



## Notice of a meeting of Cabinet

**Tuesday, 10 November 2020**

**6.00 pm**

**Virtual WEBEX video conference via YouTube -  
<https://www.youtube.com/user/cheltenhamborough>**

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

## Agenda

<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>MINUTES OF THE LAST MEETING</b> Minutes of the meeting held on 13 <sup>th</sup> October 2020.	(Pages 3 - 10)
<b>4.</b>	<b>PUBLIC AND MEMBER QUESTIONS AND PETITIONS</b> These must be received no later than 12 noon on Wednesday 4 <sup>th</sup> November.	
	<b>SECTION 2 :THE COUNCIL</b> <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	<b>SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE</b> <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	<b>SECTION 4 : OTHER COMMITTEES</b> <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	<b>SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS</b>	
<b>5.</b>	<b>BLACK LIVES MATTER</b> Report of the Cabinet Member Healthy Lifestyles	(Pages 11 - 16)

6.		<b>FOOD SAFETY SERVICE PLAN 2020-21</b> Report of the Cabinet Member Development and Safety	(Pages 17 - 50)
7.		<b>CORPORATE HEALTH AND SAFETY POLICY REVIEW</b> Report of the Leader of the Council	(Pages 51 - 66)
8.		<b>REFRESH OF THE CHELTENHAM CHARTER WITH THE 5 PARISH COUNCILS</b> Report of the Cabinet Member Climate and Communities	(Pages 67 - 78)
9.		<b>MINSTER INNOVATION EXCHANGE (FORMERLY WORKSHOP CHELTENHAM)</b> Report of the Cabinet Member Finance Appendices 2, 3 and 4 exempt.	(Pages 79 - 112)
10.		<b>COVID RECOVERY REVISED BUDGET 2020/21</b> Report of the Cabinet Member Finance to follow	
		<b>SECTION 6 : BRIEFING SESSION</b> • Leader and Cabinet Members	
11.		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS</b> Member decisions taken since the last Cabinet meeting	
		<b>SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION</b>	

**Contact Officer:** Bev Thomas, Democratic Services Team Leader, 01242 264246  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

### Cabinet

**Tuesday, 13th October, 2020**  
**6.00 - 7.30 pm**

Attendees	
<b>Councillors:</b>	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), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Cyber and Safety) and Max Wilkinson (Cabinet Member Climate and Communities)
<b>Also in attendance:</b>	David Oakhill (Head of Planning)

### Minutes

**1. APOLOGIES**

Cllr. Hegenbarth sent apologies.

**2. DECLARATIONS OF INTEREST**

There were none.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting on 15<sup>th</sup> September 2020 were approved and signed as a correct record.

**4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**

There were none.

**5. DEVOLUTION AND RECOVERY WHITE PAPER**

The Leader of the Council presented the report, emphasising that he did not feel it was the right time for national government to pursue local government reform. Although it was fair to say that the local government system was not perfect, he was concerned that pushing ahead with reforms now would not be wise, since the Covid recovery must be top of the agenda.

He added that power should continue to be devolved to local authorities, and suggested that previous governments had not done this enough. However, he stressed that if there were going to be changes, all options should be looked at and proper consultation must take place. A radical change of system, such as a move to being a unitary county authority, must not be imposed at short notice.

The government made a manifesto commitment in 2019 to devolution and reform, and planned to publish a White Paper in September 2020, which was

delayed to an unknown later date. The uncertainty of this situation meant that CBC must be prepared for anything that may happen in relation to it. This report therefore set aside funding, if necessary, to look at options from a practical point of view.

The Cabinet Member Economy and Development agreed that now was not the time for a major reorganisation of how CBC operated, but that it made sense to be fully prepared for any future changes that may come.

The Cabinet Member Healthy Lifestyles asked about recent media coverage which had suggested that the St Paul's ward was a Covid hotspot, causing significant concern for people in the area. The Leader responded that there was no reason for particular alarm in St Paul's, and noted that the rise in figures could be mostly attributed to a minor outbreak on the university campus. It was important to stay vigilant, do what was necessary to reduce the spread of Covid, and to avoid unnecessarily alarming the public.

The Cabinet Member Clean and Green Environment added that Cheltenham residents should be concerned about the possible imposition of a rushed reorganisation. Any reorganisation must be done the proper way, with proper consultation. He praised staff for their hard work during a uniquely tough time, and suggested that central government should not seek to impose unitary status on an authority where staff already had enough on their plate.

The Cabinet Member Finance added that it was important to be pragmatic about bringing things forward. Central government had been clear about wanting to take devolution forward, and although it was on hold due to Covid, it would be unwise not to at least make provision for possible future changes, regardless of when they take place. The Cabinet Member Housing agreed that central government should not be considering major reorganisation at this time, and stressed that any final decision should be made by local people rather than imposed on them.

The vote was carried unanimously.

### **RESOLVED THAT:**

- a) 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 be agreed;
- b) The Chief Executive be authorised to enter in to appropriate legal or other documentation as necessary to implement a) above.

## **6. ENVIRONMENTAL SERVICES - DRAFT STRATEGY 2020-2030 AND UPDATED POLICY**

The Cabinet Member Clean and Green Environment presented the report, stressing that the borough council was committed to delivering long-term,

sustainable environmental change. This required it to act proactively to make a significant difference and deliver positive environmental services in the town. He noted that the focus was on reducing residual waste, improving recycling (especially of food waste) and reducing plastic usage. This report sought to build on this positive record, and was broken down into three sets of recommendations. The first sought approval for the draft strategy which set out the vision for the future, and outlined the targets against which it will be measured. The strategy was in draft form due to the need for public consultation.

The second set of recommendations related to the revised Environmental Services Policy, which included a strengthening of the no side waste policy in order to reduce the residual waste stream. He explained that a small number of people were regularly putting out extra bin liners or overfilled bins, putting an extra burden on crews. Overfilled bins would no longer be picked up, although he stressed that the updated policy would be enforced through public education and engagement, with a stage process involving stickers and visits to give advice. The overall goal remained to reduce the amount of residual waste sent to Javelin Park.

He noted that the sorting of recycling boxes was still a cause for concern, particularly during the Covid crisis – posing a risk to crews who had to sort items into the correct boxes themselves. The new policy sought to encourage people to sort recycling when they could into separate boxes, and was similarly based around public engagement and education. It sought to also take into account the amount of space different people had on their properties. He added that the household recycling centre on Swindon Road must not be seen as a tip for residual waste when most things could be recycled. He stressed the importance of reducing residents' reliance on black bin liners and residual waste.

The final key recommendation related to Ubico, which he praised for delivering a high quality service in a cost-effective way. Throughout the council's contract with Ubico, a value for money exercise had been going on in the background, which concluded that the contract should be extended. He stressed that he supported this, and hoped that the high quality of service could be maintained over the next 5 years.

The Cabinet Member Economy and Development praised the focus on tackling climate change both at home and locally, while the Cabinet Member Healthy Lifestyles praised Ubico staff, particularly those responsible for the recycling centre and doorstep collections.

The Cabinet Member Climate and Communities added that as a public-facing service, it was important to communicate changes to local people so that they were aware what was happening. He was pleased that such an important service was getting proper scrutiny and support.

The Leader of the Council thanked officers for putting the report together, and stressed that it was key to maximise recycling and minimise residual waste. He added that 120,000 people making small changes would make a huge difference overall, and endorsed the extension of the Ubico contract.

The vote was carried unanimously.

### **RESOLVED THAT:**

- 1. The draft environmental services strategy 2020-2030 be approved, 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. The revised environmental services policy supporting the authority's recognition of the climate emergency be approved, 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. The extension of the existing Ubico contract for the delivery of environmental services be approved for the maximum period of 5 years and authority be delegated 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.**

### **7. RESPONSE TO 'PLANNING FOR THE FUTURE'**

The Cabinet Member Economy and Development presented the report, explaining that it highlighted the council's key concerns about the government's 'Planning for the Future' White Paper, which set out a plan to reform the UK

planning system in the most significant way since WW2. The White Paper cited perceived flaws within the current system, including complexity, uncertainty, speed, and system failure, and sought to reform, streamline and modernise with a focus on sustainability and the government's 'build, build, build' agenda. The proposed reforms would radically change the funding of infrastructure provision and the way land is allocated, particularly through the adoption of a zonal planning system – in which all land in England, including Cheltenham, would be categorised as being for either growth, renewal or protection.

The council's response particularly focused on the need for any reforms to address planning in its fullest sense, rather than just housing delivery. The centralisation of control over planning, including setting housing numbers for local authorities, was a particular cause for concern, as it could damage local democracy and decision-making. CBC recently relaxed local planning controls as part of the Covid recovery, through consultation with local members, and the results of this highlighted the importance of planning at the local level, as local authorities understand what their area requires. Any reforms must also put climate change front and centre, rather than as an afterthought, and simplifying requirements such as climate change assessments could be dangerous. Despite promises made in the White Paper, it was hard to see affordable housing commitments chiming with this. Instead, it would likely incentivise off-site affordable housing delivery. Further to this, the government had outlined its intention to impose time constraints and financial penalties on councils, but offered no such measures to prevent developers land-banking.

She emphasised that zonal planning would effectively deregulate the planning system, unless predefined rules specifically prohibited the development. The proposals in the White Paper were too simplistic, and did not demonstrate the solid evidence and community engagement necessary to justify such changes. The significantly accelerated timeframes would also likely damage plans for affordable housing delivery and have a negative impact on local communities. She added that the overall lack of detail did not allow thorough understanding of the government's planned reforms and their consequences, leaving significant questions to be answered.

The Cabinet Member Healthy Lifestyles asked about the implications for the Joint Core Strategy, whether local green spaces were safeguarded under the proposals, and why the government did not use its power to stop developers land-banking. The Cabinet Member Economy and Development responded that there was not enough detail in the government's plans to reassure them that green spaces and the social good they bring would be adequately protected. The Planning Officer (David Oakhill) updated members on the developing situation regarding a planning application on a piece of local green space.

The Cabinet Member Housing praised planning officers for their concise and analytical summary of a lengthy White Paper. He stressed that the consequences for affordable housing were key, and that he was disappointed at

the government's failure to prioritise the ongoing housing and homelessness crises. None of the proposed changes would deal with either problem, and seemed to focus instead on facilitating private sector development at the expense of affordable housing. He endorsed the CBC response, but suggested that he would have been harsher.

The Cabinet Member Cyber and Safety added that the government's proposals seemed to imply that the UK's lack of housing was due to local authorities' unwillingness to make land supply available. He stressed that it was disingenuous to blame councils, since there needed to be an end user in order for houses to be built. He described the White Paper's proposals as politically driven, and suggested they would do nothing to address the very real problems within the UK planning system.

The Cabinet Member Climate and Communities criticised the current planning system's failure to properly deliver affordable housing, but suggested that nothing in the government's proposals would solve this. Instead, it would adversely affect local communities, fail to tackle climate change and reduce the number of affordable houses. Any changes to the planning process must be transparent and democratic, and should safeguard the housing and employment opportunities that the Joint Core Strategy sought to deliver. The Leader of the Council agreed that giving greater power to the private sector, which had an obvious interest in limiting the amount of housing available, would not solve the housing crisis.

The vote was carried unanimously.

### **RESOLVED THAT:**

1. **This Cabinet Paper form the basis of the Council's response to 'Planning for the Future';**
2. **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.**

### **8. DISCRETIONARY TEST AND TRACE SUPPORT PAYMENT SCHEME**

The Cabinet Member Finance presented the report, praising the work of the finance team in turning the report around in less than a week. It sought to support those who were required to self-isolate due to the Covid-19 crisis, and was formally launched on the day of the meeting (Tuesday 13<sup>th</sup> October). She noted that, in her view, the amount of funding received from central government was relatively small, but hoped that it would make a significant difference to those in the borough facing financial difficulty due to the requirement to self-isolate.



The Leader of the Council praised the finance team and Cabinet Member for reacting to a fast-moving situation and getting the money out to those who needed it.

The vote was carried unanimously.

### **RESOLVED THAT:**

- 1. The Discretionary Test and Trace Support Payment Scheme in Appendix 2 which will be in place until 31 January 2021 be approved, subject to funding being available;**
- 2. Authority be delegated to the Head of Revenues and Benefits to take decisions relating to applications made under the Discretionary Test and Trace Support Payment Scheme;**
- 3. The Head of Revenues and Benefits be authorised, in consultation with the Cabinet Member Finance, to make changes to the Discretionary Scheme in line with any changes made by Government, or, as required to ensure the successful operation of the scheme;**
- 4. The Test and Trace Support Payment Scheme in Appendix 3 be noted, and authority be delegated to the Head of Revenues and Benefits to take decisions relating to applications;**
- 5. The Cabinet Member Finance be authorised to extend the Discretionary Scheme beyond 31 January 2021 in line with Government direction and subject to funding being available.**

### **9. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Healthy Lifestyles updated members on the situation with Cheltenham Hospital. She reported that a resolution would be considered at the next full Council meeting on the public's response to whether the A&E would be fit for the future. She stressed that a great deal of work was needed, with critical incidents declared at the hospital, and asked colleagues to keep her updated on constituents' responses. She added that local parish councils were being consulted as part of this, and that she hoped positive work could be done before the next Council meeting. She also congratulated several cultural partners for securing funding from the Cultural Recovery Fund.

The Cabinet Member Clean and Green Environment praised the council's positive links with Ubico, stressing the importance of partnership working and investment in the in-house team. He reported that the Gloucestershire Resources and Waste Partnership had met for the first time recently, particularly to discuss communication with residents, and added that it was important to build on this relationship in the future.

