
- 2.2. The key objectives which form the scope of this strategy are:
 1. The systematic identification of single use plastics by the council and its partners and the more environmentally friendly alternatives available
 2. To reduce/remove single use plastics by working to encourage supplier businesses and contractors to help reduce/remove these from the supply chain
 3. To raise awareness of the impact of single use plastics across the town
 4. To deliver the commitments and actions within the strategy through a collaborative approach, not just by the council, but across the wider public sector and through our supply chains.

3. Reduction/removal of single use plastics within the Council

- 3.1. To reduce and remove single use plastic within the council, there are three key steps that need to be taken:

1. Identify current use
2. Identify and develop alternative sources of supply; and
3. Implement change.

- 3.2. A high level review of all single use plastics across the council has taken place, which identified the single use products currently used as:

- Cutlery
- Coffee machine vending cups
- Water cups
- Food containers
- Condiment sachets
- Soft drink bottles
- Straws, milk carton straws
- Bin liners
- Stationery items – plastic wallet files etc.

- 3.3. The council's partner organisations procure most of these items. A joint approach with our partner organisations and supply chains to bring about change is essential, to promote innovation and identify alternative products and solutions to ensure acceptable functionality and that essential ongoing customer needs are met.

- 3.4. Relevant tenders by the council need to include standard criteria to consider how our supply chain assesses the circular economy in relation to plastics and those businesses must be encouraged to minimise waste and to recycle. Such criteria would help to support the reduction and ultimately, the elimination of plastic packaging, at the same time supporting the wider climate change agenda. This is needed to reduce the impact of our supply chain on the environment and to help achieve the council's goals of carbon neutrality by 2030.
- 3.5. Following identification of suitable alternative products, access to current products should be phased out and stopped as quickly as is practicable.
- 3.6. Further details of benchmarks and actions to be developed are provided within the action plan within the appendix to this strategy.

4. Promoting the reduction and removal of single use plastics across Cheltenham

- 4.1. Through taking a lead on the reduction and removal of single use plastics across all council offices and where possible schools, we will take forward the opportunity to lead and to educate and promote awareness of the negative impact they have, whilst identifying alternative products for council staff, visitors and school pupils, which can directly inform the wider Cheltenham community.
- 4.2. In addition to the work undertaken by the council directly to reduce and manage its single use plastics, the council works closely with partners across the borough, demonstrating its commitment to the management and removal of plastics locally. The Council has considered initiatives such as 'refill Cheltenham' to make Cheltenham a borough in which refilling your water bottle becomes a cultural norm, with refill points available in town, via cafes, retailers, hotels and business. There is an opportunity for the Cheltenham Trust to be involved in this scheme and to promote this to visitors of Cheltenham, however, with the constraints of COVID-19 this initiative has not been taken forward yet due to the associated health and safety concerns and funding requirements.
- 4.3. The work done so far by our service provider/partners has provided an improved understanding of the current hotspots in the area and where resources and efforts should be prioritised to support the early reduction of plastic waste.

5. Impact

- 5.1. Environmental – the growing generation of plastic waste and its leakage into our environment must be tackled if we are to achieve a truly circular lifecycle for plastics. Today, littering and the leakage of plastic waste is causing extensive damage to our environment and wildlife, economic impacts on activities such as tourism, fisheries and shipping and may already be affecting human health through the food chain.
- 5.2. Economic – with the achievement of this strategy within Cheltenham, depending on the cost implications through the supply chain to innovate and develop alternative solutions, there may be a potential cost increase, however this will be defined within the action plan. In the long term, failure to act could have far reaching impacts on human health and well-being, with similarly extreme cost implications.

6. Monitoring and reporting

6.1. An update on relevant activities and achievements within the action plan will be included in future reports to members.

Action Plan 2020-21

- reduction and removal of single use plastics within the Council

Action	Responsible lead	Timescales
Create a more detailed baseline of current single use plastic used across the council, including in the home due to homeworking following the Covid-19 pandemic	Karen Watson report to Mike Redman	By January 2021 subject to the constraints of COVID-19
Identify investment required to implement re-usable products (e.g. water bottles instead of cups) and consider budget options to support this activity	Karen Watson report to Mike Redman	TBA
Evaluate and trial alternative solutions where applicable as soon as possible	Karen Watson report to Mike Redman	TBA
Identify where no alternative products are currently available within the market and work with current suppliers to develop solutions	Karen Watson report to Mike Redman	TBA
Roll out the use of alternative products and publicise successes	Karen Watson report to Mike Redman	TBA
Phase out/stop single use plastic products being ordered as soon as an alternative and more environmentally friendly source is available	Karen Watson report to Mike Redman	TBA
Monitor and where still being used, remove single use plastic cups at water coolers and coffee machines across the council	Karen Watson report to Mike Redman	By January 2021 subject to the constraints of COVID-19
Raise awareness of issues with a group of staff champions	Karen Watson report to Mike Redman	By January 2021 subject to the constraints of COVID-19
Ensure the effective consideration of plastics within the sustainability test for all relevant contracts as part of the procurement process	Karen Watson report to Mike Redman	
Promote, internally and	Karen Watson report to Mike	By January 2021 subject to

externally, the removal and reduction of single use plastic in both home and work life via social media and the website, working with partner organisations and Plastic Free Cheltenham including businesses and schools.	Redman	the constraints of COVID-19
Review progress annually and report back to members	Karen Watson report to Mike Redman	October 2021

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Environmental Services Policy - revised October 2020 Refuse, Recycling and Street Cleansing Services

Cheltenham Borough Council is responsible for environmental services in Cheltenham which are delivered by Ubico Ltd (our service provider) which is a teckal company wholly owned by local authorities including Cheltenham Borough Council

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SECTION 1 – “REFUSE” (RESIDUAL, NON-RECYCLABLE WASTE) COLLECTION	
1	Residual household waste is collected on a fortnightly basis, in 180 litre wheeled bins or refuse sack/s which are required to be placed at the kerbside by the householder on each collection day.
2	It is the householder’s responsibility to place their wheeled bin or refuse sack/s on the kerbside in a safe position by 7am on the day of collection. Once emptied, the wheeled bin will be returned by the service provider to a safe position as close as possible to the point it was collected from. It is the householder’s responsibility to ensure that the receptacle/s is/are stored off the adopted highway until the next scheduled collection day.
3	Wheeled bin/s or refuse sack/s can be presented from 18:00 the day before the scheduled collection day. Refuse bin/s must be removed from the adopted highway by 09:00 the day following the scheduled collection day.
4	Each household is provided, free of charge, with one green coloured, 180 litre wheeled bin for residual waste.
5	Residents who are unable to store/manage a large bin are offered a smaller wheeled bin of 140 litres. (See SECTION 5 – SPECIAL ASSISTANCE SERVICE ARRANGEMENTS).

6	Residents living at hard to reach properties may present their waste for collection in refuse sacks with a maximum of 4 per household being presented on each collection and this may be different for larger households.
7	360 litre wheeled bins are provided to households with 5 or more occupants, those with two or more children in nappies or residents who are producing large amounts of waste due to medical condition (i.e. incontinence pads and disposable sheets) following assessment the council or Ubico.
8	Where space is restricted, communal properties are provided with 1100 litre or 660 litre wheeled bin/s for the storage and collection of refuse – subject to there being the necessary room on site to permanently store the containers. It is the responsibility of the management agent to ensure excess waste blocking access to the bins is removed to allow access to the bins for emptying by The service provider.
9	Residents who would like to present additional waste as the result of special circumstances i.e. family party or house move can purchase beige coloured refuse sacks from the Council by contacting customer services on 01242 262626. When full, beige sacks can be presented alongside refuse bin/s on the scheduled collection day.
10	Wheeled bins supplied by the Council must stay at the address to which they are delivered, unless otherwise agreed, and remain the property of the Council.
11	Householders are responsible for maintaining their bins in a hygienic and serviceable condition.
12	Refuse crews will only empty one bin per property per fortnight unless a contractor officer gives specific approval for additional receptacles.
13	Householders are <u>not</u> provided with an annual calendar informing them of their collection days and should instead source the information from the Council's website www.cheltenham.gov.uk , the media including social media or call the Customer Service Team on 01242 262626. Collection days will be temporarily changed as a result of Bank Holidays so residents are encouraged to find out their collection day around these periods in good time. The service provider will not ordinarily return to householders who have placed their bin/s or

	sack/s out on the incorrect day during such times.
14	Only bins supplied by the Council will be emptied.
15	Refuse bin/s and sack/s containing non-domestic waste such as garden waste, soil, bricks, rubble, DIY waste, oil, hazardous waste etc. will not be collected. It will be the responsibility of the householder to remove the non-domestic household waste before the next collection.
16	Refuse bin/s & sack/s which are too heavy to be safely wheeled/picked up by an average collection operative will not be serviced and it will be the responsibility of the householder to reduce the weight before the next scheduled collection. The collection crew will not return to collect in the meantime.
17	Residual waste should not include any recyclable, organic or compostable waste. These items can be recycled using the other services offered.
18	The contractor will only remove waste that is completely contained within a bin with the lid closed. The service provider will not take any side waste or waste placed on top of bins. The service provider will not take any side waste or waste placed on top of bins. Where households present their waste in black sacks, a maximum of four black sacks may be presented per fortnight. An information sticker/bin hanger/leaflet/letter will be left to advise the customer in such circumstances. For further details please see the enforcement section of this policy which sets out the education, advice and enforcement procedure.
19	During the two-week period immediately following Christmas Day each year, for one collection only , households may present an additional amount of residual waste in sacks alongside their green wheeled bin/refuse sacks and it will be collected on their revised collection day. However, during this period, if 12 or more additional sacks are presented at any one property, a service provider officer may conduct a site inspection to establish the reasons for the large quantity of residual waste and offer waste reduction/recycling advice.
20	Where Cheltenham Borough Council or its service provider fails to collect residual waste as a direct result of service failure it will normally be collected within 2 working days of the service provider being notified by the Council. The service provider can only act on reports made by the customer to the Council within 2 working days from 17:00 on the collection day.

21	A replacement bin will be issued free of charge if damage or loss occurs during handling by the service provider. If a householder damages a bin it will be replaced upon request and a charge will be made. If a bin is stolen whilst presented within the presentation period then it will be replaced free of charge. If it is stolen outside of the presentation period then it will be the responsibility of the householder to pay for a new one.
22	The delivery or collection of an additional/replacement bin/s will be on request.
23	Relevant information will be collected regarding residents who deliberately abuse the residual waste collection service by ignoring guidance regarding collection requirements. Further details are contained in the enforcement section of this policy.