The Cabinet Member Housing reported that he had received a letter from the Secretary of State for Housing, Communities and Local Government promising

additional funding for alleviating rough sleeping. He would update members at the next meeting with more information when it was received.

The Cabinet Member Climate and Communities reported that the trial of e-scooters was underway, and he was keen to gather public feedback on how it was going. He reminded participants in the trial that the scooters were not to be used on the pavement.

The Leader of the Council reported that Covid-19 cases were on the rise across Gloucestershire, mostly in urban areas. Although Cheltenham remained at about half the national average overall, it was important to not be complacent. He added that the council had received £49,000 as part of the government's street marshals fund, although this was not required to necessarily be spent on Covid marshals, and could be used however the council felt was most effective at reducing disease transmission.

**Chairman**

## Cheltenham Borough Council

Cabinet – 10 November 2020

### Agreement to Motion

### Report of the Cabinet Member Healthy Lifestyles

<b>Accountable member</b>	Cabinet Member Healthy Lifestyles, Cllr. Flo Clucas
<b>Accountable officer</b>	Strategy and Engagement Manager, Richard Gibson
<b>Accountable scrutiny committee</b>	All
<b>Ward(s) affected</b>	All
<b>Key Decision</b>	No
<b>Executive summary</b>	<p>At Council on 15 June, a motion was presented that in summary asked that the Council commit to organising a conference with Cheltenham's BAME community organisations, to discuss how we might work closer together to challenge bias, both deliberate and unconscious, and racism in all its forms.</p> <p>The motion also asked that all policies, the organisational structure, appointments process and working environment of the Council be interrogated by Cabinet to ensure they reflect the Council's stance on these matters</p> <p>In addition, the motion also asked that the Cabinet look at how CBC can support other councils in less diverse areas through the LGA and that Cheltenham's national representative on the Council of Europe, was asked to raise these issues at the Council of Europe</p> <p>The motion was proposed by Cllr. Flo Clucas, seconded by Cllr. David Willingham and was agreed unanimously by Council</p>
<b>Recommendations</b>	<p><b>That Cabinet notes the requests set out in the motion, namely:</b></p> <ul style="list-style-type: none"> <li>• <b>To support the organisation of a conference for BAME communities</b></li> <li>• <b>To carry out a review of the council's policies and practices</b></li> <li>• <b>To explore how we can support other councils via the LGA</b></li> <li>• <b>To raise the issues of racism with the Council of Europe</b></li> </ul> <p><b>And receives the updates to these requests as set out in section 2</b></p>

<b>Financial implications</b>	<p>The organisers of the conference have asked for a small contribution to facilitate their work in the region of £2k. This will be paid from the inclusion budget.</p> <p><b>Contact officer: Martin Yates</b>  <b>Business Partner Accountant</b>  <b>Martin.Yates@publicagroup.uk</b>  <b>01242 264200</b></p>
<b>Legal implications</b>	<p>There are no specific legal implications arising from this report.</p> <p>More widely the Public Sector Equality Duty (PSED) establishes both a general and specific duties for public bodies such as the Council. In summary, the council must, in the exercise of our functions, have due regard to the need to:-</p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act,</li> <li>• Advance equality of opportunity between people who share a protected characteristic and those who do not,</li> <li>• Foster good relations between people who share a protected characteristic and those who do not. In order to demonstrate this due regard, officers consider equalities as part of key decision making processes and where appropriate, will complete an Equality Impact Assessment which is shared with decision makers so they can make informed decisions</li> </ul> <p><b>Contact Officer - One Legal:</b> <a href="mailto:legalservices@tewkesbury.gov.uk">legalservices@tewkesbury.gov.uk</a></p>
<b>HR implications (including learning and organisational development)</b>	<p>Publica HR will support the review of policies and practices to ensure the council adopts best practice when it comes to tackling racism. The areas that the review could consider include:</p> <ul style="list-style-type: none"> <li>• Ensuring the Council provides equality, fairness and respect for all staff regardless of employment status.</li> <li>• Ensuring the Council creates a working environment free of bullying, harassment and victimisation.</li> <li>• Ensuring the Council recruits the most suitable person for the job through a fair selection process.</li> <li>• Ensuring the Council does not unlawfully discriminate on the grounds of a protected characteristic as outlined in the Equality Act 2010 in areas including: <ul style="list-style-type: none"> <li>• pay and benefits</li> <li>• terms and conditions of employment</li> <li>• dealing with grievances and disciplinary</li> <li>• dismissal</li> <li>• redundancy</li> <li>• leave for parents</li> <li>• requests for flexible working</li> <li>• promotion, training or other developmental opportunities</li> </ul> </li> </ul> <p><b>Contact officer: Corry Ravenscroft</b>  <b>HR Business Partner</b>  <a href="mailto:Corry.Ravenscroft@publicagroup.uk">Corry.Ravenscroft@publicagroup.uk</a>  <b>07827 895624</b></p>

<b>Key risks</b>	Reputation: If the council is seen as being pro-active in efforts to address racism within Cheltenham, then this will impact on our reputation with our residents and community partners
<b>Corporate and community plan Implications</b>	The recommendation to carry out a review of the council's policies and practices will inform future iterations of the council's corporate plan.
<b>Environmental and climate change implications</b>	None identified as a result of this report

## 1. Background

- 1.1 At Council on 15 June, a motion was agreed by council. The wording of the motion is as follows:

*Following the killing of George Floyd in Minneapolis and other brutal activity, Cheltenham Borough Council puts on record its support for Black Lives Matter and its total opposition to any kind of racism. Cheltenham Borough Council believes in action, not just fine words.*

*In conjunction with the Police and Crime Commissioner, Cheltenham Borough Homes, Cheltenham Trust, Festivals and other partners, Cabinet is requested to look at holding a conference for Cheltenham's BAME community organisations, to discuss how we might work closer together to challenge bias, both deliberate and unconscious, and racism in all its forms.*

*To that end, Council also requests that all policies, the organisational structure, appointments process and working environment of the Council be interrogated by Cabinet to ensure they reflect the Council's stance on these matters. Council would request the Police and Crime Commissioner, Cheltenham Borough Homes, Cheltenham Trust, Festivals and other partners to work together with the Council, to ensure that effective action is taken.*

*In addition, Cabinet is asked to look at how we can support other councils in less diverse areas through the LGA, by means of exchange programmes and secondment schemes and, for members, unconscious bias training. Further, that Cheltenham's national representative on the Council of Europe, is requested to raise these issues at the Council of Europe; and the Cabinet member to raise issues through Council of European Municipalities and Regions in relation to local government and how, together, we can best fight bias, racism and brutality in all its forms and provide a voice to action, so that in deed and word, Black Lives Matter*

## 2. Update

### 2.1 To support the organisation of a conference with BAME communities

- 2.2 Officers have been working with local community organisations on plans for the conference. Initial discussions were led by Cheltenham Together at a forum on 29 August 2020. More detailed plans are now being drawn up by a local group called Lives of Colour with a plan to host the conference on 30 November 2020. The group are working with council officers and Cabinet are asked to support plans for the conference.

### 2.3 To carry out a review of the council's policies and practices

- 2.4 Given the rise of the Black Lines Matter movement and the prominence of other inclusion activities, there is recognition that the council's equality and diversity policy framework needs to be refreshed. This will then be supported by the provision of training including the provision of unconscious bias training. It is anticipated that the review will be led by the Director People and Change using expertise from community facing officers and with support from Publica HR, One Legal and South West Audit Partnership. Cabinet are asked to endorse the need for the review

### 2.5 To explore how we can support other councils via the LGA

- 2.6 The issue of the councils response to Black Lives Matter will be raised with the LGA during their peer challenge visit happening between 10 and 12 November.

### **2.7 To raise the issues of racism with the Council of Europe**

**2.8** Cllr Angie Boyes, is a UK Rep to the Congress of the Council of Europe, will be asked to raise the issue of racism and it is also suggested that the Council of European Municipalities and Regions be also requested to look at the current situation and how diversity in representation might be improved.

## **3. Next Steps**

**3.1** It is expected that Cabinet Members will take part in the conference and reports regarding the update of the council's policies and practices will be brought back to Cabinet for approval.

<b>Report author</b>	Richard Gibson Strategy and Engagement Manager 01242 264280 richard.gibson@cheltenham.gov.uk
<b>Appendices</b>	1. Risk assessment

## Risk Assessment

## Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk			
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer
	Reputation: If the council is not seen as being pro-active in efforts to address racism within Cheltenham, then this will impact on our reputation with our residents and community partners	Darren Knight	Sept 2020`	4	3	12	Reduce	Work with community partners to facilitate a conference to discuss racism  Deliver a review of internal policies and practices	April 2021	Richard Gibson

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**Cheltenham Borough Council**  
**Cabinet – 10<sup>th</sup> November 2020**  
**Food Safety Service Plan 2020 – 2021**

<b>Accountable member</b>	<b>Councillor Andrew McKinlay, Cabinet Member for Development &amp; Safety</b>
<b>Accountable officer</b>	<b>Sarah Clark – Public &amp; Environmental Health Team Leader</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The Council is required to produce a Food Safety Service Plan under the Framework Agreement with the Food Standards Agency (FSA). Local Authorities are required to consider and approve the Plan to ‘help ensure local transparency and accountability’.</p> <p>The Food Safety Service Plan is the Council’s expression of commitment to the delivery of an improving cost effective and efficient regulatory food service.</p> <p>This Food Safety Service Plan is an annual operational plan, giving details of how Cheltenham is going to execute its statutory food safety functions within the Public Protection service.</p>
<b>Recommendations</b>	<p><b>It is recommended that Cabinet:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the appended service plan for 2020-21.</b></li> </ol>

<b>Financial implications</b>	<p>There are no specific financial implications associated with this report.</p> <p><b>Contact officer: Martin Yates, martin.yates@cheltenham.gov.uk, 01242 264115</b></p>
<b>Legal implications</b>	<p>There are no legal implications associated with this report.</p> <p><b>Contact officer: One Legal, legal.services@teWKesbury.gov.uk</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no direct HR implications arising from the content of this report.</p> <p><b>Contact officer: Julie McCarthy, julie.mccarthy@publicagroup.uk . 01242 264355</b></p>

<b>Key risks</b>	<p>Please refer to the appended risk assessment for full risk assessment. The key risk has already been realised in that an international pandemic has drawn resource from the food safety service and impacted service delivery. The appended service plan describes how the risk mitigations currently in place.</p> <p>Other risks are related to the consequences that could result if the service is under-resourced for any additional reasons.</p> <p>The service has enough existing capacity to undertake all programmed food hygiene interventions in 2020-21 and to deliver its statutory commitments (with the fixed term engagement of externally funded backfill, and the short term engagement of contractors using food officer salary efficiencies) under the Food Law Framework Agreement. However, there is little resilience if a major foodborne outbreak or investigation, or staff illness was to occur this year.</p>
<b>Corporate and community plan Implications</b>	<p>The Food Service Plan supports the Culture and Community ambitions by working to achieve improved food safety and hygienic premises; high rating food businesses in the national food hygiene rating scheme (resulting in increased consumer confidence in local businesses); and the control of foodborne diseases – all of which help promote the local economy, as well as protecting the health of the people who live, visit or work in Cheltenham. Advice is also given that directly improves or protects the environmental quality of the town – examples range from pests and other vectors; to the disposal of FOGs (fat or grease in drains).</p> <p>The council has five corporate priorities identified in the Corporate Plan 2019-2023, of which the food safety service supports priorities 2, 3 and 5.</p> <p>2. Continuing the revitalisation and improvement of our vibrant town centre and public spaces.</p> <p>3. Achieving a cleaner and greener sustainable environment for residents and visitors.</p> <p>5. Delivering services to meet the needs of our residents and communities.</p>
<b>Environmental and climate change implications</b>	<p>None additional to current situation (e.g. implications of transport to visits, use of paper forms).</p>
<b>Property/Asset Implications</b>	<p>None.</p>

## **1. Background**

- 1.1** The Framework Agreement on Official Feed and Food Controls by Local Authorities (Amendment Five, April 2010) sets out what the FSA formally requires from local authorities with regard to their planning and delivery of food official controls, based on statutory Codes of Practice.
- 1.2** One such requirement is the production, approval and publication of an annual Service Plan.
- 1.3** Service plans are seen to be an important part of the process to ensure national priorities and standards are addressed and delivered locally. Service plans also:
- focus debate on key delivery issues;
  - provide an essential link with financial planning;
  - set objectives for the future and identify major issues that cross service boundaries; and
  - provide a means of managing performance and making performance comparisons.
- 1.4** The plan follows a standard format provided by the FSA and is required to be submitted to Members for approval. The Food Hygiene Rating Scheme audit by the FSA in 2016 and internal audit by Audit Cotswold (now SWAP) in 2017 highlighted the importance of thorough service planning and resource allocation. Auditors recommended that lack of resource or other issues affecting the authority's ability to carry out official controls should be emphasised in the service plan, because of the nature of statutory requirements.

## **2. Reasons for recommendations**

- 2.1** It is a statutory requirement to produce a Food Service Plan, and allows for the efficient planning of resource to deliver official controls as required by the Food Law Code of Practice and to deliver other commitments such as sampling, internal monitoring and business advice as required by the Framework Agreement.

## **3. Alternative options considered**

- 3.1** This plan relates to the delivery of a statutory function, so no alternative options are available at this time.

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

- 4.1** This statutory food service plan is essential to protect the health of people who live, visit and work in Cheltenham, as well as to offer a fair, safe and supportive service to the district's businesses. Please see 'corporate and community plan implications' section above for further details.

## **5. Consultation and feedback**

- 5.1** A copy of the plan is made available on the Council's website.

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

- 6.1** Documented internal monitoring procedures are required by Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice, and centrally issued guidance.
- 6.2** Quality assurance is provided through the service's consistency and internal monitoring procedures. For example: Food Safety Officer performance management takes place on a monthly basis, through recorded 121s with the team leader and in team meetings; inter-officer

consistency meetings occur monthly; internal monitoring file and system checks take place in 121s and accompanied visits are scheduled four times each year with each officer. There are also rigorous procedures in place to ensure the accuracy and integrity of the food hygiene rating scheme.

- 6.3** The Food Safety Service used to report on a food service performance indicator on a quarterly basis to the corporate performance team. The service continues to use this as a local indicator although there is currently no requirement to report it corporately. The indicator is the growth in the number of food businesses with a food hygiene rating of three or above. Please refer to section 6 of the service plan for details of performance measures including the percentage of inspections achieved.
- 6.4** An annual statutory return is also produced through the Local Authority Enforcement Monitoring System (LAEMS) and monitored by the FSA.
- 6.5** The operation of the Food Hygiene Rating Scheme is monitored by the FSA against the Brand Standard. The service has robust monitoring and data procedures relating this.

<b>Report author</b>	<b>Contact officer:</b> Sarah Clark , sarah.clark@cheltenham.gov.uk, 07824 560054
<b>Appendices</b>	<ul style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Food Safety Service Plan 2020-21</li> </ul>
<b>Background information</b>	<ul style="list-style-type: none"> <li>1. Food Law Agreement on Official Feed and Food Controls by Local Authorities <a href="https://acss.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/frameworkagreementno5.pdf">https://acss.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/frameworkagreementno5.pdf</a></li> <li>2. Food Law Code of Practice and Food Law Practice Guidance 2017 <a href="https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice">https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice</a></li> </ul>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the Council is unable to deliver interventions in food premises as they become due in accordance with the Food Law Code of Practice, then potential public health risks such as food poisoning outbreaks could occur (also damaging business and Council reputation)	Sarah Clark	01.04.20	4	2	8	A	The service plan is achievable within resource plan outlined in the Food Safety Service Plan and if no other circumstances change. If the situation does change, resource implications will be escalated to the Head of Service and Director.	In place	YH/MR	
2.	If the Council is unable to meet its commitments according to the Framework Agreement, and deliver them according to the Code of Practice and Practice Guidance, then it could be in breach of its statutory duty with potential FSA sanctions and damage to reputation	Sarah Clark	01.04.20	4	2	8	A	The service plan is achievable within resources detailed if no other circumstances change (a contractor has already been engaged). If the situation changes, resource implications will be escalated to the Head of Service and Director.	In place	YH/MR	

3	Emergencies and unusual situations – if the service suffers a lack of resource due to the ongoing Covid-19 pandemic, EU Exit implications, a major emergency or food/infection related incident, then there could be a failure to carry out planned interventions, or to investigate food complaints/incidents.	Sarah Clark	24.07.20	3	6	18	R	<p>External funding has been obtained for 12 months food safety officer backfill.</p> <p>Resource strategy has been approved by ELT and short term contractors are completing overdue/due inspections alongside core team.</p> <p>Trainee EHO is now newly qualified and almost ready for unaccompanied inspections.</p> <p>Impact of other emergencies eg foodborne are likely to be short-term if risk is realised so can potentially reduce risk with mitigation: a) mutual aid from neighbouring districts to cover high risk interventions or complaint investigation (Memorandum of Understanding/Protocol is being formalised through CPT b)</p>	<p>In place</p> <p>In place</p> <p>In place</p>	YH/MR	
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								notification to FSA of incident and possible impact on performance c) further use of agency contract staff to backfill if necessary			
4	If IDOX Uni-Form does not function as a stable case management system, then risk data relating to any business in Cheltenham cannot be accessed and planned interventions cannot be programmed	SC	22.10.20	2	2	4	A	Reduce risk by: a) reporting all issues to ICT and user group rep b) have now produced paper versions of inspection forms and Legal Notices etc c) reliance on paper files Access report of all due interventions has been saved in case of Uniform failure	In place	SC	
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
<b>Explanatory notes</b> <b>Impact</b> – 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) <b>Likelihood</b> – 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) <b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close											

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# **FOOD SAFETY SERVICE PLAN 2020-2021**

## 1. FOOD SAFETY SERVICE AIMS AND OBJECTIVES

### 1.1 Background, Aims and objectives

#### Background

The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its *Framework Agreement on Official Feed and Food Law Controls by Local Authorities, Amendment number 5*. The FSA is an independent monitoring and advisory body that issues guidance to ensure local authorities' delivery of official controls is 'effective, risk-based, proportionate and consistent'.

The Framework Agreement states what the FSA requires from local authorities when planning and delivering food and feed official controls. This Service Plan is Cheltenham Borough Council's plan as to how it will deliver those requirements.

Local authorities are monitored and audited by the FSA through service plans in accordance with the FSA's powers under the Food Standards Act 1999 and the Official Feed and Food Controls Regulations 1999.

#### Aim

The key food safety function of Cheltenham Borough Council is to ensure that the food sold, offered and stored for sale and entering the Borough is wholesome and fit for human consumption. The overarching aim is a sustainable service that protects public health whilst supporting food business industry growth.

#### Our objectives include:

- The regular control of food premises within the Borough in accordance with the Food Law Code of Practice (FLCoP).
- The investigation of the safety and fitness of food including all complaints about the operation of businesses within the Borough.
- To sample foods within the Borough whilst participating in local, regional and national food sampling programmes.
- To ensure we approve and register all food premises within the Borough as required by legislation.
- To undertake appropriate and proportionate food safety enforcement action within the Borough.
- To support food businesses in all stages of their lifecycle, and in particular to provide new business start-up support.
- To undertake Home and Originating Authority duties within the Borough.
- To provide food safety by way of advice and assistance to food businesses, citizens and visitors of the Borough in a commercially sustainable way (eg through the Better Business for All partnership)

- To administer and promote the national Food Hygiene Rating Scheme (FHRS).
- To undertake Primary Authority Partnership arrangements.
- To control foodborne infectious diseases through the investigation of notifications.
- To move towards greater commercialisation and modernisation of the service through the delivery of corporate programmes.

### 1.2 Links to Cheltenham Borough Council's Corporate Strategy for 2019-2023 and Place Vision

The Place Vision sets out three ambitions for Cheltenham. The Food Service Plan supports the Culture and Community ambitions by working to achieve improved food safety and hygienic premises; high rating food businesses in the national food hygiene rating scheme (resulting in increased consumer confidence in local businesses); and the control of foodborne diseases – all of which help promote the local economy, as well as protecting the health of the people who live, visit or work in Cheltenham. Advice is also given that directly improves or protects the environmental quality of the town – examples range from pests and other vectors; to the disposal of FOGs (fat or grease in drains).



### Corporate Plan Priorities

The council has five corporate priorities identified in the Corporate Plan 2019-2023, of which the food safety service supports priorities 2, 3 and 5.

#### Our priorities

1. Making Cheltenham the cyber capital of the UK
2. Continuing the revitalisation and improvement of our vibrant town centre and public spaces
3. Achieving a cleaner and greener sustainable environment for residents and visitors
4. Increasing the supply of housing and investing to build resilient communities
5. Delivering services to meet the needs of our residents and communities

## **Principles of service delivery**

The ethos of the service is to support and advise food businesses in the borough so that they can grow and thrive safely. There is a high rate of compliance with food law in Cheltenham which is recognised, and a graduated approach to enforcement is exercised when working with non-compliant businesses. Service capacity is prioritised at the riskiest food activities and/or the poorest performing food businesses, with the aim of improving standards across Cheltenham whilst supporting business growth.

The Service is also working as part of Gloucestershire Better Business for All and now offers a range of commercial services such as food hygiene rating reassessments; advice and consultancy; and coaching on how to achieve and keep the highest rating.

## **2. BACKGROUND**

### **2.1 Profile**

Cheltenham is an attractive and vibrant town serving an extensive catchment area in central and eastern Gloucestershire and the South Midlands. It is one of the key retail centres in the South West and has a tourist economy worth £154m.

The borough of Cheltenham is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares and has a population of over 115,000.

Cheltenham has a wealth of restaurants and eating places. It hosts a farmers market offering a valuable opportunity to sample local produce, as well as Continental and Christmas food markets. The town offers a wide range of educational and employment opportunities, supports approximately 72,000 jobs across the borough and hosts a year-round programme of festivals and events, and has a strong cultural and sporting profile. Nine Cheltenham restaurants were listed in the Michelin Restaurant Guide 2020 (Curry Corner, Lumiere, Purslane, Prithvi, East India Café, No. 131, Daffodil, Le Champignon Sauvage and Bhoomi Kitchen).

### **2.2 Organisational Structure**

The food safety service is within the Public and Environmental Health team of the Public Protection Department headed by Yvonne Hope, which forms part of the Environment Division under Mike Redman. The Environment Division is part of the Managing Director of Place and Growth's portfolio. The current establishment structure is shown at the end of this plan.

Specialist services such as public analyst and food examiner are provided externally by Public Analyst Scientific Services (PASS), Wolverhampton and The Public Health England Food, Water & Environmental Laboratory, Porton Down, respectively.

## 2.3 Scope of the Food Service

The Council is not a Unitary Authority and therefore shares its duties under the Food Safety Act with the Trading Standards Department of Gloucestershire County Council. Cheltenham Borough Council aims to provide a full range of services within its remit offering a balanced approach between education and enforcement, in accordance with the council's graduated enforcement policy.

The Borough Council food safety service is provided by three appointed and authorised officers in accordance with the requirements of the FSA code of practice. There is one Senior Environmental Health Officer, one Senior Technical Officer and one newly qualified Environmental Health Officer. These officers are also responsible for infectious disease control along with other environmental health functions in all food premises within the borough (such as complaint investigation, business advice, sampling, and rating re-assessments). The officers are also responsible for food safety advice at events and festivals in the district of Cheltenham, and for monitoring planning and licensing consultations as a means of identifying and engaging with new or developing food businesses. The team offers chargeable services and products.

Also within the scope of the food service are the following functions: sampling (food, water and environmental); primary authority partnerships and the local administration and promotion of the national food hygiene rating scheme.

## 2.4 Demands on the Food Safety Service

**Table 1: The service delivery point**

Address	Hours	Contact details
Cheltenham Borough Council Municipal Offices Promenade Cheltenham GL50 9SA	Mon, Tue, Thurs and Fri (09.00-17.00) Wed (09.30- 17.00)	01242 264139 – business support <a href="mailto:env.health@cheltenham.gov.uk">env.health@cheltenham.gov.uk</a> <a href="mailto:ehbusinesssupport@cheltenham.gov.uk">ehbusinesssupport@cheltenham.gov.uk</a>  Food safety officers have mobile phone numbers available to stakeholders and the public.

There is an out of hours emergency service available which addresses the emergency closure of premises, food product withdrawal and outbreaks of food associated disease.

On 31<sup>st</sup> March 2020 there were 969 food businesses registered on the database, compared to 933 at the close of the previous financial year.

As is expected for a town like Cheltenham the hospitality and catering sector predominates, the majority being small or medium sized enterprises.

### ***Approved Premises***

The council has two premises approved under Regulation (EC) No. 853/2004:

- a) Soho Coffee Shops Ltd, approval number UK CT007 EC (meat products).  
The business is a manufacturer and packer supplying to its own-brand coffee shops.
- b) Cheltenham Catering Supplies, conditional approval number UK CT008 EC  
The business provides stand-alone cold storage.

### ***Specialist or complex processes***

The council does not currently have any such processes in its area.

### ***External factors that may impact on service delivery***

#### **Covid-19**

The impact of Covid-19 has resulted in additional duties on the food safety team, for example, supporting food businesses in interpreting and complying with rapidly changing and complex legislation and guidance, and responding to complaints and outbreak notifications.

The service has followed all relevant advice for regulators issued by the Food Standards Agency during the pandemic, including pausing inspections for the defined period, supporting change of business delivery models (takeaways), and the approach to high risk inspections. A risk-based decision is made about the inspection of potentially high risk premises in covid-vulnerable settings eg care homes, and remote interventions are taking place where appropriate. However, remote interventions cannot be risk scored nor have their inspection frequency changed which means these businesses will still show as overdue for inspection. This issue is compounded by the backlog of inspections generated during the 3-4 month suspension of food inspections by the FSA due to the risk of viral transmission.

To cope with the increased pressure on the service, the service was successful in applying for £50,000 grant funding from Gloucestershire County Council Local Outbreak Management Plan Fund, to backfill the Senior EHO for 4 days a week for 12 months. In addition and to address the inspection backlog, a resource strategy was approved by the Executive Leadership Team, resulting in the short term engagement of food safety contractors in Summer/Autumn 2020.

#### **Routine Factors**

With a small team, the programmed food hygiene intervention plan for any given year can be severely disrupted by food poisoning investigations, national food alerts, food sampling and non-food related matters that might require food safety officer resource. It should also be noted that Cheltenham has a vibrant event economy that the council is actively trying to grow, and associated food safety advice adds to demands on the service particularly over the summer. In addition, the team delivers commercial services such as advice and consultancy although the rate of initial take-up is slow. Food safety officers are also members of the council's emergency management team which may require their resource during times of civil emergency, potentially for a prolonged period. The food safety team is part of Gloucestershire Food Safety Group which is formalising a 'mutual aid' protocol to mitigate the capacity risks associated with emergency incidents. The team is also involved in preparing for the EU Exit this financial year, although it is hard to estimate the impact on staffing capacity due to the considerable uncertainties around this at the moment.

Next years' service plan will reflect on more specific impacts if/once they are known – e.g. the potential likelihood and risks associated with food fraud, food poverty, pest control, business start up, growth and sustainability.