SECTION 2 – “DRY RECYCLABLES” COLLECTION	
1	<p>Each household is issued, free of charge, with 44 litre green coloured plastic boxes and lids for the storage and presentation of dry recyclables which householders are required to present sorted or segregated as follows (please refer to the website for details of what is recyclable and how to sort it):</p> <p>“Mixed Plastics, Cans/Tins & Aerosols” in one box, “paper” in a second box and if there is too much glass and paper for one box with it separated out within the box (not mixed) “glass” in a third box .</p> <p>One blue coloured weighted reusable sack is also issued for the storage and presentation of mixed cardboard of a size that will fit inside the bag. Additional bags can be requested.</p>
2	<p>In addition, residents can present for collection ‘Textiles/Shoes, Small Waste Electricals and Household Batteries’ in separately tied carrier bags (supermarket style or similar size plastic bags). Textiles and Shoes must be kept dry in order to be collected so the carrier bags containing such items must be placed within one of the recycling boxes with the lid closed – wet Textiles and Shoes will not be collected and it will be the responsibility of the householder to remove these items before the next schedule collection. Small Waste</p>

	Electricals and Household Batteries should also be presented within separately tied carrier bags (supermarket style or similar size plastic bags) and these should be placed for collection in or on top of either recycling box.
3	Single person occupancy households or homes which don't have the necessary storage space can present a single box with all recycling items presented together inside. However this is restricted to only one box per household presented in this way in such circumstances.
4	Where space is restricted, communal properties are provided with separate 240 litre wheeled bins known as recycling bin sets, for the storage and collection of recycling (Paper, Cardboard, Glass, Cans & Mixed Plastics) - subject to there being the necessary room on site to permanently store the containers. 'Textiles/Shoes, Small Waste Electricals and Household Batteries' should be presented alongside the recycling bins in separately tied carrier bags (supermarket style) and be visible to the collection crew – wet Textiles and Shoes will not be collected and it will be the responsibility of the householder/management agent to remove these items before the next schedule collection.
5	<p>The Council's service provider collects the following materials for recycling:</p> <ul style="list-style-type: none"> • Cans and tins, empty aerosol cans, mixed consumer plastics (bottles, pots, tubs and trays) mixed papers, glass bottles and jars, mixed cardboard (in pieces no larger than 1 metre square and presented within the blue reusable bag), textiles/shoes (dry), small waste electricals and household batteries. Further details on the items which can be recycled can be found on the Councils website www.cheltenham.gov.uk or by contacting the Customer Service Team on 01242 262626.
6	Residents are asked to wash and squash recycling materials where appropriate as heavily contaminated items cannot be recycled.
7	The boxes and sack/s are collected on a fortnightly basis
8	Where recycling boxes/blue bags, presented are presented not properly sorted or segregated into the correct boxes a sticker/bin hanger/letter will be left providing advice on the correct sorting. A further letter and final warning sticker will be issued after which time the unsorted recycling will not be collected. For further details please see the enforcement section of this policy which sets out the education, advice and enforcement procedure.
9	It is the householder's responsibility to place the boxes and sack/s on the kerbside in a safe position by 7am on the day of collection and residents must segregate recycling materials using their containers as instructed. Once emptied, the boxes and sack/s will be returned by

	<p>the service provider to a safe position as close as possible to the position they were collected from. It is the householder's responsibility to ensure that the receptacle/s is/are stored off the adopted highway until the next scheduled collection day. Wherever possible the empty cardboard sack/s will be placed inside one of the empty boxes at the correct property to reduce the risk of loss or damage. Recycling containers can be presented from 18:00 the day before the scheduled collection day and must be removed from the adopted highway by 09:00 the day following the scheduled collection day.</p>
10	During periods of inclement weather including strong winds, residents are advised to place a heavy object on the lid of their recycling boxes such as a stone or brick to prevent the contents from being blown around and causing a litter issue.
11	The boxes and sack/s remain the property of the Council and must stay at the address of issue. Individual householders are responsible for maintaining their boxes and sacks in a hygienic and serviceable condition.
12	Replacement boxes and sacks are offered free of charge if damage or loss occurs during handling by the service provider's staff.
13	Additional boxes and sacks are available on request.
14	Householders are <u>not</u> provided with an annual calendar informing them of their collection days and should instead source the information from the Council website www.cheltenham.gov.uk or call the Customer Service Team on 01242 262626. Collection days can temporarily change as a result of Bank Holidays so residents are encouraged to establish their collection day around these periods in good time. The service provider will not return to householders which have placed their bins/bags out on the incorrect day during such times. The collection crew will not return to collect in the meantime.
15	Boxes and sacks containing non-recyclable waste such as residual/garden waste, soil, bricks, rubble, DIY, organic waste etc. will not be collected. It will be the responsibility of the householder to remove the non-domestic household waste before the next collection.
16	Boxes and sacks which contain items which may pose a hygiene risk for collection staff (such as nappies, faeces etc) will not be collected. An information sticker/bin hanger/leaflet/letter will be left to advise the customer in such circumstances and it is the householder's responsibility to remove these items before the next scheduled collection.

17	Where Cheltenham Borough Council or its service provider fails to collect recycling as a direct result of service failure it will normally be collected within 2 working days of the service provider being notified by the Council. The service provider can only act on reports made by the customer to the Council within 2 working days from 17:00 on the collection day.
8	Relevant information will be collected regarding residents who deliberately abuse the dry recycling service by ignoring guidance regarding collection requirements. Further details are contained in the enforcement section of this policy.

SECTION 3 – “GARDEN WASTE” COLLECTION	
1	The garden waste wheeled bin collection service is available to householders who wish to purchase an annual garden waste subscription. Garden waste subscriptions are non-refundable, charged at a flat rate for a fortnightly collection with a service suspension over the Christmas and New Year period as advertised on the website and are applicable for a 12 month period from point of sign-up. Households wishing to share a bin and therefore the cost of the subscription are permitted to do so, however a single payment must be made to the Council and this cannot be split. The bin should be presented outside the property paying the subscription.
2	Residents of hard to reach properties may be eligible to purchase garden waste for the presentation and collection of garden waste only – subject to availability. Those customers interested in this service should contact the Customer Service Team on 01242 262626 for confirmation of eligibility and make payment.
3	The service provider will only collect garden waste contained within a brown bin/s or within Council-issued compostable sacks and will not collect any side waste.
4	Garden waste is collected fortnightly usually on the same day as the other waste collections but in certain areas, on a different day. Subscribers to the green waste service are provided with details on where to find their collection information when they sign-up. Detail are available on the website.

5	<p>The garden waste service is for the collection of:</p> <ul style="list-style-type: none">• Grass cuttings• Weeds, flowers, leaves and bark• Hedge and shrub cuttings• Tree stumps, twigs and branches up to 10cm in diameter• Christmas trees cut into 1 metre sections• Bedding from herbivores such as rabbits• Windfall fruit
6	<p>Households may purchase more than one garden waste bin subscription.</p>
7	<p>It is the householder's responsibility to place the bin/sack(s) on the kerbside in a safe position by 7am on the day of collection in a position from where it/they can be collected/emptied. Once emptied, the bin(s) will be returned by the service provider to a safe position as close as possible to the position they were collected from. It is the householder's responsibility to ensure that the receptacle/s is/are stored off the adopted highway until the next scheduled collection day.</p>
8	<p>Householders are <u>not</u> provided with an annual calendar informing them of their collection days and should instead source the information from the Council website www.cheltenham.gov.uk or call the Customer Service Team on 01242 262626. Collection days can temporarily change as a result of Bank Holidays so residents are encouraged to establish their collection day around these periods in good time. The service provider will not return to householders which have placed their bins/bags out on the incorrect day during such times.</p>
9	<p>Garden waste bins can be presented from 18:00 the day before the scheduled collection day and must be removed from the adopted highway by 09:00 the day following the scheduled collection day.</p>
10	<p>Bins/sacks containing non-garden waste items such as residual waste, food waste, dry recyclables, soil, bricks, rubble, DIY waste, oil, hazardous waste etc will not be collected. It will be the responsibility of the householder to remove the contamination before the next collection. The collection crew will not return to collect in the meantime.</p>

11	Overloaded bins/sacks will not be emptied/collected and it is the householder's responsibility to reduce the weight before the next collection. Bins and sacks must not be too heavy for an average person to easily wheel/carry.
12	Delivery or collection of additional/replacement bin/s is on request
13	Where Cheltenham Borough Council or its service provider fails to collect recycling as a direct result of service failure it will normally be collected within 2 working days of the service provider being notified by the Council. The service provider can only act on reports made by the customer to the Council within 2 working days from 17:00 on the collection day.
14	Relevant information will be collection regarding residents who deliberately abuse the garden waste service by ignoring guidance regarding collection requirements. A coloured sticker or bin hanger will be left on the bin/sack(s) explaining why the garden waste has not been collected and giving details of how to contact the Council for advice/instruction. If the household persists in not complying with the details contained within this policy, then enforcement action may be undertaken.
15	Garden Waste Service Terms & Conditions are available on the website. <ul style="list-style-type: none">•

SECTION 4 – “FOOD WASTE” COLLECTION	
1	Each household is provided, free of charge, with one 7 litre dark green coloured lockable food waste container for use inside the home, and one 23 litre dark green coloured lockable food waste container to present on collection day.
2	In houses of multiple occupancy or flats, or other areas where it is not feasible or operationally practical to provide individual caddy sets, households are each issued with the 7 litre caddy and a shared wheeled bin/s specifically for food waste.
3	Food waste containers supplied by the Council remain the property of the Council and must stay at the address to which they are delivered.
4	Householders are responsible for maintaining the food waste containers in a serviceable condition.
5	Caddy liners are not provided by the Council however, the Council will collect food waste presented within the kitchen caddy in compostable liners, wrapped in paper or presented in carrier bags.
6	Residents are requested to tie their compostable liners/carrier bags prior to their food waste collection being made. Residents using newspaper should wrap the food in it rather than line the container, which should prevent paper remaining stuck to the side of the container following a collection
7	Food waste will comprise all cooked and uncooked waste food matter.
8	Households may have additional kitchen caddies free of charge on request.
9	It is the householder’s responsibility to place their food waste container on the kerbside in a safe position by 7am on the day of collection. Once emptied, the container will be returned by the service provider to a safe position as close as possible to where it was collected from. Wherever practical/possible the service provider will make every effort to ensure that food waste containers are returned in such a way as to reduce the risk of loss or damage.

10	If the service provider fails to collect the food waste as a direct result of service failure it will normally be removed within 2 working days of the Council being notified. Note: the Council will only accept reports made from residents up to 2 working days hours after 17:00 on the normal collection day.
11	Food waste containers containing non-food waste such as residual waste, dry recyclables, soil, bricks, rubble, DIY, hazardous waste etc will not be collected. An information sticker/bin hanger/leaflet/letter will be left to advise the customer in such circumstances.
12	Overloaded food waste containers may be rejected and not emptied. An information sticker/bin hanger/leaflet/letter will be left to advise the customer in such circumstances.
13	Relevant information will be collected regarding residents who deliberately abuse the food waste collection service by ignoring guidance regarding collection requirements. A coloured sticker or bin hanger will be left on the food waste container explaining why the food waste has not been collected and giving details of how to contact the Council for advice/instruction.

SECTION 5 – SPECIAL ASSISTANCE SERVICE ARRANGEMENTS	
1	The Council recognises that some people may be unable, for a variety of reasons, to present their wheeled refuse bins, refuse bags, recycling boxes, mixed cardboard sacks, garden waste bins, garden sacks and food waste containers for collection. Therefore, an enhanced service is provided for people who have been assessed by a service provider officer as having a genuine need due to age, disability or medical reasons, whereby the service provider will collect and return the receptacles from a location on the householder's property boundary. Assistance will not be provided if there is an able bodied person living at a property.
2	Those people who have a special need but may not be eligible for an assisted collection may be provided with alternative refuse/garden waste containers which are smaller and lighter, subject to approval by a service provider officer and availability.

3	The service is only available for those residents who qualify by meeting the eligibility criteria and subject to a home visit as necessary.
4	Service provision is subject to adequate access being available at all times on the scheduled day of collection and the service provider will not return to properties where access has been unachievable through there being a locked gate, dog running loose etc, which pose a potential hazard to the collection staff, and the crew will not return until the next scheduled collection.
5	Decisions regarding special arrangements for collections will be at the discretion of a service provider officer.