### **Staffing factors**

The Trainee Environmental Health Officer is now a newly qualified professional and is working through the required Food Law Competency Framework before he begins unsupervised inspections. Please see 'Covid-19' section above for more information on staffing factors.

## **2.5 Regulation Policy**

Cheltenham Borough Council has adopted and published a corporate enforcement policy which informs all enforcement action undertaken by the Food Safety Service.

The Framework Agreement requires local authorities to take account of the Better Regulation agenda with regard to service delivery and planning. In recent years there have been a number of reviews conducted that have resulted in a change to the nature of regulation. The emphasis being that the regulatory system as a whole should use comprehensive risk assessment to concentrate resources in the areas that need them most. Key principles of the Better Regulation agenda are targeting, proportionality, accountability, consistency and transparency.

In terms of food safety, this means concentrating efforts on those businesses that do not meet the minimum legislative standards, with alternative interventions in those that generally comply.

There is a suite of interventions that focus on outputs and continued improvements in food safety. This allows us to choose the most appropriate and **proportionate** action to be taken to drive up levels of compliance of food establishments with food law whilst being mindful of the regulatory burden on businesses and only intervening where necessary. In addition, we operate an Alternative Enforcement Strategy (compliant with Food Law Code of Practice) which allows us to **target** resource at the highest risk premises through the use of a self-assessment questionnaire for lower risk category businesses. The Service operates a **consistency** framework supported by internal monitoring procedures so that all businesses and individuals receive the same standard of regulation. The Service operates in an open and **transparent** way e.g. through the format of its interventions and associated documentation, reviews of procedures, release of food hygiene intervention reports to consumers upon request, and by taking on board feedback from service users, although it recognises that it could do more in this respect – for example through the establishment of surveys or focus groups. More progress needs to be made in this area utilising the skills of the shared Business Support Team in the Place & Growth Group and that service levels are re-assessed and explained to the public and stakeholders as part of the Service's **accountability** measures. The formation, approval and publication of this Plan also helps demonstrate the Service's accountability.

### 3 SERVICE DELIVERY

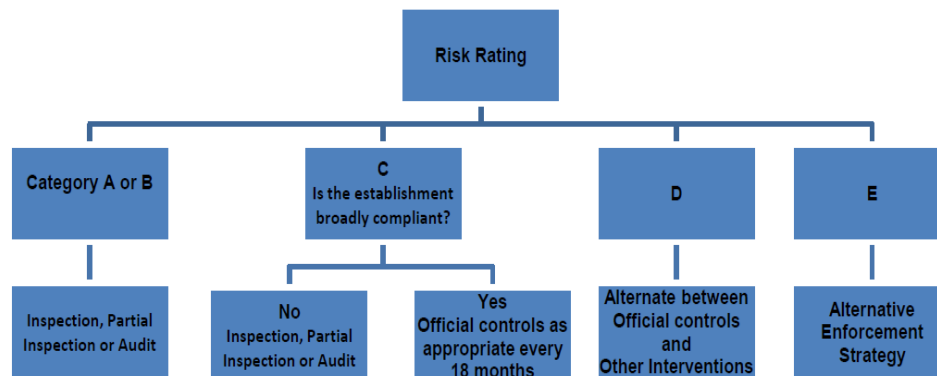
#### 3.1 Interventions at Food Establishments

##### ***Intervention Policy***

The regulation of food premises is undertaken in accordance with the Food Safety Act 1990 Food Law Code of Practice (FLCoP). All food premises are subject to a detailed assessment based on particular criteria including types of food and method of handling, consumers at risk, level of current compliance in terms of practices, procedures including cleanliness and confidence in management. This numerical calculation is transferred into the categorisation of premises from A to E. Category A premises are inspected a minimum of every 6 months, category B every year, category C every 18 months, category D every two years and category E premises every 3 years.

The Service operates an Intervention Policy which sets out how interventions will be selected and delivered in accordance with the provisions of the Food Law Code of Practice and the FHRS Brand Standard. As a guide the diagram below depicts the Service's policy with regard the choice of interventions available per risk category.

**Figure 1: Intervention policy schematic**



The food safety team aim to inspect all non-compliant food businesses within our area within 28 days of the due date. This includes all newly registered premises as they are deemed non-compliant until the first visit and a risk assessment has been undertaken. All non-compliant category A and B premises, i.e. those that fall significantly short of broad compliance will be visited within 28 days of the due date as required by the Food Standards Agency. Other categories of premises that are broadly compliant will be addressed by a combination of official controls and other interventions, such sampling, alternative enforcement strategies, intelligence/information gathering in accordance with the Food Law Code of Practice.

Further official control visits are made to premises where there are food safety concerns, in particular where the level of current compliance in food safety practices and procedures fall below satisfactory or there is little or no confidence in management. Other visits to food premises may follow a request for advice, complaint or an alleged food poisoning incident. Visits are primarily unannounced with evening/weekend inspections undertaken when required to accommodate the needs of some food businesses, e.g. those that do not open during office hours and markets and festivals held at weekends.



In line with current guidance and the necessity to target ever scarce resource at higher risk activities, we operate an alternative enforcement strategy for category E premises.

The service intends to prioritise official controls due over commercial requests for service if there is insufficient capacity at times to deliver both.

### **Premises profile**

The premises profile is given in the table below with figures for the previous financial year in brackets as a comparison:

**Table 2: Premises profile as of 31<sup>st</sup> March 2020**

	<b>NO. OF PREMISES</b>
PRIMARY PRODUCERS	0 (0)
MANUFACTURERS + PACKERS	8 (6)
IMPORTERS/EXPORTERS	3 (3)
DISTRIBUTORS/TRANSPORTERS	6 (10)
RETAILERS	173 (171)
RESTAURANTS AND CATERERS	779 (743)
TOTAL	969 (933)

### **Number of interventions programmed for 2020-21**

The inspections (official controls) due can be broken down into risk categories as follows:

**Table 3: Official controls programmed for 2020-21 and revisits estimate**

<b>Risk category</b>	<b>Number due for intervention FY 2020-21</b>	<b>Target</b>
<b>Unrated – i.e. new businesses</b> (projected from last year)	109	100%
<b>A</b>	0	100%
<b>B</b>	33	100%
<b>C</b>	128	100%
<b>D</b>	217	100%
<b>E</b>	115	100%
<b>Revisits for compliance</b> (average 30% of official controls p/a)	187	100%
<b>Revisits requested by Food Business Operator under FHRS (based on last FY)</b>	7	100%
<b>Overdue from previous year</b>	51	<b>100%</b>
<b>TOTAL NUMBER OF INTERVENTIONS</b>	493 Official controls due + 109 new premises visits + 194 revisits + 51 overdue  <b>= 847 interventions</b>	<b>100%</b>

**Estimation of the number of revisits that will be made in 2020-21**

According to the Service's statutory return (LAEMS – local authority enforcement monitoring system), last year there were 642 planned interventions at 397 premises i.e. 245 interventions involved a revisit to a premises. This equates to 38.2% of overall interventions (27.5% of interventions undertaken in the previous year 2019-20 were also revisits: 30% revisit rate in 2018-19 and 33% in 2017-18). In addition, there were 7 revisits requested by Food Business Operators under the FHRS.

For 2020-21 it is reasonable to assume a similar level of revisits will be required particularly as some interventions have to be delayed due to covid. 38% of 493 programmed official controls = 187 revisits for compliance + 7 requested revisits = **194 revisits**. The number of requested FHRS revisits has remained fairly stable since the authority began charging for them although there could be an impact on resource if the service is more aggressively marketed. Historic data for requested FHRS revisits is 7 in 2019 – 2020, 18 in 2018-19, 18 in 2017-8 and 19 in 2016-17.

**Estimation of resources required e.g. staffing**

Caveats:

- The data in the Table 4 (Resource Projection) contains estimates.
- The figures in the table below are based on the current system where food safety officers are responsible for the majority of administrative tasks associated with the service including: data entry, letter and report writing, filing, minute taking, FHRS administration, database maintenance, freedom of information requests, etc. However the service has recommended that work processes are undertaken at the appropriate pay grade in order to release senior officer capacity for fee earning work and to minimise the cost of service delivery. The service shares a business support team and the general intention remains to redirect some of the initial demand for senior food officers to support officers instead. This would have the effect of reducing the time/cost per service function/row of the table below.
- Projections do not include management or support time.

**Table 4: Resource projection for food service delivery 2020-21**

Service function	Projected demand or volume	Estimated time per unit (hours)	Total Food Officer resource required p/a (hours)
Category A interventions	0	5	0
Category B interventions	33	5	165
Category C interventions	128	5	640
Category D interventions	217	4	868
Category E interventions	115	2.5	287.5

Service function	Projected demand or volume	Estimated time per unit (hours)	Total Food Officer resource required p/a (hours)
Unrated (i.e. new businesses)	109	5	545
Revisits	194	2.5	485
Overdue interventions	51	4	204
Complaint investigations (based on last year's data)	151	2	302
Infectious disease investigations (based on last year's data)	194	1	194
Business advice (exc unrated businesses) – based on last year's data	28	1	28
Festivals and event advice (based on last year's data)	78	0.5	39
Mandatory competency training	3 officers	30	90
Internal monitoring, Lead Officer duties, Food Safety Week and other promotions, database maintenance and FHRS administration	52 weeks	7	364
Food service meetings, regional liaison group, consistency meetings etc. NB: 3 officers attend internal meetings & the team leader attends the regional meeting	2 x 1.5 hour food team meetings pcm inc 121s (24/yr)	9	108
	1 x 1.5 hour consistency meeting pcm (12/yr)	4.5	54
Sampling projects & interventions including delivery to lab, UKFSS & follow ups	3720 credits p/a = approx. 148 samples.  Sampling projects: @ 4 samples per premises. $148/4 = 37$ premises/interventions	7	259
<b>TOTAL OFFICER HOURS REQUIRED p/a</b>			<b>4632.5</b>
<b>AVAILABLE OFFICER HOURS</b> per annum  37 hrs. p/w x 52 = 1924 p/a	3 FTE	1568	<b>4704</b> (3 x 1568)

Service function	Projected demand or volume	Estimated time per unit (hours)	Total Food Officer resource required p/a (hours)
<ul style="list-style-type: none"> <li>- 222 hrs annual leave = 1702</li> <li>- 30hrs CPD = 1672</li> <li>- 37 hrs other training or sickness = 1635</li> <li>- 9 Bank/Public Holidays p/a = 67 hrs = 1568</li> </ul> = 1568 available hours per officer p/a			
<b>Assessment of resource including impact of Covid-19</b> According to the resource projection, in a 'normal' year there would have been insufficient officer resource to fully deliver this Food Safety Service Plan, with a <b>deficit of 80 officer hours approx.</b> A mid-year position was calculated in July 2020 to assess the impact of Covid-19 on service delivery. At that time there was a backlog of food safety inspections plus insufficient resource to deliver those due by end of March 2021 (inspections paused by FSA during lockdown and EHO resource still diverted to covid-related business concerns as well as outbreak control) which meant <b>by 31.03.2021 894 inspections would be due or overdue intervention.</b> Of that figure, there was capacity in the existing team to deliver 385 interventions.			
<b>Resource Strategy</b> A resource strategy was approved by Executive Leadership Team on 29 <sup>th</sup> July 2020, which addressed the shortfall in resource required to deliver official controls for the financial year. As a result, the Senior EHO for food safety (currently leading on covid-compliance with businesses) has been backfilled by a food safety contractor (4 days per week for 12 months) using funding approved by Gloucestershire's Local Outbreak Management Plan Fund. This has been supplemented by short term temporary contracts (totaling 250 inspections) over summer and autumn 2020, funded by a vacant post. <b>This strategy will ensure the council is on target to complete all due inspections by 31<sup>st</sup> March 2021.</b> If a second peak of Covid-19 diverts further resource from the core team, the resource strategy has ensured that all high and medium risk interventions will still be completed.			

#### ***Targeted intervention work including projects***

No targeted intervention project work planned for this financial year other than to continue to support covid-compliance and economic recovery in food businesses. Food officers will continue to request gas safety certificates during food inspections where appropriate and will refer those and any Covid-19 Matters of Evident Concern to refer to Health & Safety colleagues.

***Priorities relating to locally or nationally driven outcomes***

Interventions focus on nationally driven outcomes which include compliance with allergen awareness/management (local delivery for Trading Standards); updated guidance for issues such as E Coli; focus on allergen awareness; food fraud, acrylamide regulations awareness; and FHRS promotions. The team also actively promotes FHRS revisits (chargeable) during their interactions with businesses. For 2020-21, the focus will be on covid-compliance.

Locally driven outcomes for this year relate to the response to the Covid-19 pandemic, and economic recovery. Although the food safety team now offers commercial services as part of Gloucestershire Better Business for All, it is anticipated income generation will be hampered due to the pandemic.

Participating in the national FHRS consistency exercise and local consistency events remains a service priority although the timing of these will naturally need to be sympathetic to the demands on the local and national food safety service due to the pandemic response.

***Access to appropriate expertise for the competent inspection of specialised processes listed in Section 2.***

There are no complex or specialised process such as smokeries, canneries, dairies, cheesemakers etc in the borough. However, should such a business emerge in the coming year, the neighbouring districts would be approached with regard buying expertise until one of the authority's own food safety officers reached the appropriate level of competency.

**3.2 Food Complaints**

Food complaints are investigated in accordance with the FSA Code of Practice. The number of food complaints investigated by the food safety team in 2019-20 was 37. Previous years' data is shown below.