SECTION 6 – HARD TO REACH PROPERTIES & STORAGE ISSUES	
1	The Council recognises that some residents are unable to accommodate wheeled bins due to a lack of space or problems with access – such as no entrance to rear gardens, steps or steep slopes. Those residents are able to present refuse in waste sacks with a maximum of 4 being collected per fortnight.
2	Certain roads within the borough are eligible for a green waste sack collection service and in such instances sacks can be purchased from the Council offices.
3	Residents living in flats or other multi-occupational buildings are usually provided with larger 1100/660 litre communal wheeled bins for the collection of residual waste, 240 litre communal bins sets for the collection of recyclables and 240/120 litre communal wheeled bin/s for food waste. Larger 1100/660 litre wheeled bins, 240 litre recycling bins and 240/120 litre food waste bins will be collected/returned from/to bin storage areas where appropriate following assessment by a service provider officer.
4	Bins supplied by the Council remain the property of the Council and must stay at the address to which they are delivered.
5	Refuse and/or green waste sacks should be placed at the kerbside in a safe place by 7am on the day of collection. The refuse crews will not collect sacks/bags from properties which have not been approved for a sack/bag collection service and will not come on to property unless the household is eligible for an assisted collection. (See SECTION 5 – SPECIAL ASSISTANCE SERVICE ARRANGEMENTS

	POLICY)
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SECTION 7 – OTHER DIFFICULTIES WHICH MAY ARISE	
1	<p>Property without a Pavement</p> <p>Where properties do not have pavements or kerbs adjoining their boundary, householders will be permitted to present their waste and recycling containers just inside the curtilage of their property (to a maximum of 1.5 metres from the roadside). Free access must be maintained – e.g. no locked gates.</p>
2	<p>Private/Unadopted Roads</p> <p>The service provider’s staff will only travel on private/unadopted roads that are of a suitable construction and a satisfactory standard, so that damage will not be incurred to either the vehicle or the road surface. There is a process in place whereby the service provider inspects new developments to ascertain that they are built to the necessary standard to allow an up to 26 tonne collection vehicle to use them. The service provider also periodically monitors existing such roads and the effect the collection vehicles and other usage is having on the road surface. Where road surfaces start to deteriorate then the responsible party will be informed and the usage of the road by the service provider may be suspended until the necessary repair work has been completed. In such circumstances an alternative collection point may be identified by the service provider and upon notification by the service provider, it will be the responsibility of the householder/s to present their waste, recycling, food and garden waste (if subscribed) containers at the alternative location on each scheduled collection until the road is fit to use again.</p>
3	<p>If security gates are present they must be left open to enable collection vehicles to gain unrestricted access. There must also be adequate provision to allow the collection vehicle to turn safely.</p>
4	<p>Developers/Residents in cases of new private/unadopted roads must indemnify the council and its service provider for any damage caused by collection vehicles which can weigh up to 26 tonnes – as per the information contained within the Council environmental</p>

	services developers guide.
5	If private/unadopted roads fail to meet the above criteria, residents will be required to present their waste and recycling for collection at the kerbside of the nearest adopted highway.
6	Bin Storage Areas Bin storage areas must be accessible on the day of collection. If security gates are present they must be left open to enable the collection crews to gain unrestricted access.
7	Clinical waste – please refer to the website for further details.
8	Dead animals – please refer to the website for further details

SECTION 8 – “BULKY WASTE” SERVICE FOR THE COLLECTION OF LARGE ITEMS OF HOUSEHOLD WASTE	
1	When a customer contacts the Council requesting this service staff take the order and payment then process the request for completion with the service provider.
2	The service is available for the removal of large domestic household items, furniture, and white goods – e.g. cookers, refrigerators and washing machines. The service provider will not remove any DIY waste or commercial items.
3	The council makes a charge for this service. Pricing details and what items can be collected are available on the Councils website – www.cheltenham.gov.uk or by contacting the Customer Service Team on 01242 262626.
4	Collection days are set dependent on where a customer resides in the borough and may not be the same as their waste collection day.
5	Once booked, three working days’ notice will be required for a refund.
6	Items collected are re-used where possible and customers accessing this service may be asked to keep items dry or advise if they are still in working order to help increase the number of items that can be re-used.

SECTION 9 – “RECYCLING BRING BANKS” SERVICE FOR RESIDENTS TO RECYCLE ITEMS WHICH MAY NOT BE COLLECTED AT THE KERBSIDE	
1	There are a number of recycling bring bank sites located across the borough which enable residents to recycle items which aren't collected as part of the kerbside recycling service – these include Foil, Tetrapak/Cartons, and CD's/DVD's & Books.
2	Information on the location of these sites and the items which can be recycled at each location can be found on the Councils website – www.cheltenham.gov.uk , 'Recycle for Gloucestershire' website www.recycleforgloucestershire.gov.uk or by contacting the Customer Service Team – 01242 262626.

SECTION 10 – HOUSEHOLD RECYCLING CENTRE, SWINDON ROAD	
1	The Swindon Road Recycling Centre is operated by a service provider on behalf of Cheltenham Borough Council for Cheltenham residents.
2	The service provider ensures the adequate provision of appropriately qualified competent staff, as required by the site licence.
3	The site is operated at all times in accordance with the site licence and exemptions issued by the Environment Agency.
4	The site opening times as specified in the site licence are as follows but subject to review by the Council: Monday to Friday - 7.30am to 7.30pm (summer time) and 7.30am to 6.30pm (winter time) Saturdays - 7.30am to 4.00pm Sundays and bank holidays - 9.00am to 1.00pm
5	Cheltenham Borough council reserve the right to close the Swindon Road Recycling Centre at any time without prior notice.
6	The following materials are not accepted at the site: DIY and builders' rubble Tyres

	<p>Gas Bottles Fire Extinguishers Hazardous waste including asbestos Clinical waste Animal waste Trade / Commercial waste Paint & Chemicals Plasterboard</p>
7	1 tonne builders bags containing any materials are not accepted at the site. If waste is transported to site in a 1 tonne builders bag, it must be decanted into a smaller receptacle for disposal. 1 tonne builders' bags cannot be emptied into any skips on the site under any circumstances to ensure the safety of site users and staff.
8	Vans, whether or not privately owned, are not permitted.
9	Small household trailers are accepted but must not be detached from the vehicle, so the items will need to be lifetable. Trailers must be no larger than 4ft x 6ft and must not have twin wheels.
10	Staff on site will assist site users to lift any item that they need assistance with, provided it is safe for them to do so. The site staff have the right to refuse to carry items which may pose a risk of injury to themselves i.e. too heavy or too large.
11	Children under 16 and animals who attend the site must remain inside the vehicle at all times.
12	In accordance with the requirements of the site licence, no persons other than those formally contracted to do so, may remove any materials from the site.
13	Site staff will ensure that members of the public are not allowed to remove any materials from the site. Anyone caught doing so may be subject to a warning and/or being permanently banned from using the site.

14	Users bringing their recycling to the site may also bring a reasonable quantity of domestic refuse for disposal at the same time.
15	Site staff will monitor the refuse material being brought into the site, and, wherever possible, may separate out any recyclable materials and segregate accordingly. To minimise residual waste and maximise recycling, site users will be encouraged to use clear re-usable bags or other containers rather than single use black plastic bags.
16	Site staff will control traffic and pedestrian movements within the site to ensure safe and efficient operations are maintained.
17	When the site must temporarily close to allow the safe changeover of containers, site staff will ensure that the site is clear of the public and that anyone waiting to use the site is informed of the reason for the delay and its potential duration.
18	At busy times, should queuing occur, site staff are utilised in the best way possible to allow most efficient throughput of users. In such circumstances traffic flow may be controlled. Appropriate signage will be erected by site staff along the access road to advise of the delay.
19	Should containers become full, site staff will, wherever possible, erect signage on the access road to inform users before they reach the site.
20	Users of the site must abide by the site rules and instructions of the site staff at all times.
21	Users must observe the one-way system and all other traffic controls in place.
22	Pedestrians must remain in the designated pedestrian areas at all times.
23	Aggressive or abusive behaviour at the site, either towards staff or other users will be recorded and may be reported to the police. The offender/s may also be permanently banned from site.

SECTION 11 – EDUCATION, ADVICE AND ENFORCEMENT	
1	The council, in conjunction with its service provider, will seek to educate and advise residents on waste minimisation and

recycling and the advice/education process is set out below however where there is persistent non-compliance of the no side waste/closed bin lid process or incorrect presentation or non sorting/segregation of recycling the matter will be referred to CBC public protection and will be dealt with in accordance with the attached formal enforcement procedure.

2 Warning letters may be issued to householders who persistently leave receptacles on the street later than 09:00 on the day following the scheduled collection day or present receptacles before 18:00 on the day before the scheduled collection.

3

<i>No Side Waste' & 'Closed Bin Lid' /Incorrect presentation/unsorted recycling – Advice/Education Process</i>			
No. of Non-Compliant Collection Instances	Type of Contact	Event	Action Taken
1st	Policy Education		One coloured sticker or bin tag will be left on the bin/box/bag/caddy by the service provider advising that either additional residual waste was presented or recycling was incorrectly presented/not sorted. All the residual waste or recycling will be taken on this occasion unless the recycling is contaminated with items such as nappies or food waste etc.
2nd	Policy Education – final warning		An advice/education letter will be delivered to the

				<p>property by the service provider advising that additional residual waste was presented again or recycling was incorrectly presented/not sorted again and this will not be collected in future. The resident will be signposted to advice and support to minimise their waste and recycle in line with our policy for the benefit of the environment and to support climate change. The resident will be advised that the next step is formal enforcement action as outlined in the attached formal enforcement procedure.</p> <p>All the residual waste or recycling will be taken on this occasion unless the recycling is contaminated with items such as nappies or food waste but this will be the last time – the next time the excess residual waste or incorrectly presented/sorted recycling will not be collected.</p>	
	3rd	Policy Enforcement – non compliance		<p>If excess residual waste continues to be presented on the 3rd collection the service provider will not collect any excess waste and it will be left uncollected and a sticker or bin tag will be placed on the bin advising the resident why and confirming that the matter has now been passed to the Council’s public protection team for formal action (Section 46A notice).</p> <p>If recycling continues to be incorrectly presented/sorted on the 3rd collection the</p>	

				<p>service provider will not collect the recycling that is not correctly sorted and a sticker or bin tag will be placed on the box advising the resident why and confirming that the matter has now been passed to the Council's public protection team for formal action (Section 46A notice).</p> <p>If the resident contacts customer services and agrees to correctly present/sort the recycling the service provider will return to collect the recycling on this occasion only – the service provider will only do this once at the request of the Council. Formal enforcement action will not proceed if recycling continues to be correctly presented/sorted. Similarly excess waste may be collected if the resident contacts customer services and additional help and support is agreed.</p>	
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SECTION 12 – GENERAL POLICIES	
1	*Any financial amount in this document may be subject to annual price review without consultation.

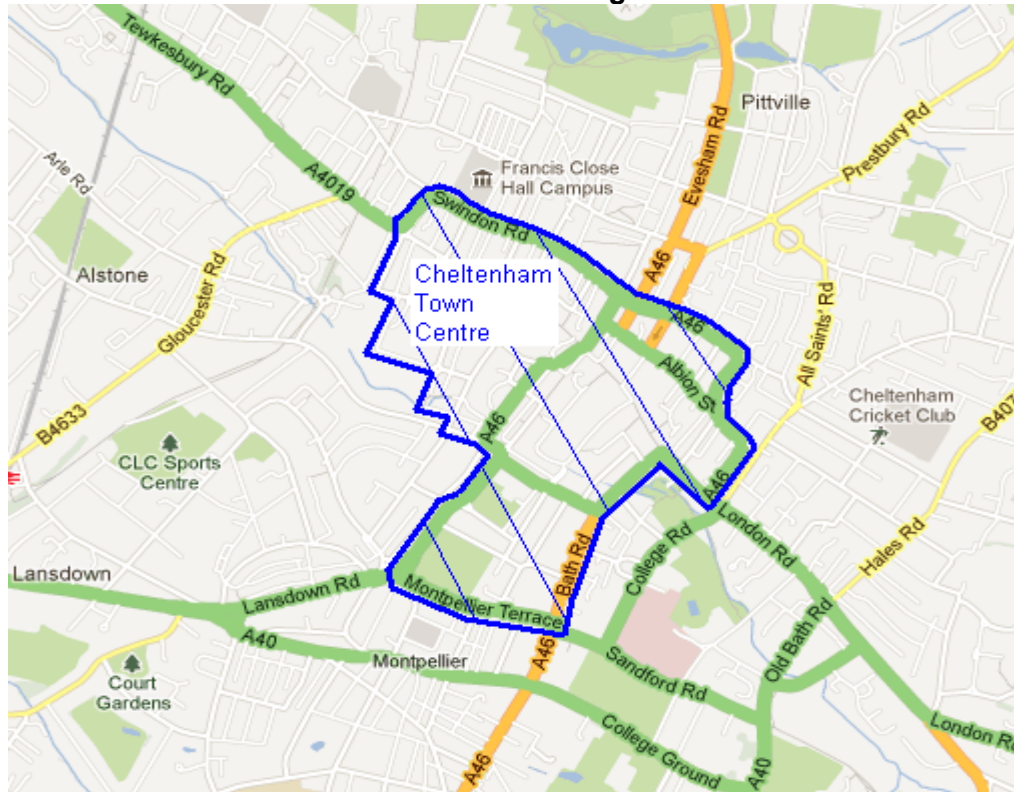
SECTION 13 – STREET CLEANSING AND WEED CONTROL	
1	<p>Town Centre Cheltenham Town Centre (shown on the map at point 9) is litter picked, mechanically swept and is spot power washed every morning on a daily basis (including weekends.) Litter picking commences on week days at 06:30 and on weekends at 05:00. The clearing up of the</p>