Year	# of food complaint investigations
2018-19	28
2017-18	32
2016-17	20

In 2019-20 the service investigated 114 complaints relating to the hygiene of premises. Previous year's data is shown below.

Year	# of hygiene of food premises complaint investigations
2018-19	126
2017-18	98
2016-17	106

The numbers of complaints are fairly stable from one year to the next.

The service's business support team receives and logs all food and hygiene complaints which are then allocated to a duty officer. The complaint investigation policy involves a risk based filter in order to prioritise response according to factors such as public health implications, premises history and compliance.

**Performance target:** A target has not been set for the resolution of these complaints as that depends upon the most appropriate course of enforcement action for each complaint on a case by case basis. The principle is to instigate investigation or advise the complainant why no action is possible, as soon as possible (so that 'end to end times' can be demonstrably reduced) and at least within three working days. 100% of all complaints received were actioned.

**Resource:** each complaint can take an average of 2 hours to investigate including preparation; site visit and travelling time; communication with primary authority, head office, customers; database entry; production of letters etc. and any resultant follow up required. Based on 2019-20 data, 302 officer hours are required for this function per annum.

### 3.3 Primary Authority Principle and Home Authority Principle

The Council will consult at an appropriate level with the Primary Authority for any food business, in accordance with the principles laid down in The Food Safety Act 1990 Code of Practice and BIS guidance.

The Council does not currently act as a Home Authority or Primary Authority. The Home Authority Principle is where businesses have outlets in more than one local authority area, and/or supply goods or services beyond the boundaries of one local authority, the council in the district of the head office can act as the focal point for other regulators across the country.

### 3.4 Advice to Businesses

The food safety service provides assistance to local food businesses when requested to help them comply with the legislation and to encourage the use of best practice. This is achieved through a range of activities including:

- Advice given during inspections and other visits to premises
- Chargeable advice and consultancy; FHRS revisits
- Provision of advisory leaflets
- Responding to service requests and enquiries
- Attendance at Event Consultative Groups to advise on food safety at public and community events.
- Advice given in response to planning and licensing applications.
- Better Business for All Partnership eg Growth Hub referrals

The service also intends to offer food related training courses and events.

**Resource:**

Enhanced coding is needed in order for the service to truly capture its interactions with businesses.

It is estimated that the average business advice interaction takes approximately one hour mins and that 28 officer hours is needed for this function, based on 2019-20 data.

## 3.5 Food Sampling

The food service participated in the Public Health England (PHE) cross regional school dinner trays, and spa and hot tub studies 2019-20.

A total of 22 microbiological samples were taken in 8 premises. No results were 'unacceptable' although 3 were 'unsatisfactory'. The unsatisfactory results were followed up by food safety officers to ensure the business received the appropriate advice to address them.

### ***Sampling Policy***

The Authority's sampling policy states the following reasons for sampling:

- Investigation of food contamination, food poisoning and complaints
- Imported food responsibilities.
- Primary Authority/Originating Authority responsibilities
- Food sampling defined by statute e.g. shellfish
- Use of sampling as part of an Official Control
- Participation in EU co-ordinated control programmes
- Participation in nationally co-ordinated sampling programmes
- Participation in regional sampling programmes
- Sampling related to local products/events/initiatives relevant to Cheltenham Borough Council
- Continued use of the UK Food Surveillance System (UKFSS)
- Surveillance/Intelligence sampling to identify foods that could pose a hazard
- Sampling on request of a food business e.g. new product and/or process
- Informal sampling to assist with giving advice to businesses
- Resampling from previously unsatisfactory results

### ***Analysis/examination of Samples***

All samples for analysis, taken under section 29 of the Food Safety Act 1990 in accordance with the Food Safety (Sampling and Qualifications) Regulations 2013 and with the requirements of this Code, will be submitted to the appointed Public Analyst at a laboratory accredited for the purposes of analysis, and which appears on the list of official food control laboratories. Cheltenham currently has an agreement with Worcester Scientific Services, Worcester.

All samples for examination, taken in accordance with regulation 14 of the Food Safety and Hygiene (England) Regulations 2013 and the requirements of this Code, will be submitted to the Food Examiner at a laboratory accredited for the purposes of examination, and which appears on the list of official food control laboratories. Cheltenham BC currently has an agreement with Food, Water and Environmental Microbiology laboratory Porton, Wiltshire.

### **Other samples**

Other samples such as hygiene check swabs could be used within food premises to check on the efficiency of cleaning and disinfection. These fall outside the sampling programme and the number and type will be determined according to local needs.

### **2020-21 Sampling Surveys**

The planned sampling projects identified by Public Health England at the start of 2020-21 are shown below. Processed chicken has since been added as a study.

**Table 5 - planned study timings for 2020-21 Programme:**

Year	2020-2021											
Months of sampling	A	M	J	J	A	S	O	N	D	J	F	M
<i>Study 70-RTE Salads/slaws and water used during production</i>												
<i>Study 71- Taps/water in temporary/mobile supplies</i>												
<i>Study 72 – reactive study</i>												

### **Resource:**

The Authority is given around 3720 sampling credits free of charge each year. This equates to approximately 148 samples. Sometimes it may benefit a complaint investigation if samples are taken but generally the majority of credits are put towards national and cross-regional sampling surveys. The Service intends to maximise opportunities presented by sampling credits, in accordance with its Sampling Policy and to use its credit allowance in the financial year. It is likely that multiple samples (average of four) will be taken from each premises selected for the surveys to provide more meaningful results and to be resource-effective.

3720 credits = approx. 148 samples

148 samples/4 samples per premises = 37 premises surveyed/sampling official controls/complaint investigation samples

Estimated 7 hours officer time for each premises interaction including data entry, site visit and sampling; travel to lab, paperwork and follow up visit and/or paperwork.

37 premises x 7 hours = 259 officer hours required per annum.

### **Resource assessment and mitigation**

The Service will be hard pressed to deliver its full sampling responsibilities under the Framework Agreement within the context of the Covid-19 pandemic, however, this will be the situation nationally.



### 3.6 Control & Investigation of Outbreaks & Food Related Infectious Disease

The measures to be taken to control the spread of infectious diseases are contained in various acts of Parliament and their associated Regulations. This legislation places a duty on local authorities to control the spread of food poisoning and food and water borne diseases.

Annual notifications vary from year to year with a noticeable increase in Norovirus outbreaks in recent years. These outbreaks are often associated with closed settings which have a more vulnerable group of clients, for example care homes. Intervention in these outbreaks takes up a significant amount of officer time.

The policy in respect of this service is to:

- To administer and implement our statutory responsibilities relating to the control of infectious disease.
- Investigate all notifications of food poisoning cases and likely sources of infection whether confirmed or not at the earliest opportunity.
- Where a source is identified take appropriate action to ensure risk of spreading is controlled.
- Protect the well-being of individuals at risk by taking action to contain the spread of infection and provide advice and information regarding personal hygiene, food handling and control of infection.
- Exclude food handlers and people working with high-risk groups from work in consultation with the Consultant for Communicable Disease Control (CCDC).
- A Countywide “Outbreak Control Plan” is operated including standardised food poisoning investigation questionnaires. The service has participated in Operation Brimstone, Summer Rose and Operation Spanish Oak (covid) public and environmental health emergency planning exercises regionally.

**Performance target:** to action 100% of infectious disease notifications within two working days unless the potential risk to public health requires a same day response (e.g. *E Coli* 0157)

**Table 6: Number of Infectious Disease Notifications by year**

Financial year	Number of Infectious Disease Notifications	Performance (actioned within two working days)
2019-20	194	100%
2018-19	213	100%
2017-18	178	100%
2016-17	209	100%
2015-16	183	100%
2014-15	196	100%

**Resource projection:** 194 cases x 1 hour average per investigation = 194 hours per annum

### 3.7 Food Safety Incidents

The Food Standards Agency operates a system to alert the public and food authorities to serious problems concerning food that does not meet food safety requirements.

Food alerts vary in significance and require an appropriate response. Some are of high priority and require immediate action. This may involve contacting and/or visiting food premises and taking immediate action under powers contained in Food Legislation. Others are for information only.

All alerts are received directly from the Food Standards Agency via a secure dedicated computer network system. The Public & Environmental Health Team Leader will instigate the necessary response and provide the necessary out of hours cover for this service. Approximately 100 FSA messages are received annually which used to be manually distributed to food safety officers by the team leader, but this is now co-ordinated through an information platform 'Smarter Comms'.

Where the Council becomes aware of a serious localised incident or a wider food safety problem, it will notify the Food Standards Agency in accordance with the Code of Practice.

The responsive element of work associated with individual alerts can vary significantly but the majority are alerts for information rather action. Alerts for action are assigned to the Duty Officer as part of their reactive caseload alongside complaint and infectious disease investigations. An average of four alerts for action about a food business or food product in Cheltenham's district is received each year and does not usually require more than one officer's input for more than 2 hours, depending on the nature and scale of the incident.

### **3.8 Liaison with Other Organisations**

The Council is committed to ensuring that the enforcement approach it adopts is consistent with other enforcing authorities. This takes place through regular meetings and attendance by the manager at the Gloucestershire Food Safety Group. This group comprises of peer representatives of each of the District and Borough Councils in the County, Publica (shared regulatory services); the County Council Trading Standards Service, the Food Standards Agency's Regional Representative and PHE Laboratory Service.

The forum provides a mechanism for discussion of relevant food matters, the provision of training on a county-wide basis, the formulation of policy, documentation and guidance and co-ordinated responses to Government and Central Agencies.

The service also takes part in any local public health groups convened to monitor local trends in infectious diseases.

### **Resource**

#### *Internal meetings:*

1x 1.5 hour inter-officer consistency meeting pcm (3 FTE attendance) = 54 hours p/a  
2 x 1.5 hour food team meetings pcm (3 FTE attendance) = 108 hours p/a

### **3.9 Food Safety promotional work and other non-official control interventions**

The service will participate in FSA promotional work or covid-related non-official control interventions in 2020-21 to support pandemic response and local recovery. It will work with the Business Improvement District, Marketing Cheltenham and other services to that effect, within capacity.

The service has an active Twitter account which it uses to promote local 5 rated food businesses and will continue to utilise the council's Communications team with regard food safety or FSA press campaigns e.g. Food Safety Week.

## **4 RESOURCES**

### **4.1 Financial Allocation**

The Food Safety Service budget for 2020-21 is £207,200 (which has increased from £200,200 the previous two financial years). This budget includes staffing, travel, subsistence, I.T. development, legal action and office overheads necessary as part of the food safety enforcement function. Recharges for I.T. support, Human Resources, accountancy, audit, insurances, communications, and asset management are also included.

There is not a separate sampling budget.

The Council always seeks to recover costs following successful legal proceedings wherever possible, and the service is reviewing its functions to release capacity for income generating work.

### **4.2 Staffing Allocation**

There is one full time Senior Environmental Health Officer and one full time Senior Technical Officer in the food safety team who are widely experienced in food safety. A trainee EHO has recently attained full qualification and will shortly be commencing food inspections under supervision until the required competency has been demonstrated.

All officers have completed a competency framework assessed by the Lead Officer and are Authorised Officers according to their competency and experience as required by the Competency Framework. The 3 FTEs are dedicated to the delivery of the food safety service (backfill arrangement in place for 12 months to release the Senior EHO for Covid priority work).

The food safety service has contributed its 0.6 FTE Business Support Team Officer to a shared business support team as part of the agile working project. The service has been assured of greater resilience and cross-training in this shared team who act as a specific point of customer contact and register commercial premises etc. The BST officers do not have a role according to the Code of Practice but the service will explore the possibility of developing a Regulatory Support Officer if funding for training etc becomes available.

The food safety service is managed by Sarah Clark (Team Leader). Yvonne Hope is the Head of Service for the Public Protection Department which contains food safety amongst other functions.

Contractors engaged by the service are also authorised and assessed according to the competency framework.

It is projected that there are sufficient officer hours available to deliver this Service Plan due to the resource explanation above.

### **4.3 Staff Development Plan**

The Council has an annual review system of staff, this process includes training needs. The food safety team holds regular meetings to review and distribute workloads in addition to monthly 1-2-1 meetings for all the team. Any training needs required for new legislation, guidance etc. are discussed and actioned at these meetings.

Food safety regulators are required to achieve a minimum of 20 hours of continued professional development every year to include 10 hours specifically on food topics. The service encourages cascade training as a mechanism to disseminate new guidance and further staff development.

The council's policy is to use a corporate system to record training and CPD. The current system is in the process of being replaced.

## **5 QUALITY ASSESSMENT**

### **5.1 Quality assessment and internal monitoring**

All officers use standard inspection/audit forms and have undergone consistency training.

The Uni-Form database (which also forms the Public Register of food premises) is audited on a fortnightly basis for data accuracy before upload to the Food Hygiene Rating Scheme portal.

Data checking is also undertaken when quarterly inspection lists are produced.

Officers have a monthly consistency check with each other; internal monitoring checks are carried out in 121s; and accompanied visits occur quarterly. Feedback is given in team meetings. Liaison group training is arranged where possible and the authority participates in inter-authority audits when they are planned.

## **6 REVIEW**

### **6.1 Review against the Service Plan**

#### **6.1.1 Progress**

Last year's progress in food safety includes:

- Successfully completed 94% of all due interventions by year end.
- Continuing a high standard of broadly compliant businesses included in the food hygiene rating scheme (95%)
- Prioritisation of visits to non-compliant food businesses and use of alternative enforcement strategy
- Contributed to Public Health England National Sampling Studies
- 355 written warnings of non-compliance with food hygiene legislation (compared to 478 the previous year)
- 638 Official Controls carried out in 397 premises
- Investigated 154 complaints
- Undertook 194 infectious disease investigations
- Continued participation in FSA Digital Registration of Food Businesses project
- Member of Gloucestershire Better Business for All and Gloucestershire Food Safety Technical Liaison Groups.
- Joint work with Trading Standards on allergen cases
- Participated in Food Safety Week 2019
- Full participation in Inter-Authority Audit summer 2019 and implementation of recommendations and actions. CBC were audited by Gloucester City Council and in turn audited Tewkesbury Borough Council.
- Fully supported the internal modernisation process reviews.
- Delivering the 'future plan for CBC environmental health' through the training and development of entry level/technical staff
- Continue to grow the service's Twitter account which actively promotes local food businesses and food safety messages (@CBCEnviroHealth)
- Supported the Trainee EHO through his professional and competency assessments – he is now a fully qualified new professional.

#### **6.1.2 Performance monitoring**

##### **a) Statutory Performance Monitoring**

Each local authority must submit a statutory return to the FSA on their official food controls each year through the Local Authority Enforcement Monitoring System. Monitoring tables can be viewed on the FSA website: <http://www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear> although it can take some time for the latest data to be published.

##### **b) 'Broadly Compliant' premises and the National Food Hygiene Rating Scheme**

Cheltenham Borough Council participates in the national Food Hygiene Rating Scheme, which is a public interface to food hygiene standards in premises that sell food direct to the final consumer.

Each food business in the scheme is given a food hygiene rating ranging between 0 (urgent improvement necessary) and 5 (very good) after it has been inspected, and the level of compliance with food safety and hygiene legislation is reflected in the rating - a rating of 3 and above indicates the premises is broadly compliant, for those businesses not excluded or exempt from having a rating. The website can be viewed at [www.ratings.food.gov.uk](http://www.ratings.food.gov.uk)

The measure of how many food premises in the district are 'broadly compliant' with food safety legislation has been kept as local management performance indicator since it was discontinued as a national one.

2008/2009 was the baseline year with less than 70% of our food premises being broadly compliant. As at 31<sup>st</sup> March 2020, 95% of rated food businesses in Cheltenham were broadly compliant (n=921/969).

This does not meet the target of 97% for premises in broad compliance.

Previous years' figures for comparison:

2018-19: 98% (n=913/933)  
 2017-18: 97% (n=882/905).  
 2016-17: 97% (n=882/911)  
 2015-16: 96% (n=990/1031)  
 2014-15: 94%

All unrated new businesses are automatically non-compliant at first, and are included in this calculation. A full breakdown by risk category is provided below. Officers have scheduled revisits according to the intervention policy and are only able to change the risk rating to reflect compliance if a full or partial re-inspection, or audit is completed with the business rather than a visit to verify non-compliances have been rectified.

**Table 7: Percentage of food businesses which are broadly compliant with food safety legislation**

Profile of premises in broad compliance with food law	Broadly compliant	Total no. of premises	% broadly compliant
Premise Rating - A	0	-	N/A
Premise Rating - B	32	36	88.9%
Premise Rating - C	224	230	97.4%
Premise Rating - D	401	404	99.3%
Premise Rating - E	264	264	100%
Unrated	0 (unassessed)	35	0%
<b>Totals</b>	<b>921</b>	<b>969</b>	<b>95.1%</b>

For 2020-21, the target is to end the year with 97% of rated premises broadly compliant with food safety legislation.

### c) Grow the number of food businesses with a rating of 3 or more

There are currently 864 Cheltenham food businesses with a rating of 3 or higher out of 954 on the national Food Hygiene Rating Scheme website. This equates to 91% with a rating of 3 (generally satisfactory) or higher, which is 4% less than last year.

In 2018-19, this figures was 95% (n=864/906)

In 2017-18, this figure was 97% (n=847/876)

In 2016-17, this figure was 90% (n=846/945)

In 2015-16, it was 92% (n=875/953) and for 2014-15 it was 93% (n=975/953).

A **target number of interventions** is not set on an annual basis as the number of premises opening and closing or changing food liability throughout the year means such a target would not be meaningful. However, it is necessary to assess the percentage of planned interventions delivered per risk rating category in order to inform resource allocation and ensure the authority complies with its duties in accordance with the FLCoP.

#### 6.1.3 Review against Service Plan

The following table gives the targets and results for 2019-20 for inspections due per risk category – **snapshot as of 31.03.2020**

**Table 8: Food hygiene interventions achieved 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020**

Risk Category	Interventions due	Interventions achieved	Target set
A	5	5 = 100%	100%
B	63	61 = 96.8%	100%
C	202	170 = 84.2%	100%
D	210	203 = 96.7%	100%
E	98	94 = 95.9%	100%
Unrated ie 'new'	109	109 = 100%	100%
<b>TOTAL</b>	<b>687</b>	<b>642 = 93.4%</b>	<b>100%</b>

The target for 2019-20 is to complete 100% of all interventions due.

#### 6.2 Identification of any variation from the Service Plan

The Service did not significantly vary from the Plan in 2019-20.

This Plan has been updated and published later than usual in 2020-21 to allow for service continuity planning due to the impact of Covid-19. There still could be variance from this service plan in 2020-21 if a second more severe peak occurs, if the district goes into a higher alert tier or if a resource gap occurs due to a food-related incident (for example an infectious foodborne disease outbreak or an in-depth investigation).

### **6.3 Areas of improvement**

Areas of improvement still include: modernisation/digitalization (eg. Online forms, automated data collection, handheld devices for data entry in the field) and enhanced business/technical support for the service. For example, some of the technical data entry and customer focused tasks could now be moved to business support or technical function. This would release food safety officer capacity to better deliver its food safety statutory functions eg inspections; support business economic development; undertake sampling and/or explore commercial opportunities including the provision of training courses.

Comments on service development in general are provided throughout this Plan.

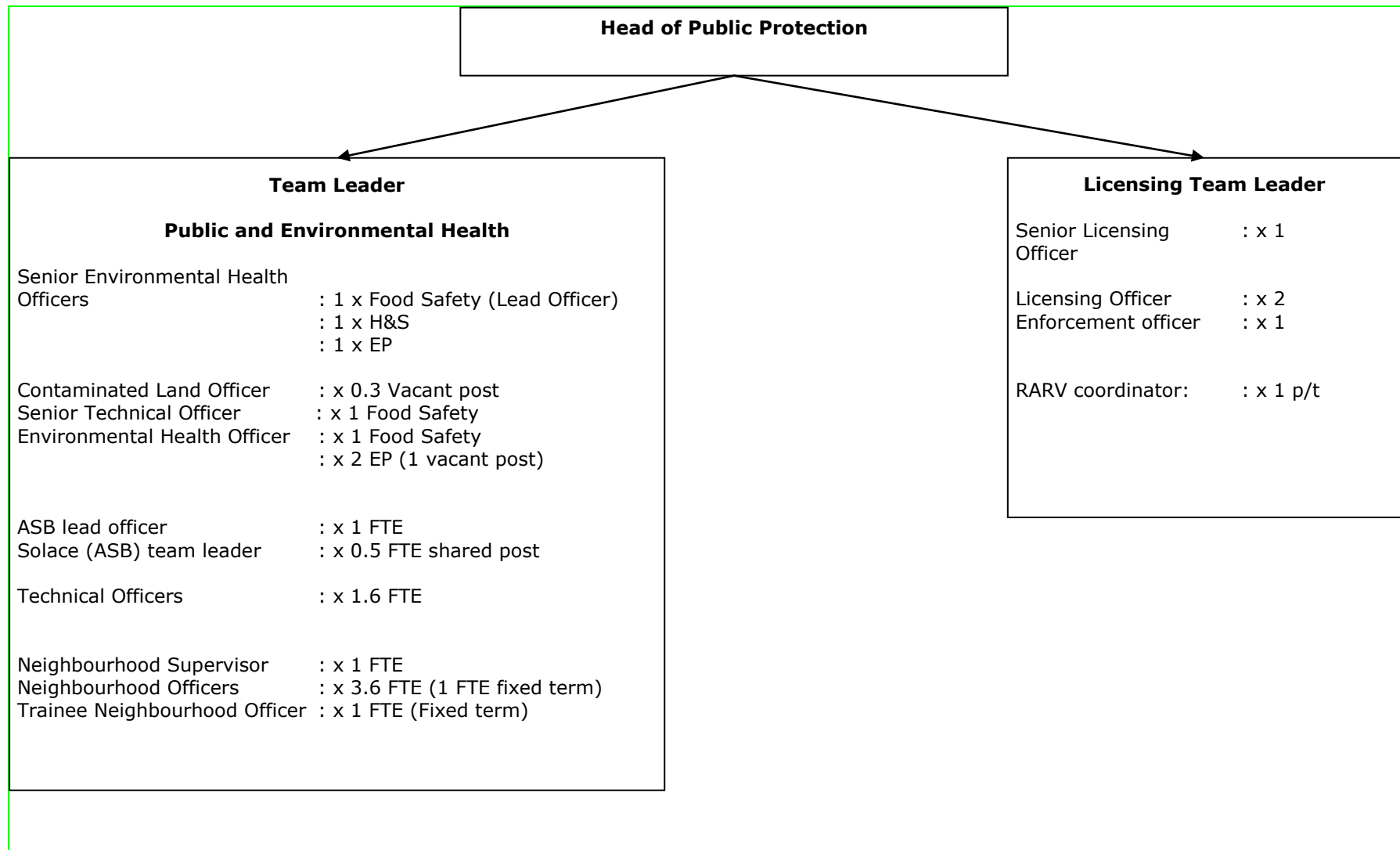
### **6.4 Inter-Authority Audit**

The service was peer audited by Gloucester City Council in August 2019 as part of the Gloucestershire Food Safety Liaison Group's Inter-Authority Audit. The focus was on authorisations and competencies. All recommendations have been implemented by the service, these were:

- Implement refreshed authorisation procedure including review for students, new recruits and contractors.
- Imported food training for all food safety officers.
- Learning system being created corporately for log in of CPD (CIEH site used as an alternative)

NB the corporate Enforcement Policy is being developed through the Counter Fraud Unit.





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## Cheltenham Borough Council Cabinet – 10 November 2020 Corporate Health and Safety Policy Review

<b>Accountable member</b>	<b>Councillor Steve Jordan</b>
<b>Accountable officer</b>	<b>Gareth Edmundson, Chief Executive</b>
<b>Ward(s) affected</b>	
<b>Key/Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	Employers are required by the Health and Safety at Work etc. Act 1974 to do what is reasonably practicable to ensure the health and safety of employees, members and others who may be affected by Council activities. The Act requires a written statement of policy which sets out the general intentions, approach and objectives which should be reviewed and updated on a regular basis. The current policy has been reviewed and updated to take account of changes to the role of Chief Executive.
<b>Recommendations</b>	That Cabinet approve the updated Corporate Health and Safety Policy

<b>Financial implications</b>	None directly from this report.  <b>Contact officer: paul.jones@cheltenham.gov.uk</b>
<b>Legal implications</b>	As detailed in the report the council is required to comply with the requirements of the Health and Safety at Work Act 1974 and any other associated health and safety law. The Act requires a written statement of policy and for that statement to be kept under review and updated where necessary.  <b>Contact officer: One Legal - legalservices@teWKesbury.gov.uk</b>
<b>HR implications (including learning and organisational development)</b>	There are no direct HR implications arising from the report.  The changes to the policy are very slight and the revised policy will be published on the Intranet for all staff to read.  <b>Contact officer: julie.mccarthy@publicagroup.uk</b>
<b>Key risks</b>	The document forms the basis upon which health and safety arrangements associated with Cheltenham Borough Council activities are developed and the correct application of these arrangements serves to reduce risk
<b>Corporate and community plan Implications</b>	The policy supports the council with the safe delivery of its priorities as set out in the corporate plan and the health and safety of its staff.  <b>Contact Officer: Richard.gibson@cheltenham.gov.uk, 01242 264280</b>

<b>Environmental and climate change implications</b>	There are no environmental or climate change implications arising from the update to this policy.
<b>Property/Asset Implications</b>	<p>There are no property implications arising from the update of this policy.</p> <p><b>Contact Officer: Dominic.stead@cheltenham.gov.uk</b></p> <p><b>Contact officer: Garrie.dowling@cheltenham.gov.uk</b></p>

## 1. Background

- 1.1 Every employer has a legal duty to have a written Health and Safety Policy. This health and safety policy sets out the Council's aims and objectives and the organisational structure and health and safety responsibilities of all employees.
- 1.2 The Council has an existing policy in place, however Health and Safety Executive guidance identifies the policy should be reviewed and updated on a regular basis. This updated policy further clarifies roles and responsibilities of all those people involved with the Councils activities.
- 1.3 This Corporate Health and Safety policy has been prepared to incorporate:
  - the relevant principles of The Health and Safety at Work Act 1974
  - The legal requirements in the Management of Health and Safety at Work Regulations 1999
- 1.4 The policy formalises the responsibilities for managers and employees to ensure health and safety associated with the Council's activities are properly managed.
- 1.5 The implementation and ongoing application of this policy will be monitored by the Public Health and Safety Team who act as the required 'competent person' and will be reviewed in line with changes in legislative requirements.

## 2. Reasons for recommendations

- 2.1 By law, every business must have a policy for managing health and safety:

The health and safety policy sets out the Council's general approach to health and safety. It explains how we, as an employer, will manage health and safety in their business. It must clearly state who does what, when and how.

As the Council employs five or more employees, the law states that the policy must be written down.

The Council must share the policy, and any changes to it, with their employees. This will allow us to:

- State the Council's general policy on health and safety at work, including its commitment to managing health and safety. As the employer the most senior person in the company, should sign it and review it regularly.
- List the names, positions and roles of the people in the business who have specific

responsibility for health and safety.