	<p>litter caused by the night-time economy is generally completed by 09:00, the teams then cover litter picking and servicing litter bins until 17:00. Litter & Recycling bins are provided at high footfall locations around the Town Centre and residents and visitors are encouraged to use these to dispose of any litter. Most Town Centre bins are also fitted with ash trays/stubber plates to provide a safe and convenient disposal point for smoking waste.</p>
2	<p>Mechanical Sweeping of streets Major routes giving access to the Town are mechanically swept on a regular basis, this can vary between daily and weekly depending on the usage/density of traffic and seasonal variances due to leaf and blossom fall. Other access roads which lead on to housing or industrial estates are mechanically swept where practical on a weekly or monthly basis where required - it is not possible to mechanically sweep roads which have a continual high proportion of parked cars but there is a provision for members or community groups to organise coning off of a given street to deter parking, and enable street cleaning. This can be organised in conjunction with the service providers Street Cleaning Team who will supply letters for residents to give out along with putting out signs and cones on an agreed date.</p>
3	<p>Residential areas will generally be swept on an adhoc basis dependant on need; this again usually varies depending on leaf and blossom fall. Those areas falling into the adhoc category receive mechanical sweeping where it was practical to do so.</p>
4	<p>Litter Picking Areas outside the Town Centre are scheduled to be litter picked according to their needs and this can vary from a twice weekly to six monthly depending on footfall and the amount of litter that traditionally occurs.</p> <p>Shop fronts and schools are litter picked on a regular basis – litter bins are generally provided in these areas to encourage residents to dispose of litter responsibly.</p>
5	<p>Litter Bins The Council aims to provide adequate coverage of litter receptacles across the town, and despite tight budgetary constraints to empty and maintain the bins on a regular basis and to do this without favour to parish or non-parish areas.</p>
6	<p>Litter bins are provided in many areas e.g. at bus stops, road crossings, outside schools and generally areas which have a higher degree of footfall, to encourage the responsible disposal of litter. The litter bins are emptied on a regular basis based on usage. These bins are</p>

	not provided for the disposal of domestic waste and this should be presented in the relevant refuse bin on collection day. Litter bins are serviced and replaced where necessary. Customer requests for new litter bins at locations without one are appraised, and if judged to be beneficial, a new litter bin would be installed.
7	Essentially the location and type of bins, and the regime for servicing them is determined by service provider officers on the basis of need, and of best matching needs to resources, though within the overarching policies for street cleaning. From time to time it will be necessary to install new bins, or remove or relocate them. For examples, bins are often located near takeaway and other food stores, but not in residential streets unless they have particular features.
8	From time to time Community Groups and Parish Councils may request new litter bins (or dog bins) or the like, and may offer to pay for them. Very often the 'sponsoring group' is able and willing to pay for the bin, but not to pay for its servicing. There are two issues, and their financial resolution is not always identical.
9	If in the view of service provider officers the provision of a bin at the selected location is "nice to have" or "useful to have" rather than "necessary to provide adequate coverage" the Borough will not normally pay for the servicing of it, so it can only be installed if the group requesting it can fund its emptying and servicing. The ongoing cost of providing a bin varies according to location, so each is dealt with on a case-by-case basis.
10	Officers may agree that the bin is needed, but may not have the budget to install it. This can sometime be overcome by the group or Parish Council paying for the installation and other non-recurring costs. This action might well be carried out in conjunction with the removal of a less useful bin elsewhere, or alternatively by re-locating an existing bin.
11	<p>Graffiti</p> <p>A graffiti removal service is provided using a jetting trailer, with graffiti being removed from Council property, play equipment, road and pavements. The response time for dealing with graffiti requests is generally 7 days unless there are special difficulties in dealing with the item in question or the item is offensive, in which case it will be removed as a priority. Inclement/freezing weather can delay the removal of graffiti until warmer weather returns – this is due to the danger of ice forming and the fact that the chemical used to remove the paint does not work properly in cold conditions. All instances of graffiti are reported through the customer service team and passed directly to the service provider. Upon receiving the report, the service provider work to a 7 day timescale to inspect and remove the graffiti from all</p>

	<p>Council responsible areas. Obscene graffiti is removed immediately even if it were on private property, in which case the landowner would be contacted to gain agreement on the course of action to take either by them or the service provider.</p>
12	<p>Seasonal Events Extra cover is provided for seasonal and special events, Cheltenham Races, extended shopping hours at Christmas and Festivals with extra litter picking and bin emptying taking place. During the autumn a specialist leaf collection crew is employed and litter crews switch emphasis to leaf collection for two months until the majority of the fallen leaves are collected.</p>
13	<p>Quality Control Assessments are carried out by officers periodically and areas throughout the borough are assessed for levels of litter and detritus.</p>
14	<p>Public toilets Public toilets are provided in the Town Centre and Town Centre Parks with extended opening hours in summer. These toilets are unlocked and locked on a daily basis and regularly cleaned dependant on usage and need.</p>
15	<p>Toilet opening – please refer to the Council’s website for site locations and opening hours</p> <p>Note - These opening times are for indicative purposes only and may be changed without prior notice due to weather conditions or to support events taking place nearby.</p>
16	<p>Bus Station Waiting Room This facility is owned by the Council, and maintained and cleaned on its behalf. The facility is open 24 hours and cleaned daily</p>
17	<p>Weed control Weed growth in the town will be controlled by a variety of means within available budget and seeking to minimise the use of glyphosate herbicides and maximise biodiversity. Further details are contained in the attached appendix to this policy.</p>

20 **Map of Cheltenham Town Centre - Street Cleansing Zone**



SECTION 14 – FLYTIPPING	
1	When Fly Tipping is reported to the Council a street cleansing officer may conduct an inspection and determines if there is likely to be evidence present, in which case the Council's Public Protection Team are notified and a formal inspection is completed before any items are removed. Once the Public Protection team have completed the necessary evidence gathering an instruction is made to the works team to arrange for the remaining items to be removed. Further details regarding flytipping are available on the website.
2	If following the street cleansing officers inspection it is determined that it is unlikely that any evidence is present, then an instruction is raised with the works team and the items are removed as soon as practicable, but at least within 7 days. If an item is shown to be causing a particular hazard it will be removed as a priority.
3	If the item/s Fly Tipped are considered a risk to the public – i.e. Freezers/large fridges containing poisonous gasses, Asbestos or chemicals – arrangements for collection will be made as a matter of urgency.

SECTION 15 – SERVICE REQUESTS OR COMPLAINTS	
1	Complaint procedure – Service provider/Cheltenham Borough Council
2	The Service Contract requires the service provider to follow CBC's policies and procedures including that for handling complaints and information requests.
3	Customer Services at the Municipal Offices handle initial contact with customers. Negative feedback and service requests or business as usual requests for information will be handled by the customer services team by providing an explanation/reasons and offering a course of action to help solve the problem where possible, raising appropriate business system work tickets for action to resolve the service request or by providing the necessary information. Where customers remain dissatisfied after customer services have tried to resolve the issue, the matter should be forwarded to customer relations as a complaint and details of the council's complaints process is available on the website.
4	Freedom of Information/EIR procedure – Service provider/Cheltenham Borough Council



Information requests received by the council will be forwarded to the service provider contact officer to provide a response to CBC customer relations as soon as possible but certainly within the statutory 20 day response time required. Information requests received directly by service provider should be passed to customer relations to be logged as soon as possible and responded to.

Business as usual information requests will be dealt with where possible by customer services at the Municipal Offices.

GENERAL NOTE

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Minimising the use of Glyphosate herbicide to control vegetation/weeds in public spaces – 2020/2021

Introduction

The Council planned to trial an alternative approach in controlling vegetation/weeds in public spaces this year in order to reduce its reliance upon the use of glyphosate based herbicides, and to consider alternative approaches to managing unwanted vegetation.

October 2020 update: Due to COVID-19 and the availability of resources or ability to source and trial demonstration equipment within the lockdown period, Ubico has been unable to progress the use of alternative approaches as much as originally hoped.

The very dry spring in 2020 has helped naturally control weed growth in the early part of the year but the changing weather conditions from late June and early July has also resulted in weed growth which needs to be addressed within available resources, minimising the use of glyphosate. The reduced footfall in some areas of the town during lockdown has resulted in more weed growth than usual because footfall prevents germination and this has not been the case this year, particularly in the town centre and other outlying retail outlets making the challenge greater than usual.

Ubico has continued to address weed growth in the town centre by using manual methods of removal combined with the use of the jet wash equipment which has been fairly successful and would have been more so if jet wash resources hadn't been reduced due to the impact of COVID-19.

Across the rest of the town the biggest issues seem to be weeds growing at the back of pavements or in highway road gullies which ordinarily would have been controlled by 2 applications of glyphosate herbicide. Ubico will be trialling the use of weed removal equipment in targeted high profile areas during the year to assess the impact of this approach, within existing budgets. It may be necessary in some areas to consider the use of glyphosate herbicide, but this will only be applied where absolutely necessary.

Set out below is a summary of the alternative approaches which were planned to be trialled and an update on where we are following COVID-19.

It should be highlighted that other authorities who have adopted alternative approaches to weed control rather than using glyphosate herbicides such as Brighton have required additional budget to deliver more environmentally friendly manual approaches although we are endeavouring to deliver alternative approaches within existing resources at present.

Background – why we are reviewing our approach

In 2015, the International Agency for Research on Cancer (IARC) published a report which stated that glyphosate was “probably carcinogenic to humans”. Since then, there has been a significant debate about whether herbicides including glyphosate, are safe to use.

There is growing concern about the risks to human health and to our biodiversity from unrestricted use of glyphosate as a herbicide. The World Health Organisation has expressed concern about its use, and there are thousands of lawsuits in US courts alleging links between glyphosate herbicide and cancer.

The council is aware of a growing concern from residents about the use of herbicides in the town which is demonstrated by a number of enquiries via councillors, FOI requests and residents themselves.

Currently glyphosate is licenced by the European Chemical Agency until 2022, with the European Food Agency stating that it is unlikely to pose a public health risk.

National agencies across the world have declared glyphosate to be safe to use however some countries have now decided to ban glyphosate or severely curtail its use but the UK continues to say glyphosate based products are safe to use.

Despite this some local authorities have banned glyphosate weed killer use totally, or at least in specific areas such as schools, playgrounds, parks and pavements.

Guidance

The Association of Public Service Excellence (APSE) recently provided a briefing to its members on glyphosate. Some notable points:

- There is no right or wrong answer to the question “is it safe to use glyphosate products”
- There are few alternatives to glyphosate and those which are seen as alternatives are often still in a pilot phase and much more expensive to use
- There may be a need for the public to accept higher levels of weeds if the use of glyphosate is banned
- Ending the use of pesticides on hard surfaces will likely mean that there will be more visible weeds for longer periods of time. However weeds do contribute to biodiversity by providing a habitat and source of food for bees and other insects.

Of particular note, APSE says “it may be prudent for all local authorities to carefully consider the scale of glyphosate use, the likely risks arising, the potential to limit the reliance on glyphosate-based products and the ability to find a suitable alternative product to prepare for the future”.

Existing Vegetation Management

Most glyphosate use in Cheltenham is undertaken in the highway environment; roads, pavements and alleyways. It is also used around obstacles in grass verges including street signs, light columns, and inspection chambers to name but a few. A specialist company is contracted to apply a twice year weed spray usually in Spring and Summer.

Glyphosate is also used by Cheltenham Borough Homes to control vegetation on hard standing areas, and garage forecourts on three occasions per year. To a much lesser extent in parks and

open spaces where its use has been minimised to control notifiable weeds (i.e. Japanese knotweed) for which the authority has a statutory duty and woody perennials such as tree and shrub stumps.

Proposed Management

For the trial year due to start in spring 2020 the Council intended not to commence with glyphosate herbicide applications to highways; to significantly reduce the amount applied to Cheltenham Borough Homes land; and continue with minimal amounts applied to its own parks and green spaces. Money normally spent on herbicide treatment will instead be used to undertake manual removal, stinging and hoeing. The following approaches or combination of approaches were intended to be applied:

- Intensive cleaning operations in the town centre, and other outerlying retail areas (Sixways, Coronation Square etc) involving hoeing, sweeping and power washing which are already considered to be an effective control of unwanted vegetation in the highway and therefore ceasing of herbicide applications in these areas will make little difference. *Update: reduced footfall has made this more challenging this year as outlined above and this is taking more resource than anticipated.*
- Strimming around obstacles in highway grass verges will be undertaken once in the summer and again Autumn. *Update: this will only be undertaken where there is a prioritised need for safety reasons due to limited resources as a result of COVID-19.*
- Weed removal on roads, pavements and alleyways will be undertaken twice per annum; once in the summer and again in Autumn but only if it is safe to do so and does not cause damage to adjacent property. The Council will continue with its programme of gutter sweeping to remove detritus and material that promotes the germination of seeds. *Update: strimming is not possible in most of these locations due to the safety concerns around stones flying up during the strimming process however alternative equipment has been purchased by Ubico, in the form of mechanical weed rippers, to overcome these issues, and is currently being rolled out. Early indications demonstrate that the machine is reasonably effective, but the operation is undertaken at a much slower rate and other methods are being considered.*
- A reactive option will be available whereby problem areas can be targeted with a mixture of the following treatments: strimming, hoeing, and brushing. In severe cases it may be necessary to spot treat with glyphosate herbicide. Examples of this will be where visibility splays on highway junctions need to be maintained, or where vegetation infestations in the hard surfaces cannot practically be carried out by manual means and where the vegetation is likely to cause or speed up the deterioration of a road or footway surface.
- Glyphosate herbicides will continue to be used to control invasive/notifiable weed species (i.e. Japanese knot weed) and woody perennials such as tree and shrub stumps.

Alternative methods of vegetation management

During 2019/20 and 2020/21 some trials of alternative methods of vegetation control have been undertaken in order to assess their effectiveness and suitability in Cheltenham although less than planned due to COVID-19. Similarly where reliable test data is available from other local authorities and professional bodies this will also be reviewed.

Early signs indicate there is no direct chemical replacement for glyphosate and alternative treatments such as hot foams, acid, electricity and flame throwers are far less efficient in terms of material cost and labour involved applying them.

Early conclusions

There is no single method that is likely to replace the use of glyphosate in controlling weeds. It is likely that a future approach to vegetation management will incorporate a mixture of manual clearance, more expensive alternative treatments (used on a smaller scale where manual ones are not possible) and in some circumstances not to treat the vegetation at all. It is also likely that an early May weed spray will be required in 2021 to return standards to an acceptable condition and whilst we would like to avoid this if possible it will still reduce the use of glyphosate herbicide by 50%.

Managing expectations this year and into 2021

Untreated vegetation is traditionally regarded as untidy and a sign of poor maintenance and until we all understand the value of biodiversity and the role weeds and wild flowers play in the environment, the council will need to help the public understand its value and our approach to weed control. TV presenters like Jimmy Doherty and his TV programme saving the bees helps us understand the need to review our traditional approach to grounds maintenance.

The Council is aware of the weed growth around the town this year (2020) and is doing its best with its service provider, Ubico, to address this as soon as possible. A programme of works will be published on the website in the next few weeks identifying where weed removal will take place and how we will do it within available resources.

Whilst this year was meant to be a trial year in minimising the amount of glyphosate herbicides used across the town for public health reasons and to contribute to biodiversity and sustainability, COVID-19 has caused a reduction in available resources this year. This became more problematic in controlling weeds around the town when the weather turned very wet in early summer and then turned back to mild and sunny – perfect growing conditions for weeds and meant we couldn't deal with all the weed growth at the same time with the available resources. What it has shown is what weed growth looks like without glyphosate herbicide sprays and how long it takes to manually clear weeds that regrow rapidly in the same places. Trials of alternatives to glyphosate herbicide sprays have taken place such as flame throwers, acid, hot foam, electricity and weed rippers however all but the weed rippers were less effective than hoped.

We are asking the public to please bear with us as we move around the town removing the weeds. Small weeds can be removed more easily than the larger weeds, some of which may well need to wait until they can be sprayed in early May 2021 but we will be doing our best within the available resources.

The public are encouraged to get involved in more wild flower planting on private land to provide bee corridors and even leaving some weeds for insects.

This document has been appended to the environmental services policy updated October 2020.

Formal enforcement procedure for household waste receptacle complaints – October 2020

Overview

Households must present their waste in accordance with the following requirements:

- Make sure all rubbish is placed inside the bin with the lid fully closed. Bags of waste left on top or by the side of bins will not be collected.
- Put your bin/boxes/bags at the kerbside by 7am on your collection day. Receptacles can be presented from 18:00 the day before the scheduled collection day.
- Properties without a bin may present a maximum of 4 black sacks per household per fortnight.
- Wheeled bin/recycling box(es)/food caddy must be returned to property within 24 hours of collection.
- Correctly sort and separate recyclable waste into designated receptacle in line with guidance

Enforcement is only applicable where non-compliance causes a nuisance or is or is likely to be detrimental to the amenity of the localities and there has been continued or repeated noncompliance.

Enforcement process

The following procedure is guidelines for non-compliance and should only to be used for blatant abuse of the service. Officers should use discretion in applying these procedures as the overall aims of CBC are where such an offence as detailed below occurs, the intention is to resolve the issue by information, advice and education. Only in cases of persistence or severe non-compliance should enforcement action be taken.

Prior to our actions taking place, UBICO, in conjunction with the CBC Clean Green team will be monitoring breaches and issuing informal warnings through the means of written communication (e.g. a bin/box sticker or bin tag and letter) as set out in the environmental services policy. This will be recorded by Ubico, eventually through the use of in-cab technology. The Clean Green team may also offer a waste advice/waste audits to educate residents about how they can fully utilise their waste receptacles. Where continued non-compliance happens, it will be referred to CBC for enforcement action. In brief, the process for continued non-compliance is as followed:

1. Breach occurs
2. Written warning issued
3. Further breach within 12 months
4. Notice of intent issued
5. Further breach within 12 months
6. Final notice including FPN issued.
7. FPN not paid
8. Civil debt recovery commences.

All action taken should be logged on the IVA and documents stored on EDRMS**Step 1 – complaint received - BST**

On receipt of a complaint, a case will be raised under EPAs46 – Household waste receptacles detailing what the issue is and which requirement (as above) has been breached. The complainant's details will be logged on the customer tab with phone and email address (where possible) and kept confidential.

Step 2 – Written warning letter – BST

BST will send the **s46 Written Warning template** indicating the alleged breach on the letter. The written warning must:

- identify the section 46 requirement with which the person has failed to comply,
- explain the nature of the failure to comply,
- explain how the failure to comply has had, or is or was likely to have, the effects of:
 - is likely to cause a nuisance
 - has a negative effect or is likely to have a detrimental effect on local amenities
- if the failure to comply is continuing, specify the period within which the requirement must be complied with and explain the consequences of the requirement not being complied with within that period, and
- whether or not the failure to comply is continuing, explain the consequences of the person subsequently failing to comply with the same or a similar section 46 requirement.

If the complainant is:

- A resident on the street - send the **customer acknowledgement letter** to ask resident to monitor.
- A councillor / staff – allocate the case to the relevant ward enforcement officer for monitoring.

The letter will request the target to make changes immediately. Therefore, if any further complaints are received following the warning letter being sent (expected in around a week following the next collection cycle), log the details and allocate the case to a case officer.

Step 3 – Notice of intent - case officer

Following further noncompliance, you will need to issue the **S46 Notice of Intent template**. This document needs to be addressed to the householder so you will need to conduct a data request through council tax.

Once you have householder details, send the **S46 Notice of Intent** letter to the target address. The notice must contain information regarding:

- the grounds for proposing to require payment of a fixed penalty,
- the amount of the penalty that the person would be required to pay, and
- the right to make representations to the issuing officer

Upon receipt of the letter, the target has 28 days to make representation to the case officer to explain why they feel a FPN is not appropriate in relation to the case. The officer should use discretion when considering the reason and if they feel it is justifiable. It may be appropriate to engage with CBC Clean Green team to establish if the waste collection service may be able to resolve the issue. This could be through additional waste bins or an audit of how they can use existing receptacles more effectively.

Where the representation is accepted, the target should be advised and the case closed. If no representation is made following the 28 day notice period and the issue is still occurring, then step 4 should be initiated. Where representation is rejected, the target should be advised of such and informed of step 4.

Step 4 – Final notice (fixed penalty notice) – case officer

You can issue a final notice 28 days after the notice of intent. This is to be done through the notices module. You must consider any responses from the householder before you do this. The notice must name the householder and tell them:

- why they have been given a fixed penalty
- how much they must pay, noting the maximum full penalty you can apply is £80 and how they can pay it
- the deadline for the payment
- what happens if they pay the penalty early, for example if there's a discount
- what happens if they do not pay
- how they can appeal

Appeals

A person on whom a 'final notice' is served under section 46C may appeal to the First-Tier Tribunal against the decision to require payment of a fixed penalty. On appeal the tribunal may withdraw or confirm the requirement to pay the fixed penalty. The requirement to pay the fixed penalty is suspended pending the determination or withdrawal of the appeal. Where the requirement to pay the fixed penalty is confirmed on appeal, payment must be made within 28 days.

Non-payment

The recipient of the FPN under this process is under a requirement to pay the FPN. Therefore if the FPN is not paid then the amount of the FPN can be pursued as a civil debt and interest and costs added. This means the money can be recovered by the use of civil debt enforcement which includes attachment of earnings, bailiffs, charge against property etc.

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Cheltenham Borough Council

Cabinet – 13th October 2020

Response to ‘Planning for the Future’

Accountable member	Councillor Atherstone, Cabinet Member for Economy and Development
Accountable officer	David Oakhill
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The Government are currently consulting on ‘Planning for the Future’, proposed reforms to the Town and Country Planning System in England. As drafted, the proposed reforms would represent the most significant change to the planning system since WW2.</p> <p>This paper provides the basis for a response to that consultation, setting out the core matters on which the response will be based as follows:</p> <ul style="list-style-type: none"> • Climate change must form the central tenet of any reforms to the planning system, given the role that land use has in attainment of tackling climate change; • Any planning reforms must address planning in its fullest sense. The consultation document focuses on housing delivery as opposed to the breadth of matters planning relates too; • The desire to enhance public participation in the plan making process is welcomed. Any changes which reduce the opportunity for public participation in the planning process, particularly the planning application process, would represent a loss of local democracy and lead to poor outcomes, including a negative impact on community cohesion; • The introduction of a form of zonal planning needs to be more sophisticated than that presented in Planning for the Future to avoid an imbalance in the provision of housing vs the provision of employment, educational, cultural and wellbeing opportunities; • The centralisation of control over planning may be at the cost of local democracy and decision making; • The simplification of the development levy system is welcomed in principle, but detail is required to understand its impacts and implementation. <p>Government’s consultation document presents a range of technical questions which are not repeated here. This Cabinet paper presents a summary of the main matters arising and the responses to those main matters. Officers, in consultation with the Cabinet Member for Economy & Development, will respond to the detailed and technical questions, using this Cabinet Paper as a basis for those responses.</p>
Recommendations	1. That this Cabinet Paper forms the basis of the Council’s

response to ‘Planning for the Future’

- 2. That responsibility for preparing and submitting the Council’s response to ‘Planning for the Future’, including the detailed/technical questions included in the consultation be delegated to the Head of Planning in consultation with the Cabinet Member for Economy and Development**

Financial implications	None at this stage. The implementation of planning reforms would likely have financial implications for the authority. Until such a time that reforms are confirmed it is not possible to accurately reflect those financial implications.
Legal implications	None at this stage. The implementation of planning reforms would likely have legal implications for the authority. Until such a time that reforms are confirmed it is not possible to accurately reflect those legal implications.
HR implications (including learning and organisational development)	None at this stage. The implementation of planning reforms may have HR implications for the authority. Until such a time that reforms are confirmed it is not possible to accurately reflect those HR implications.
Key risks	Proposed planning reforms would have a significant impact on the way that development is planned for and delivered across Cheltenham.
Corporate and community plan Implications	None at this stage. The implementation of planning reforms may have corporate and community plan implications. Until such a time that reforms are confirmed it is not possible to accurately reflect those corporate and community plan implications.
Environmental and climate change implications	None at this stage. The implementation of planning reforms may have environmental and climate change implications. Until such a time that reforms are confirmed it is not possible to accurately reflect those environmental and climate change implications.
Property/Asset Implications	None at this stage. The implementation of planning reforms may have Property/Asset implications for the authority. Until such a time that reforms are confirmed it is not possible to accurately reflect those Property/Asset implications.