- Give details of the practical arrangements that the Council have in place, showing how we achieve our health and safety policy aims.

The Health and Safety policy should be reviewed regularly to ensure any changes of work practice or those responsible for Health and Safety in the organisation are updated. This reviewed policy reflects these requirements.

## 3. Alternative options considered

- 3.1 There are no alternatives to be considered as the Council as the employer must comply with the requirement to provide a written Health and Safety Policy

## 4. Consultation and feedback

- 4.1 Formal consultation has taken place through members of the Joint Liaison Forum which includes the two recognised trade unions, Unison and GMB, and representatives from HR and directorates. The document has also been distributed the Executive Leadership Team.
- 4.2 The Publica Health and Safety Business Partners will brief the requirements of the policy to all senior management teams to ensure they understand their role in being compliant with the updated policy and the measures they need to put in place.

## 5. Performance management – monitoring and review

- 5.1 The implementation and ongoing application of this policy will be monitored by the Publica Health and Safety Team who are the required 'competent person' and will be reviewed in line with changes in legislative requirements and on a regular basis.

<b>Report author</b>	<b>Contact officer:</b>  Barbara Cole Health and Safety Business Partner Publica Group  <b>Email:</b> barbara.cole@publicagroup.uk  <b>Tel:</b> 01242 264359
<b>Appendices</b>	1. Risk Assessment  2. Reviewed Corporate Health and Safety Policy

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>If there is no Health and Safety Policy in place the Council will fail in its legal duty under the Health and Safety at Work Act etc 1974 for employers to provide a Health and Safety Policy which outlines how they intend to manage the Health and Safety of their employees. The Council will then face risk of prosecution for failing in this duty.</p> <p>If employees do not have a current up to date policy which shows the commitment to health and safety by the council and specifically the Leader and the Chief Executive they may not follow the safe working practices and therefore put the Council at further risk of prosecution.</p> <p>This is the over-arching policy and is supported by further Health and Safety policies which fulfil obligations under further</p>	Chief Executive	16.09.20	3	2	6	Reduce	Regular review and signing of the Corporate Health and Safety Policy	Oct 2020	Barbara Cole	

	regulations in more detail.  Failure to comply with legal duties can result in fines and prosecution by the enforcing authority										

**Explanatory notes**

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

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

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

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

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# Health and Safety Policy

For All Employees at  
Cheltenham Borough Council



*Corporate Health & Safety*

**DOCUMENT HISTORY**

<b>Document Location:</b>	<b>Electronic</b>	
	<b>Hard Copy</b>	

This document has been prepared by;

<b>Date</b>	<b>Name</b>	<b>Job Title</b>
<b>Sept 14</b>		<b>Corporate Health and Safety</b>

This document has been prepared by;

<b>Date</b>	<b>Name</b>	<b>Job Title</b>
	Barbara Cole	Health and Safety Business Partner

<b>Version Number</b>	<b>Version Date</b>	<b>Summary of Changes</b>
1	Sept 2014	First Issue
2	June 2016	Update on format to reflect other policies
3	Dec 2017	To reflect H&S issues now investigated via JLF/SLT
4	April 2018	New Organisation Structure added
5	Aug 2019	Changed to reflect Executive Leadership Team and Publica Health and Safety changes and general review
6	Sept 20	Annual Review and change of Chief Executive

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## Health and Safety Policy Statement

### STATEMENT

Cheltenham Borough Council recognises and accepts its statutory responsibility to ensure so far as is reasonably practicable, the health, safety and wellbeing of its employees and those affected by our activities.

Our first priority is keeping our employees, contractors, visitors and public who interact with our services safe and well.

Being and staying safe is everyone's responsibility. We expect and require that all employees abide by our Corporate Health and Safety Policy and our procedures.

Plan. Do. Check. Act. These simple words underpin how we manage health and safety.

- We must **Plan** our approach to assess where we are now and where we want to be.
- We must **Do** the work to assess risks and implement the plans we make.
- We must **Check** our performance and investigate accidents, incidents and near-misses
- We must **Act** on any lessons we learn.

We will achieve this by:

- Developing a positive health and safety culture in all undertakings which secures the commitment and participation of employees at all levels
- Assessing the risks to the health and safety of our employees and to anyone else who may be affected by our undertakings with the aim of eliminating or controlling the hazards/risks, so far as is reasonably practicable
- Making arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures identified as being necessary by risk assessments
- Providing information, instruction, training, and supervision to employees and others as is necessary to implement and maintain high standards of health and safety
- The provision and maintenance of a working environment for employees that is safe, without risks to health and adequate as regards to facilities and arrangements for their welfare at work, so far as is reasonably practicable, including shared services employees
- Consulting with and involving employees in matters relating to their health and safety
- Ensuring emergency procedures are in place, tested and reviewed
- Monitoring safety performance of contractors
- Allocating adequate resources for health and safety

We undertake to review and develop this policy and our health and safety management system at least annually, in the light of changes in Council activities, developments in health and safety legislation and best practice and to ensure it continues to meet the needs of the Council.

Chief Executive

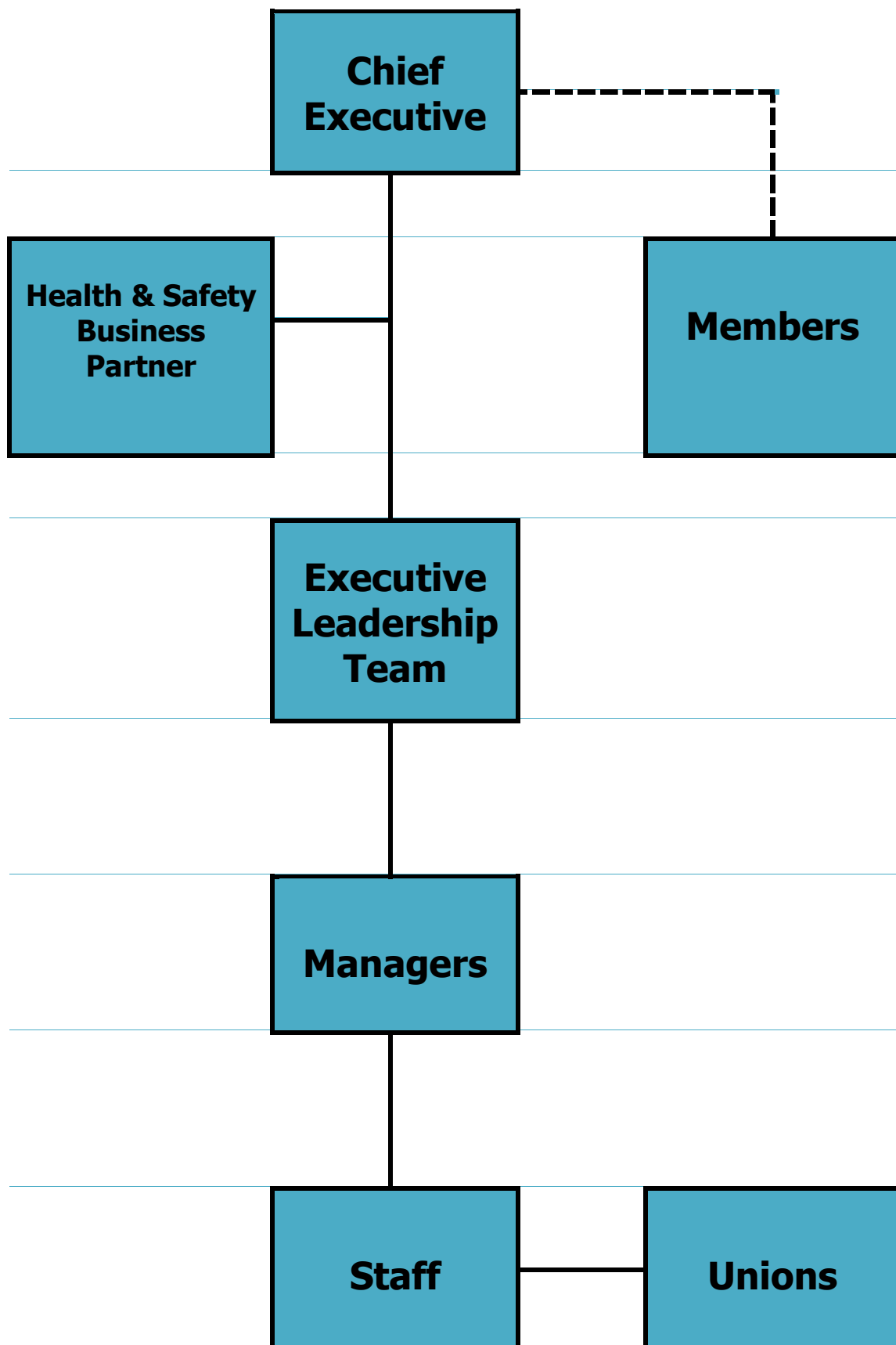
Date

Leader of the Council

Date

## 1 ORGANISATION

The structure chart below shows the hierarchy of health and safety responsibilities throughout Cheltenham Borough Council



## 2 LEGISLATION

Health and Safety Legislation is regulated by the Health and Safety Executive, with the main piece of legislation being the Health and Safety at Work Act 1974 which places general duties on employers in protecting employees and others in the workplace. To support the Health and Safety at Work Act various regulations have been developed which place more specific responsibilities on employers in which compliance must be demonstrated.

To support this policy and the organisation's overall health and safety management system, specific policies have been produced that will demonstrate compliance with the statutory duties placed on the organisation.

## 3 ROLES AND RESPONSIBILITIES

### 3.1 Members/Cabinet shall:

- Ensure that suitable and adequate resources and strategic direction are available to discharge the Council's health and safety responsibility
- Monitor the overall performance of the Council's health and safety management system.

### 3.2 Chief Executive shall:

- Take overall responsibility for health and safety across the Council and lead in setting corporate policy and direction.

### 3.3 Executive Leadership Team shall:

- Provide strategic direction and oversight of corporate health and safety policies and procedures
- Ensure that robust health and safety management systems, arrangements and organisation exist in each department
- Support the Chief Executive in meeting their health and safety responsibilities to the Council as a whole
- Support the work of the health and safety team.

### 3.4 Managers shall:

- Implement the Council's health and safety policies and procedures as applicable in their area of responsibility
- Ensure local arrangements are produced and documented to show how compliance with corporate policies is achieved
- Ensure staff are aware and comply with the department health and safety arrangements as well as any other corporate health and safety requirements
- Ensure that all work related hazards are identified; suitable and sufficient risk assessments are carried out and adequate control measures implemented
- Ensure their staff receive adequate information, instruction and training to complete their work tasks safely
- Report and investigate all accidents and incidents as required.

### **3.5 Property Services shall:**

- Have specific responsibility for maintaining safe buildings for occupiers and communicating relevant health and safety information as appropriate to the occupants in accordance with relevant legislation.

### **3.6 Health and Safety Business Partners shall:**

- Be the 'Competent Person' as set out in the Management of Health and Safety at Work Regulations 1999
- Provide appropriate and timely advice and support to managers and staff
- Keep up to date with current legislation and best practice
- Report injuries, diseases and dangerous occurrences to the Health and Safety Executive
- Investigate incidents and near misses as appropriate
- Liaise with enforcing authorities.

### **3.7 Employees and Volunteers shall:**

- Familiarise themselves with the contents of this policy and policies and procedures that relate to their work
- Attend any job specific health and safety training required to enable them to carry out their job safely
- Work with due regard to the health and safety of themselves and others affected by their work activities
- Co-operate with and support managers in meeting their health and safety responsibilities
- Not intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare
- Draw attention to any health and safety hazards or deficiencies to their manager or the Health and Safety Business Partners.

### **3.8 Contractors shall:**

- Co-operate and communicate with Cheltenham Borough Council on all relevant health and safety matters
- Meet the health and safety standards required of them whilst carrying out their work activities on behalf of Cheltenham Borough Council
- Provide relevant documentations as required by the council with regard to matters of health and safety, including insurance and competency certificates.

## **4 CONSULTATION**

Under the Safety Representatives and Safety Committees Regulations 1977 (as amended) and the Health and Safety (Consultation with Employees) Regulations 1996 (as amended), the Council must have in place arrangements for consulting with its employees.

At Cheltenham Borough Council, Safety Representatives are consulted through the Joint Liaison Forum at three monthly intervals.

Departmentally, managers will consult with their staff on all matters affecting their health and safety including risk assessment.

## 4.1 Trade Union Representatives

Under the Safety Representatives and Safety Committees Regulations 1977 (as amended), recognised trade unions are entitled to appoint one or more safety representatives to represent their members on health and safety matters.

The recognised Trade Unions at Cheltenham Borough Council are Unison and GMB.

Where the workforce is not represented by trade unions, employers must make alternative arrangements for consulting with their employees. This can be done by electing an employee representative.

Under the legislation, both trade union representatives and staff representatives can:

- Carry out inspections of the workplace
- Investigate accidents and incidents and complaints from their members regarding health and safety matters
- Receive copies of reports from the HSE
- Receive information relating to the safety of plant, equipment, substances or work methods
- View inspection documents
- Attend health and safety committees.

## 4.2 Health and Safety Committee

The Health and Safety Committee at Cheltenham Borough Council is part of the Joint Liaison Forum (JLF)

The health and safety role of the JLF is to consider and make recommendations on:

- Council health and safety policies
- Accident, incident and occupational ill-health reports and to make recommendations for corrective action as necessary
- Reports and information provided by inspectors of the enforcing authorities
- Concerns raised by Trade Union Safety Representatives or other Committee members
- Reports on health and safety inspections, audits and other monitoring activities
- Arrangements for ensuring effective communication of health and safety information.