1. Background

1.1 The Government are currently consulting on 'Planning for the Future', proposed reforms to the planning system in England. As drafted, the proposed reforms would represent the most significant change to the planning system since WW2. The proposed changes seek to reform, streamline and modernise the planning system, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed. The reforms aim to 'cut red tape' and align with the governments 'Build, Build, Build' agenda.

1.2 Planning for the Future makes clear the Governments dissatisfaction with the current planning system in England, with the forward by the Prime Minister stating:

"Designed and built in 1947 it [the planning system] has, like any building of that age, been patched up here and there over the decades... The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again".

1.3 'Planning for the Future' is prefaced with the real and/or perceived 'criticisms' of the existing planning system in England. These reportedly include complexity, a lack of certainty, the speed (or lack thereof) in plan making and decision making, and ultimately the system failure to enable a sufficient number and range of homes to be built to cater for growing demand. The consultation documents outlines the governments responses to these current problems in the form of planning reform.

1.4 The proposed reforms would change the way that land is allocated and considered for development, and the way in which infrastructure provision is funded through new development. The reforms propose the introduction of a form of zonal planning, whereby all land in Cheltenham (and indeed England) would be designated/zoned/categorised for one of three purposes:

- 'Growth' zone – areas suitable for new substantial new development (for example North West Cheltenham and West Cheltenham). In zoning land for 'Growth', planning permission in principle (or outline planning permission) would be automatically given, with 'reserved matters' (for example design) still needing planning permission.
- 'Renewal' zone – existing built areas in need of renewal or regeneration. In zoning land for 'renewal' it is currently unclear whether planning permission in principle would be given or not, but there is an assumption in favour of development. Matters such as design would still need planning permission
- 'Protected' zone – for example AONB, Green Belt, Conservation Areas, Open Countryside. These areas would remain 'protected' and planning permission would still be required for development and/or the change of use of land.

1.5 Zonal planning would represent a deregulation of the planning system, and is a system which typically applies prescribed rules to the assessment of development, as opposed to the current planning system which applies policies and professional judgement in a regulated manner.

1.6 Public participation in the planning system would be encouraged through the digitisation and standardisation of plan making, but the role of the public in planning applications would likely significantly reduce. The timeframes for plan making and application decision taking would be significantly accelerated, and failure to achieve set timeframes would incur sanctions. The role of elected members in the planning application process is unclear and may be undermined where set timeframes for determination are imposed.

1.7 Infrastructure provision to support new development would be funded through a nationally set development levy, replacing the current s106 and Community Infrastructure Levy.

1.8 The full 'Planning for the Future' consultation document is provided at Background Paper 1. It presents a wide range of proposals and concepts which are not repeated here, and poses a wide range of questions, many of them technical. Responses to the consultation are due at the end of October. In responding to the consultation the Council will provide:

- A cover letter identifying the key matters of interest to the council
- Responses to the variety of questions posed in 'Planning for the Future'

This Cabinet paper forms the basis of the Council's response, with the final response being prepared by the Head of Planning in consultation with the Cabinet Member for Economy and Development.

1.9 A cross party Planning Liaison Member Working Group meeting will be held in early October in advance of Cabinet on the 13th October 2020 to discuss 'Planning for the Future'. Any new, significant matters arising will be presented to Cabinet by way of an update.

1.10 A separate consultation on changes to the current planning system has also been undertaken by Government, albeit on a shorter timeframe. The council's response to those changes is attached as Appendix 2.

2. Reasons for Recommendations

2.1 There are a wide range of concepts and ideas raised in 'Planning for the Future'. What follows is a reflection of the core issues arising that will form the basis of a detailed response to the consultation from Cheltenham Borough Council.

2.2 In general, there is recognition that the planning system in England could be improved. The system is at times complex and can be challenging for stakeholders and the public at large to engage in in a meaningful way. The country is facing unprecedented economic challenges and accelerating development would be one way to stimulate economic growth. Cheltenham Borough Council is acutely aware of the challenges we face locally and is keen to continue to engage with Government and key stakeholders on improvements to the planning system. From Cheltenham Borough Council's perspective, there are a number of positive proposals but also a number of concerns.

2.3 Overall, whilst 'Planning for the Future' presents a range of concepts and ideas, the level of detail contained within the consultation does not allow for a thorough understanding, analysis and response to proposed reforms and their full implications. At this stage it is unclear when more detail will be provided. Inevitably this leads to assumptions being made and questions being raised. The Council await the publication and consultation on the detail to support the proposed reform before forming a final view.

2.4 Place shaping is an important matter for Cheltenham and the planning system plays a role in this authority's desire to create a sustainable settlement for the future. It allows full consideration of the social, economic and environmental circumstances of the town, and enables us to provide a vision for the town, using the planning system to deliver that vision on the ground for the benefit of the community at large. Simplification of the planning system in the way proposed may lead to a form and type of development that diverges from our aspirations. The role that planning has in the economic, social and environmental advancement must be properly considered.

2.5 There are a number of proposals in 'Planning for the Future' which point to the centralisation of control over planning including:

- the setting of housing requirements for local authorities by central government

- the setting of development management policies and rules by central government
- the setting of a development levy by central government
- the imposition of central government control and/or sanctions and financial penalties in the event that local authorities fail to achieve timeframes for plan making and decision making, or 'loose' at planning appeals
- the setting of planning application fees by central government

These centralised controls, combined with proposals to reduce participation in planning application (or similar) decision making processes are a cause of great concern and would represent a significant degradation of local democracy.

- 2.6** 'Planning for the Future' is heavily focused on housing delivery and the problems the planning system creates for delivery, with a stated desire to ensure 300,000 houses per annum are delivered in England. This would represent a significant increase in housing delivery. There is clearly a need to increase the delivery of homes, particularly affordable homes to cater for a growing demand for a range of tenures and in Cheltenham's case assist in the retention of a younger population. The level of housing to be delivered needs to be justified, and the consultation document does not evidence the claim that 300k homes per annum are needed in the England. Whilst the method for determining housing need can of course be improved, the proposal to impose housing targets without allowing local debate and taking into account local circumstance will remove the ability for local authorities to make a balanced judgement.
- 2.7** Reforming the planning system alone and as proposed will not significantly increase housing delivery. The Local Government Association highlights that up to a million more houses have been granted planning permission than have been built over the past decade. A simple analysis of completions per site by major housebuilders reveals that on average, between 45-50 homes a year are completed on any given site in England, no matter its size. This clearly reflects a range of factors including the control of supply and resource and skill capacity within the house building sector.
- 2.8** To increase housing delivery, planning reforms need to go further. 'Land banking' needs to be properly addressed through a combination of incentives and consequences. Zoning may well have unintended consequences on land banking, with the zoning of land lasting in perpetuity vs the existing planning permission process being time limited. Different delivery models of development must be encouraged through legislation and the commentary on this in the consultation paper are welcomed.
- 2.9** Affordable housing is a key issue in Cheltenham, as in many other areas. Planning for the Future's commitment to ensure that planning reforms would not decrease the provision of affordable housing is very welcome. Alternative types of affordable housing are proposed (for example First Homes) which will serve a certain market. The provision of affordable housing through the planning system must ensure that those in greatest need are catered for. This authority has objected to the government proposal to temporarily increase the site size threshold for affordable housing provision (for 11 or more houses on a site to 40-50 houses on a site) as this will have a significant detrimental impact on the number of affordable homes provided in the town. Any proposals to roll this proposal forward in a new planning system should be resisted in the strongest possible terms to avoid a reduction in the number of affordable homes to be provided in the town. In the Council's submission to government on temporary changes to the current planning system it has been noted that a 40 dwelling threshold would result in a 29% reduction in affordable housing delivery (i.e. 95 affordable homes), with a significant 40% reduction in affordable housing delivery (i.e. 130 affordable homes) for a 50 home threshold, between now and 2025..
- 2.10** Planning is about much more than housing though. Cheltenham Borough Council has declared a

Climate Emergency and the use of land has a profound effect on the climate. Climate change must be the 'golden thread' that runs through any reforms to the planning system. Planning for the Future misses the opportunity to tackle climate change through planning.

- 2.11** Sustainable economic development is reliant on the planning system in identifying land for employment, providing infrastructure to support economic development and enabling change to support an evolving economy. The future of town centres, particularly as a result of the Covid-19 pandemic is of significant concern for Cheltenham Borough Council. Any proposed planning reforms must place economic development on an equal footing to housing delivery.

Plan Making - General

- 2.12** The proposal to enhance public engagement in the plan making process through the use of technology is to be welcomed. Using a range of consultation methods from 'traditional' to technology based will encourage participation from a wider audience, particularly a younger audience who will be most influenced by planning decisions made today.
- 2.13** Zonal planning will represent a major change for planning in England and the concept is well understood by Cheltenham Borough Council. Zonal planning traditionally means the deregulation of the planning system, through zoning land for certain purposes and providing objective rules to create certainty. Typically, where the rules of a zone are complied with planning permission is automatic. This means far more emphasis is placed on the plan making process. The Council is concerned that proposals to simplify and standardised the evidence base to support local plans, together with the desire to significantly accelerate the production of local plans (initially 30 months in areas without a local plan and 42 months in areas with local plans), may result in unsustainable patterns of development, negative and unintended consequences of development arising, and serve to undermine the desire for greater public participation
- 2.14** The proposed 'zones' or categorisation of land into three broad areas lacks the level of sophistication and detail to properly control the use of land. Typically zonal planning systems not simply identify land suitable for growth, renewal and protection, but define what land should be used for (for example housing, employment, culture etc). Without this detail, land will be used to yield the best financial return, resulting in an imbalance of land uses and creating situations where the economic development needs of an area may not be able to be met because of the demand for housing land for example. Any zoning proposals need to be more developed to reflect this.
- 2.15** The proposal to enhance the role of design codes and guides, and the continuation of neighbourhood planning seem to 'jar' with a zonal planning system where decisions are based on rules and objective criteria and become more formulaic.

Plan Making – Strategic Planning

- 2.16** Cheltenham Borough Council relies on strategic planning, in the form of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) to deliver the development needs of a growing population. The administrative area of the borough are constrained, and in order to deliver the most sustainable form of development cooperation with neighbouring authorities is essential. 'Planning for the Future' proposes the removal of the 'duty to cooperate', the mechanism by which local authorities work together to plan for growth across administrative boundaries.
- 2.17** Imposing housing delivery targets nationally on all local authorities together with a desire to significantly increase housing numbers will, we believe, mean that the wider Cheltenham area (beyond administrative boundaries) will be asked to accommodate significant levels of growth. The infrastructure to support this level of growth must be properly planned and funded. 'Strategic Planning' is essential to make development successes, and for areas such as Cheltenham the 'duty to cooperate' or similar is essential and should be retained.

Planning Proposals and Decision Making

- 2.18** The implementation of zonal planning should increase certainty for the development industry. To accelerate housing delivery through the planning application process, the white paper suggests providing certainty through plan making including setting development management policies at a national level, simplifying information requirements for planning applications and setting fixed timeframes for the determination of planning applications.
- 2.19** Setting development management policies at a national level would remove the ability for local authorities to take into account local circumstances in consultation with the community. The simplification of information supporting planning applications may reduce the quality of development, give rise to negative impacts that have not been considered and/or lead to the refusal of applications that may have otherwise been supported. Having fixed timeframes for decision making and financial penalties for failing to meet them requires an enhanced level of investment in Local Planning Authority functions to ensure that there are sufficient resources available to consider and process applications in a timely manner. This could be achieved through enhanced planning application fee levels nationally or the ability of local authorities to determine planning application fees at a local level.
- 2.20** Planning for the Future proposals appear to suggest removing public participation from the planning application process would represent a significant degradation of the democratic process. It is only when firm proposals are presented that the public can truly understand the impacts of proposed development, not through plan making.
- 2.21** Public engagement in the planning making process is essential. The use of land has an effect on the lives of everyone, from applicants to neighbours to the community. Development has both positive and negative effects on those involved, and those impacts are only fully understood and considered when the public can participate fully in the planning process, from plan making to individual application decision making. Through understanding the views of a community their needs can be met and impacts can be mitigated. The Council is supportive of the desire for enhanced community involvement in the plan making process but is very concerned about any proposal to remove community/public participation in the planning application decision making process.
- 2.22** This concern equally applies to the role of locally elected members, particularly through the Planning Committee process. The role of a planning committee is unclear but would likely become challenging where decisions are based on set rules and where fixed timeframes are imposed on decision makers. Removing the right for public participation in the planning application process is objected to in the strongest possible terms.
- 2.23** A proposal to fast track applications for 'beautiful' developments makes sense in principle. Determining what a 'beautiful' development comprises should be a matter for local interpretation taking into account local circumstances and context.

Infrastructure Provision

- 2.24** The principle of introducing a standard 'development levy' to capture land value uplift as a result of development to fund infrastructure is welcomed. This should reflect local circumstances, and setting this level nationally without any local variance is not supported. The ability to collect and determine how this levy is spent locally is welcomed, but there needs to be clarity about how such collection and spend would operate in a two tier local authority area. The ability for local authorities to borrow against anticipated levy income has merit, but the risk profile of such an initiative is high. Consideration should be given to additional tools and methods for reducing this risk, including CPO powers and government backed loans. There clearly needs to be a careful balance between ensuring that development contributes toward infrastructure provision whilst remaining viable. It is likely that Government initiatives such as the Housing Infrastructure Fund will need to continue and be enhanced to ensure that the delivery of infrastructure does not fetter

the delivery of planned development.

Other Matters

- 2.25 To accelerate plan making and decisions making whilst ensuring high quality outcomes, it is essential that local authority planning departments are appropriately resourced and funded. Proposals for skills and resource plans in Planning for the Future are a recognition of this. Obviously having the finances available to ensure appropriate resources are in place is essential. The introduction of zones, particularly ‘growth’ zones have the potential to have significant financial consequences for local authorities as the need to apply for planning permission for large scale development will be significantly scaled back. Mechanisms are required to ensure that those who benefit from the planning system pay for the planning system. This should include developer contributions to the plan making process and the ability for local authorities to set planning application fees locally.
- 3. **Alternative options considered**
 - 3.1 The two alternatives are to alter the thrust of the proposed response or not respond at all. The proposed response represents the considered views of the authority.
- 4. **How this initiative contributes to the corporate plan**
 - 4.1 Until the nature of planning reforms are confirmed, the contribution of the reforms to the corporate plan are difficult to accurately quantify.
- 5. **Consultation and feedback**
 - 5.1 Internal consultation, including with Cheltenham Borough Homes, on detailed matters has taken place.
 - 5.2 An all member briefing took place on the 14th September and a Parish Council briefing took place on the 30th September. A cross party Planning Liaison Member Working Group meeting will take place in early October.
- 6. **Performance management –monitoring and review**
 - 6.1 Not applicable. Further consultation on planning reforms will be presented to elected members in due course.

Report author	Contact officer: David Oakhill, Head of Planning david.oakhill@cheltenham.gov.uk 07768 368 365
Appendices	<ul style="list-style-type: none"> 1. Risk Assessment 2. CBC Response to proposed changes to the current planning system
Background information	<ul style="list-style-type: none"> 1. Planning for the Future consultation document

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
	Proposed planning reforms would have a significant impact on the way that development is planned for and delivered across Cheltenham.	David Oakhill	26/09/2020	5	4	20		Respond to 'Planning for the Future' outlining CBC's thoughts on planning proposals. Take every opportunity to influence the final design of any reforms to the planning system. Keep a 'watching brief' on planning reform developments and respond to any further consultations.	30/10/2020 Ongoing Ongoing	David Oakhill	
Explanatory notes											
<p>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)</p> <p>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)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

Appendix 2 – Cheltenham Borough Councils Response to Proposed Reforms to the Existing Planning System in England (September 2020)

The standard method for assessing housing numbers in strategic plans

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Household projections provide a useful starting point for assessing housing need. The use of percentage of housing stock could also be a useful addition to establishing a baseline figure. However, basing housing figures slavishly on affordability indicators is overly simplistic and can lead to perverse outcomes. There are multiple nuanced factors that need to be addressed to improve the affordability of housing. For example:

- land banking (i.e. land being used as a financial asset to increase share prices rather than to deliver housing) and developers purposefully 'drip-feeding' new homes into the market to inflate house prices;
- wages have not kept pace with house prices;
- not enough social housing has been built;
- government initiatives have indirectly kept house prices artificially higher;
- low interest rates and the increased ability of people being able to get a mortgage have both fuelled an increase in house prices; and
- second home ownership and buy to let have removed housing from the market that could otherwise be made available to first home owners, and the resulting increased demand within a reduced pool of housing stock inflates house prices and worsens affordability.

This list is not exhaustive.

Inflating housing targets for local authorities based on affordability leads to impossibly high delivery requirements. This in turn leads to five year housing land deficits or failed Housing Delivery Test results which increase the likelihood of inappropriate schemes gaining planning permission. Additionally, schemes which do not meet policy requirements for affordable housing provision are more likely to get planning permission. Therefore the result is that high housing targets actually lead to a reduction in housing available to those in genuine need.

Housing requirements should be set locally taking into account constraints, genuine housing need and realistic build out rates as well as dwelling stock and affordability considerations.

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

No – see answer to question 1.

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

The measure of affordability that is referred to relates specifically to changes to the affordability

ratio over the last 10 years. The affordability ratio is based on two datasets: workplace-based median house prices; and median earnings.

This is a significant over-simplification of the affordability issue and ignores other important factors that must be taken into account when calculating housing needs. ONS dataset which is used for the calculation itself says “While there are many more factors that influence affordability, the simple ratio provides an overview of geographic differences across England and Wales.”

Furthermore, the housing affordability ratio has a reasonably weak correlation with the actual need for additional housing. There is little evidence to suggest that building more houses decreases house prices significantly or makes housing more truly affordable.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

No – see answer to question 3.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

No – see answer to question 3.

Delivering First Homes

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions?

Please provide reasons and / or evidence for your views (if possible):

- i. Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.**
- ii. Negotiation between a local authority and developer.**
- iii. Other (please specify)**

Option ii. would be the most appropriate.

Granting local authorities the freedom to negotiate with developers to meet identified local needs, as well as accounting for site-specific conditions would be the most practical approach to securing the remaining 75% of affordable homes through developer contributions. Local authorities are best placed to understand and meet the housing needs of our respective areas, and therefore the mechanisms for delivering affordable homes should be agile enough to account for dynamic market conditions and an ever-changing picture of affordable housing needs, as outlined by option ii.

The introduction of a 25% First Homes requirement will mean that other affordable housing products, particularly Shared Ownership, will be reduced as we aim to protect rented provision for those most in housing need, such as the homeless. It is important the government makes the connection that delivering new affordable rental homes is a key tool that local authorities have to

support the government's own Rough Sleeping strategy. An erosion/reduction in the delivery of rented homes will only serve to increase housing pressures for the most vulnerable, including rough sleepers – with the result that the government may miss its target of eliminating rough sleeping by 2024.

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

In the Council's view, the majority of the existing exemptions from requirements for affordable home ownership products should be applied to the requirement for First Homes, with the exception of the build to rent. Building affordable home ownership into the latter will provide a wider range of tenure choices, potentially improve viability, and improve community cohesion on larger sites.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

Reflecting upon the NPPF's listed exemptions, the Council believes that the Government should give consideration to whether the existing exemption applied to build to rent homes is required. From the perspective of long-term housing management and creating strong and resilient communities, a mix of affordable private rent (APR), build to rent and First Homes would arguably form a more cohesive community than one that is comprised solely of build to rent homes, as well as offering households in need a wider choice of housing options between rent (in the form of affordable private rent), and affordable home ownership. This point is particularly pertinent in light of the NPPF's emphasis upon creating mixed and balanced communities on new development.

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

The Council does not consider that any additional exemptions are required.

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

The Council agrees in principle with the transitional approach taken from the perspective of maintaining affordable housing delivery. It is reassuring that this consultation recognises that it may be necessary to review the tenure mix in a local plan review in light of this proposed change to planning policy. The Council also supports the Government's proposal for Councils to accept alternative tenure mixes where there has been significant pre-engagement with a local authority, as this will help to ensure that live planning applications are determined in a timely manner. More specifically, where planning applications have substantially progressed under existing policy and viability assumptions, these should be delivered in their original form. NPPF and PPG guidance should clearly set out a cut-off point for these applications.

Nevertheless, the Government should also be aware that altering the tenure has the potential to not only impact meeting local needs, but may also have viability implications. For instance, existing applications that subsequently alter tenure mixes may require a revised viability assessment, which would ultimately delay the delivery of affordable and market homes.

Q13: Do you agree with the proposed approach to different levels of discount?

The Council is supportive of granting local authorities discretion to require a higher percentage of discounts for new First Homes, especially in Cheltenham Borough, where average house prices are 9 times greater than average wages, thus upgraded discounts should be secured in perpetuity.

Moreover, establishing First Home valuations via an independent registered valuer will provide assurances to local authorities and residents that the valuation process is fair, consistent and free of bias.

However, this Council anticipates that justifying increased discounts on new First Homes through the Local Plan process may prove difficult in the face of opposition from developers. The Government should ensure it is clear that local authorities can utilise the evidence from their latest LHNA to justify an increased percentage discount for First Homes, where required, by setting out guidance in the NPPF and PPG respectively. This approach will help to ensure that First Homes are genuinely affordable for local residents, especially as a 30% discount will be insufficient to open up home ownership to the majority of first time buyers in Cheltenham.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

On balance, the Council is supportive of this approach, however, the Government should be aware of the potential unintended consequences of implementing this policy. To ensure that this policy meets its stated aims, the Government should encourage local authorities to challenge developers where the proportion of on-site market housing exceeds what is reasonably required to ensure site viability.

From the perspective of affordable housing delivery, allowing a small proportion of market housing on First Homes exception sites may theoretically improve viability on sites that are marginally viable. Equally, including a small element of market housing may act as an incentive to bring forwards First Homes exception sites that otherwise may not have been delivered, thereby increasing affordable housing delivery.

However, the positives of this proposal should be measured against the heightened risk that artificially inflated land values (on account of including market homes on site) will raise landowners profit expectations. Especially when considered within the context of raising the small-sites threshold to 40 or 50 homes, developers may look to bring forwards more profitable 100% market schemes (thus not delivering any First Homes or other affordable tenures), which would circumvent the purpose of First Homes exception sites. In this vein, this policy approach may reduce the provision of on-site affordable housing, instead of ensuring site viability.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

This Council does not agree with removing the site size threshold set out in the NPPF. Put simply, by only requiring that (First Homes) exception sites are 'proportionate in size to the existing settlement'. It offers too much scope for interpretation of 'appropriate' development sizes, which is likely to increase the likelihood of planning applications going to appeal, thereby slowing down the planning process. In this vein, we believe this threshold should be retained to safeguard rented affordable housing delivery.

Supporting small and medium-sized developers

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

The Council does not support the Government's proposed approach towards raising the small sites

threshold for a time-limited period.

Although the Council is sympathetic to the Government's concerns about the viability of small sites, our Joint Core Strategy, which outlines the Borough's main affordable housing policies, has been viability tested to ensure that our policy requirements (including the current small-site threshold) are viable. Should it be the case that specific sites are not considered to be commercially viable because of the affordable housing requirement, then the developer is able, under the current NPPF, to deliver homes with a reduced (or even a nil) affordable housing contribution. On this basis it seems entirely unnecessary to raise the small sites threshold.

This Council also disputes the Government's assumption that raising the small sites threshold will increase the pace of delivery by SME developers on account of removing the need for affordable housing negotiations. Raising the small sites threshold for 18 months will not prevent SME developers from securing an outline planning permission free of affordable housing obligations, but then potentially waiting years before submitting a Reserved Matters application, and then potentially waiting several more years before construction on-site commences. Considering current market conditions, SME developers may take this proposal as an opportunity to delay construction on-site until the economic climate has improved (thereby yielding increased profit margins for SME developers at the expense of affordable housing delivery).

Another unintended consequence is that where developers have been 'land banking', they may take advantage of this proposal by bringing development land forward during the 'time-limited period' thus reducing affordable housing obligations on sites that to all intents and purposes should be delivering these obligations. Consequently, instead of supporting SME developers in genuine financial hardship, any uplift in development value, (resulting from the removal of affordable housing obligations) will be captured in the developer's profit margins which are likely to exceed reasonable profit expectations.

If the Government is minded to implement the proposals, steps should be taken to ensure that land values and developer profits are not inflated in the short term and that, once planning permissions are obtained, that sites are not land banked for 3 years before commencing development. It should also be emphasised that extending the 'time-limited period' beyond 18 months would amplify the identified impacts of raising the small-sites threshold further, as well strengthening the argument, put forward by developers that affordable housing provision is a 'burden' upon the development of smaller scale schemes. In this scenario, the continuation of the raised small sites threshold is likely to result in a significant short-term reduction in the number of affordable homes delivered in the Borough, as well as creating insular communities that do not function well in the long-term.

As this consultation implies, lifting the small-sites threshold will likely inflate land values in the short-term as a result of removing affordable housing contributions. The Council anticipate that these inflated land values may perpetuate a cyclical process whereby local authorities and registered providers struggle to secure land-led development on account of inflated land values; thereby eroding future affordable housing delivery pipelines further. In this scenario, any attempt to compensate for lost delivery via Homes England grant funding for off-the-shelf purchases will represent diminished value for money.

Q18: What is the appropriate level of small sites threshold? i) Up to 40 homes ii) Up to 50 homes iii) Other (please specify)

iii- The Council feel strongly that the current small-sites threshold of 10 units should be retained on the grounds of safeguarding future affordable housing delivery and creating mixed and balanced

communities.

To support this assessment, the Council has modelled the impact of raising the small-sites threshold upon both past and future affordable housing delivery. Accordingly, between 2012/13 and 2019/20, 616 new affordable homes were delivered in Cheltenham Borough. Applying a small-sites threshold of 40 homes to our total delivery would have resulted in a 14% reduction to affordable housing delivery (i.e. 85 affordable homes), whereas a 50 home threshold would have resulted in a 23% reduction in affordable housing delivery (i.e. 144 affordable homes) over this period.

Examining the impact of raising the small-sites threshold upon forecasted future affordable housing delivery between 2020/21-2024/25 reaffirms the weight of the Council's argument. Imposing a 40 dwelling threshold would result in a 29% reduction in affordable housing delivery (i.e. 95 affordable homes), with a significant 40% reduction in affordable housing delivery (i.e. 130 affordable homes) for a 50 home threshold. Even introducing a 20 homes threshold would result in a 12% reduction in affordable housing delivery (i.e. 40 affordable homes) during this period.

In summary, therefore, on account of the significant impacts upon affordable housing delivery, the Council believes that the current small-sites threshold should be retained.

Q19: Do you agree with the proposed approach to the site size threshold?

The Council has serious concerns surrounding the Government's proposed approach towards the site size threshold, and the impact this will have upon affordable housing delivery.

Paragraph 77 outlines the Government's belief that raising the threshold would facilitate more small-sites to come forwards, as well as boosting SME's under economic pressure. First and foremost, it is questionable whether the current small-sites threshold is restricting the development of small-sites within Cheltenham Borough. Indeed, between Q1 2014/15- Q4 2018/19, 721 new market homes were delivered on sites of 1-10 dwellings, representing 32% of total market delivery. These figures arguably indicate that a more targeted policy approach is required to safeguard affordable housing delivery whilst supporting SME developers.

A case in point, whilst most small sites (below 50 dwellings) are delivered by SME developers, this is not exclusively the case. Therefore, in light of the greater resources at the disposal of larger developers, the Government should stipulate qualifying criteria for SME developer status, in addition ensuring that larger developers cannot profit from absent affordable housing requirements if the small-sites threshold is raised. To this end, the Government could update the PPG to ensure that larger developers deliver affordable housing in line with the current small sites threshold. This approach will partially shield SME developers from the impacts of COVID-19 as well as protecting current and future affordable housing delivery.

Further details are required to understand whether any raised small-site thresholds will be applied to live planning permissions, or whether the thresholds will be introduced to new developments following a transition period. If the Government are minded to proceed with these proposals, it would be advisable to introduce a 6 month transition period. The Government should be aware that applying any raised small-site thresholds to live planning permissions would have direct repercussions upon forthcoming affordable housing delivery, as well as potentially unravelling complex negotiations surrounding Section 106 contributions, which, in turn, will delay the delivery of much-needed affordable homes.

Q20: Do you agree with linking the time-limited period to economic recovery and raising the

threshold for an initial period of 18 months?

The Council disagrees with linking the time-limited period to economic recovery as well as raising the threshold for an initial period of 18 months. In particular, the Government should be careful not to conflate slow economic recovery with the recovery experienced by the construction industry, as, while closely associated, economic recovery is likely to lag behind the recovery of the construction industry, which has rebounded with record sales from pent-up demand following the COVID-19 lockdown.

As this response has already established, the longer the raised small-site threshold is maintained, the greater the overall reduction upon affordable housing delivery. The Council would reiterate that every affordable home lost will weaken the ability of local authorities and Registered Providers alike to provide safe, sustainable homes to vulnerable households in the greatest need. Furthermore, the significant reduction in affordable housing delivery resulting from raising the small-sites threshold cannot be assessed in isolation. Rather, it must be evaluated within the context of local authorities losing affordable homes through Right to Buy sales (with Cheltenham Borough losing 27% (164) of our total affordable housing delivery between 2012/13 and 2019/20 through these sales), developments being exempt from (or contributing less towards) affordable housing provision due to the Vacant Building Credit, demolitions and viability issues.

If the Government implements these proposals, further detail is required to understand the implications of extending the 18 month period in the event that economic recovery is still slow in 18 months' time. Clearly, extending this period will further erode future affordable housing delivery, as well as encouraging developers to bring forwards land free of affordable obligations, meaning, in essence, that local authority housing registers are likely to grow at a time where the pressures on and need for affordable housing are greater than ever.

Q21: Do you agree with the proposed approach to minimising threshold effects?

In the Council's view the proposed approach to minimising threshold effects is insufficient considering the potential implications of this policy upon affordable housing delivery. From the Council's perspective, the Government should focus upon compensating for the disproportionate number of rented affordable homes lost as a result of this policy. In particular, the Council would support increasing Homes England's grant funding (on a per unit basis) significantly above current grant levels, with an emphasis upon delivering more social rented homes. This approach will help to redress the loss of rented affordable homes, which play a critical role in accommodating the most vulnerable households in society. Additionally, in the forthcoming affordable housing prospectus, Homes England should prioritise grant funding for rented tenures (with a particular emphasis upon social rent) on land-led schemes to alleviate the threshold effects upon these tenures.

Besides significantly revising Homes England grant funding upwards, Councils should be allowed to retain 100% of Right to Buy (R2B) receipts raised from affordable housing sales. Currently, R2B receipts can only be used to fund 30% of the cost of purchasing a new affordable home. However, by allowing Councils to retain 100% of R2B receipts, the Government will relieve the pressure on Local Authority HRA funds, freeing up these funds for Councils to actively pursue land-led opportunities to increase affordable housing delivery. Giving Councils the ability to combine the use of R2B receipts in combination with grant funding would also assist with delivery.

If the Government are keen on supporting SME builders, public funding should be provided to build the type and tenure of homes (both market and affordable) that reflect local housing needs.

Extension of the Permission in Principle consent regime

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

No.

Whilst it is recognised that the extension of the PiP regime to include major development up to 150 dwellings could provide small and medium-sized (SME) house builders with an alternative way of reducing their upfront planning costs this would provide only limited certainty about whether full permission would eventually be granted; this could also lead to significant risk for SME housebuilders.

There would be a significant risk for housebuilders that securing a PiP, which has not, for example, fully assessed the transport implications of a scheme of 150 dwellings could artificially increase the 'hope value' of a parcel of land. When the transport implications are properly assessed at technical detail consent stage, it could easily transpire that the development proposed is not achievable. Whilst this is something that could potentially be 'swallowed' by a national housebuilder, it could have a devastating effect on a small-medium sized housebuilder.

Given that the detailed work in respect of securing outline planning permission (for example the transport assessment) would need to be done at some stage, the potential dis-benefits of deferring this to detailed consent stage outweigh the benefits of receiving Permission in Principle. This does not add certainty for developers as there are still so many issues unresolved before proceeding to technical detail stage, with all the investment that would involve for a scheme of up to 150 dwellings.

The ability for housebuilders/developers to address detailed matters such as transport at outline stage is what adds certainty that they can proceed with reserved matters with confidence.

There is also potential for the local community to be disenfranchised as they do not have the opportunity to comment on a range of important issues at PiP stage, and once a PiP is granted, it could be seen as a fait accompli that technical detail consent would automatically follow. There is concern that this does not embrace the spirit of Localism.

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

Yes. It is important that any new development should not unduly impact on existing town and local centres which are already under significant strain. This would ensure that the Government's, and local plan policies in respect of the sequential and impact tests for retail development would not be undermined.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

Sufficient information should be submitted to ensure that the LPA can make the right decision on whether the site is appropriate for development - will it have an unacceptable impact on the

landscape / biodiversity? Will it make a positive contribution towards tackling climate change, etc.?

The PIP process makes it much less clear to LPAs and applicants as to what information is reasonably necessary to consider them. 'In principle' is rarely an appropriate term in development management in rural areas where matters of detail are often the determining factor.

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

- i) required to publish a notice in a local newspaper?**
- ii) subject to a general requirement to publicise the application or**
- iii) both?**
- iv) disagree**

If you disagree, please state your reasons.

Disagree - Advertisement should apply the same approach as for planning applications. Why wouldn't it from a community perspective? However, if the outcome of the White Paper resolves to reduce physical adverts, that would be an improvement, so long as this does not have a detrimental impact on people who have limited means or skills to access digital mediums.

Public Sector Equality Duty

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

We consider that the significant reduction in rented affordable homes resulting from a raised small-sites threshold is incompatible with the principle of advancing equality of opportunity; especially in relation to the disproportionate impacts of these proposals upon those who possess the protected characteristics of race and disability. By way of example, the Government's figures surrounding 'renting social housing' illustrate that 44% of Black Africans, 41% of Mixed White/Black Caribbean, 40% of Black Caribbean and 33% of Bangladeshi households rent social housing; this is a far higher proportion than 'White British' (at 16%), or 'White other'. It stands to reason, therefore, that reducing the delivery of new affordable homes as a result of raising the small-sites threshold (where the aforementioned groups are disproportionately represented) will have a detrimental impact upon the opportunities available to these groups to secure affordable housing compared to persons who do not have these characteristics.

The impacts highlighted above are equally applicable to social renters who possess the protected characteristic of disability. In Cheltenham Borough, our Housing Register identifies that 60 households require a wheelchair adapted affordable home, and 215 households required a ground floor flat. As such, reducing the number of affordable homes delivered will restrict opportunities to secure M4(2) Cat 2 and M4(3) Cat 3 dwellings. Put simply, by delivering less affordable homes (by raising site thresholds), local authorities have fewer opportunities to secure Category 2 and Category 3 homes to enable those with disabilities to live their lives with dignity, allowing them to socialise, work and study without disruption.

In regards to the identified impacts upon those with a disability or long-term illness, MHCLG could make the 2015 M4(2) Category 2 standards a mandatory requirement for all new affordable homes.

Additional emphasis should be placed within the NPPF upon future-proofing new homes to ensure they can easily adapt to changes in need for the end user. In this vein, the Government should aim to ensure that all Affordable Homes constructed using Homes England grant funding are built to M4(2) Category 2 standards as a minimum.

Raising the small-sites threshold is also inconsistent with the PSED in terms of fostering good relations between people with protected characteristics and those people who do not share them. Section 5 of the PSED describes 'the need to foster good relations' by 'tackling prejudice' and 'promoting understanding'. Yet, it is difficult to rationalise how new 100% market developments (of under 50 homes) will 'foster good relations' between different groups possessing relevant protected characteristics when affordable housing (which disproportionately contains these groups) is entirely absent. Equally, the principle of raising the sites threshold (and by implication encouraging developers to bring forwards 100% market development), is incompatible with 'tackling prejudice' and 'promoting understanding'. Instead of creating resilient, mixed and balanced communities that embrace diverse life experiences and support our most vulnerable members, by creating homogenous small market communities, the Government, will, in effect, reinforce division and stigma against affordable housing renters.

Taking steps to mitigate against these impacts is difficult, if not untenable if the Government proceeds with raising the small-sites threshold to 40 or 50 homes. Therefore, the Council objects to raising the small-sites threshold. Instead, the Government should expand PPG/NPPF guidance surrounding how new development can create or strengthen community cohesion, especially through the integration of new affordable homes of all tenures.