The JLF is attended by:

- Chief Executive or their representative
- Public Health and Safety Business Partner
- Public Human Resources
- Trade Union Representatives



## 5 MONITORING AND AUDIT

Monitoring will be by way of inspection of workplaces and properties owned by the Council. These will take place at regular intervals and a report produced with an action plan for implementation.

Audits will be carried out by the Health and Safety Business Partners on a regular basis and the results communicated to the Chief Executive for consideration and if necessary, action.

## 6 ARRANGEMENTS

Cheltenham Borough Council policies set out the arrangements in place to achieve the health and safety objectives in this Policy.

These policies include but are not limited to:

- |                                  |                                    |
|----------------------------------|------------------------------------|
| - Risk assessment                | - Violence and aggression          |
| - Fire safety                    | - Working at height                |
| - Manual handling                | - Stress prevention and management |
| - Lone working                   | - Young persons                    |
| - Control of contractors         | - Work equipment                   |
| - Display screen equipment (DSE) | - New and expectant mothers        |
| - Asbestos                       | - COSHH                            |
| - Legionella                     | - First Aid                        |
|                                  | - DSEAR                            |

These policies form part of this overarching Policy and are available on the intranet.

Cheltenham Borough Council policies are drawn up in consultation with relevant staff and take into account legal requirements and best practice guidance.

They are approved by the Joint Liaison Forum and are reviewed at stated intervals, and as necessitated by changes to legislation and best practice, or identified shortcomings.

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## Cheltenham Borough Council Cabinet – 10 November 2020

### Refresh of the Cheltenham Charter with the 5 Parish Councils

<b>Accountable member</b>	<b>Cabinet Member Climate and Communities, Councillor Max Wilkinson</b>
<b>Accountable officer</b>	<b>Executive Director for People and Change, Darren Knight</b>
<b>Ward(s) affected</b>	<b>Up Hatherley, Warden Hill, Leckhampton, Charlton Park, Charlton Kings, Battledown, Prestbury, Swindon Village</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>Cheltenham Borough Council endorsed the first version of the Cheltenham Charter in 2008 and it was last refreshed in 2013. The charter formalises the long standing working relationship between the borough council and Cheltenham's five parish councils through a series of commitments from the borough council to the parish councils and vice versa.</p> <p>The Gloucestershire Charter between the County Council and Gloucestershire's parish councils was last refreshed in 2016.</p> <p>The refreshed draft charter, attached as appendix 2, has been developed and endorsed by the C5 Parish Councils Group, which consists of members from each parish council, the Cabinet Member for Climate and Communities and officers from the Strategy and Engagement team. The wording of the commitments has been agreed in consultation with other relevant officers.</p>
<b>Recommendations</b>	<b>That Cabinet endorses the charter (attached as appendix 2) and the commitments made within it.</b>
<b>Financial implications</b>	<p>No financial implications are identified as a result of this report. The financial implications of any requests from parish councils under this charter will be considered as and when they arise.</p> <p><b>Contact officer: Martin Yates, Finance Business Partner. E-mail: <a href="mailto:martin.yates@publicagroup.uk">martin.yates@publicagroup.uk</a>.</b></p> <p><b>Tel: 01242 264115</b></p>
<b>Legal implications</b>	<p>The charter is not intended to give rise to formal legal obligations. There are no direct legal implications arising from the recommendation in this report. Any requests from parish councils resulting from the charter will be considered in the context of legal and other implications.</p> <p><b>Contact officer: One Legal – <a href="mailto:legal.services@tewkesbury.gov.uk">legal.services@tewkesbury.gov.uk</a></b></p>

<b>HR implications (including learning and organisational development)</b>	<p>The charter does not have new responsibilities, as the work identified is already in place.</p> <p>There is a commitment to provide advice and information and work with parish councils – these requests from parish councils involving officer time would need to be considered in light of the implications on staff resources.</p> <p><b>Contact officer: Clare Jones, HRBP, <a href="mailto:clare.jones@publicagroup.uk">clare.jones@publicagroup.uk</a></b></p>
<b>Key risks</b>	<b>None</b>
<b>Corporate and community plan Implications</b>	Investing to build resilience communities.
<b>Environmental and climate change implications</b>	A strong working relationship with the parish councils is beneficial for residents when emergencies arise, for example where parish councillors act as flood wardens and keep the council informed of flooding and risk of flooding or in response to the recent Covid-19 pandemic.

## **1. Background**

## **Page 69**

- 1.1** The draft charter (attached as appendix 2) sets out the commitments that Cheltenham Borough Council will make to the five parish councils and vice versa. On the whole, it details the relationship we already have with the parish councils.
- 1.2** The updates made since the previous version of the charter, which was agreed in 2013, are mostly minor, including updates to contact details and references to other bodies and slight tweaks in wording. The parish councils asked to remove the commitment around appointing flood wardens. CBC officers are however reviewing the flood warden scheme to investigate how we can better support parishes in supporting it. All parishes have also expressed an interest in supporting CBC to address climate change and work towards becoming carbon neutral.
- 1.3** The charter includes the terms of reference for the C5 Parish Councils Group (page 2, appendix 2) and the council's commitment to continue to facilitate the quarterly meetings. These meetings have been maintained virtually throughout the Covid-19 crisis along with additional support for parishes from CBC officers. The aims of the C5 Parish Councils Group now state that it will seek to align all councils' strategic priorities, and make the most effective use of financial and human resources.
- 1.4** Planning officers have advised that on the 6/08/2020 the government released a 'Planning White Paper – Planning for the Future'. If the changes consulted on through that White Paper materialise, they would represent a new planning system in England. The Local Plan (as we know it) would be replaced by a land zoning plan, which would allow for a wider range of activities and developments to take place without planning permission. Should these proposals become legislation, the role of parish (and borough) councils in planning matters would change and this charter would need to be revisited.
- 1.5** Through the charter, borough councillors will endeavour to attend parish council annual meetings in their ward and to try and attend regular meetings as far as possible or to make contact if they are unable to.
- 1.6** The parish councils in return make commitments to the borough council, working with the borough council on community or neighbourhood plans and maintaining professional working relationships with other parish councils.
- 1.7** Once endorsed by Cabinet, the Cheltenham Charter document (appendix 2) will be designed and circulated.

## **2. Reasons for recommendations**

- 2.1** The draft has been approved by the C5 Parish Councils Group and relevant officers have agreed to the wording of the commitments made. The charter supports a good working relationship with the parish councils and the spirit of good will between the tiers of local government. The document is valued by the parish councils and all five are prepared to sign up to it. They have already signed the countywide version, the Gloucestershire Charter, which was last refreshed in 2016.

## **3. Alternative options considered**

- 3.1** In the past it has been suggested that a joint charter between the three tiers of local government could be produced (given the existence of the separate Gloucestershire Charter between the county council and parish councils countywide), but at the time it wasn't possible to get all of the districts to sign up to a joint charter, and the Cheltenham parish councils also felt that the countywide charter wouldn't allow enough detail about the relationship between the borough and parish councils and were keen to continue with a separate charter.

## 4. Consultation and feedback Page 70

- 4.1** The C5 Group discussed a first draft of this revised charter in October 2019 and members discussed it with their individual parish councils. Their responses were used to update the draft in consultation with officers and the C5 Group endorsed the final draft in January 2020.
- 4.2** The draft has been circulated to relevant officers for their input into the commitments to be made by the borough council.
- 4.3** We will also be consulting with relevant ward members and wider staff members to ensure that they are aware of the charter.

## 5. Performance management –monitoring and review

- 5.1** The charter will be reviewed annually by the C5 Parish Councils Group and refreshed every 5 years. Any feedback about whether the commitments are working can be brought to the C5 Parish Councils Group.

<b>Report author</b>	<b>Helen Down</b>  <b>Contact officer:</b> <a href="mailto:helen.down@cheltenham.gov.uk">helen.down@cheltenham.gov.uk</a>
<b>Appendices</b>	1. Risk Assessment  2. Draft Cheltenham Charter 2020
<b>Background information</b>	1. Cheltenham Charter 2013

# Appendix 1 – Cabinet 10.11.20 – Refresh of the Cheltenham Charter with the 5 parish councils

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 we fail to deliver on any of our commitments, this could be damaging to our relations with parish councils	HD	20.08.2020	1	1	1		The commitments on both sides have been written in such a way as to convey that the charter is a statement of good intent. Any issues can be brought to the C5 Group.		HD	
<b>Explanatory notes</b>  <b>Impact</b> – 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) <b>Likelihood</b> – 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)  <b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close											

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## **Appendix 2 – The Cheltenham Charter – third edition 2020**

A charter between Cheltenham Borough Council and the five Cheltenham parish councils: Charlton Kings, Leckhampton with Warden Hill, Prestbury, Swindon, and Up Hatherley.

### **Declarations**

We the undersigned declare our commitment to the Cheltenham Charter and in so doing, aim to encourage the improvement of our good working practices and embrace the spirit of this agreement.

..... Chair of Charlton Kings Parish Council  
..... Chair of Leckhampton with Warden Hill Parish Council  
..... Chair of Prestbury Parish Council  
..... Chair of Swindon Parish Council  
..... Chair of Up Hatherley Parish Council  
..... Leader, Cheltenham Borough Council  
..... Date

### **Introduction**

This is the third version of a charter that was first published in 2008. Through this charter, we will formalise the long-standing agreement that the borough council and five parish councils have in working together to secure efficient and effective service delivery, and in representing the needs and aspirations of all residents. Through this relationship, we recognise the contribution of each partner in the effective governance of the area.

To ensure that it remains fit for purpose, this charter will be reviewed annually by the C5 Parish Councils Group and re-published every five years.

### **C5 PARISH COUNCILS GROUP**

The aim of the C5 Parish Councils Group is to act as a conduit of information and sustain a good working partnership between Cheltenham Borough Council and Cheltenham's five parish councils. It will seek to align all councils' strategic priorities, and make the most effective use of our financial and human resources.

**The Group** will meet quarterly at the borough council's municipal offices and be chaired for one year by each parish council on a rotational basis.

**Each council** should strive to be represented at every meeting. A minimum of three parish councils must be represented for quoracy. There is no upper limit on the number of representatives that may attend, but only two members from each parish may speak except by prior agreement. If a vote is to be taken this would be limited to 2 votes per parish council.

**Cheltenham Borough Council** will be represented at every meeting by the relevant cabinet member or a nominee.

**Agenda** management will be the responsibility of all members of the group. An agenda will focus on no more than two substantive matters and meetings will usually last no more than two hours. In exceptional circumstances meetings can be extended with the prior agreement of members. An agenda and papers will be sent out seven days before each meeting.

**Minutes** will be issued to members, and copied to all borough councillors, within fourteen days of the meeting.

**The meetings** will be facilitated by the strategy and engagement team at Cheltenham Borough Council.

### **Cheltenham Borough Council's commitments to the parish councils**

**We will** inform all our staff of this charter and our commitments, and ensure that we abide by them.

**We will** appoint liaison officers to provide information and help, and act as the first points of contact for any concerns or queries a parish council may have.

**We will** invite parish councils, where we are able, to meetings, training, seminars and other events which are relevant and of value to them.

**We will** organise and support meetings of the C5 Parish Councils Group.

**We will, where possible, ensure that a relevant officer** attends meetings of parish councils when requested to do so, in order to address specific issues.

**Borough councillors** will endeavour to attend their parish council's annual meeting, and other meetings when relevant to their wards. If a councillor cannot attend a parish council's monthly meeting, they will send their apologies or make a short report on current matters of mutual interest.

**We will** undertake community governance reviews, in accordance with The Local Government and Public Involvement in Health Act 2007 (Part 4).

**We will** organise the administration of parish council elections, although election costs are the responsibility of the parish councils.

**We will** publish the contact details of parish clerks on our website and provide links to each parish council's website. We will update this information promptly when changes are notified to [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

**Our Monitoring Officer** will work with parish councils to promote good ethical governance by providing advice on matters concerning the codes of conduct adopted by Cheltenham Borough Council and the parish councils, and maintaining the published registers of interest for the parish councils as required by the Localism Act 2011.

**We will** consult parish councils via the circulation of the weekly planning applications list on all planning applications in their parish and give appropriate weight to the local opinions they express when determining them.

**We will**, where appropriate, consult parish councils on all applications in their parish made under Tree Preservation Order regulations.

**We will** notify parish councils of licensing applications in a weekly list.

**We will** adhere to statutory requirements for consultation and allow as much time as possible for parish councils to respond. We will co-ordinate consultations to avoid duplication. We are signed up to the Gloucestershire Compact relating to consultation and will endeavour to take account of the cycle of parish council meetings in consultation phases, and to involve parish councils at the earliest opportunity.

**We** recognise the value of community-led planning in encouraging local solutions to local issues and will engage between the three tiers of local government before, during and following the development of community-led plans.

**We will** support, provide information and work with parish councils wishing to undertake a neighbourhood plan under the Localism Act 2011.

**We will** acknowledge and work with parish councils where they wish to act upon the *community right to challenge* and the *community right to bid* under the Localism Act 2011.

**We will** respond to all correspondence within our published service standards. If there needs to be a delay, we will keep the sender informed.

**If** a parish council is dissatisfied with our actions, our response to a request for information, or failure to consult, it may initiate our formal complaints procedure.

### **Parish councils' commitments to Cheltenham Borough Council**

**We will** respond to all consultations within the time limit specified. We will put in place mechanisms, such as delegation to a committee or the convening of extra council meetings, to meet consultation deadlines.

**We will** provide Cheltenham Borough Council with contact details of the clerk and the most convenient times when contact can be made. We will advise the democratic services team promptly of any changes for the purposes of updating the council's website.

**We will** respond as appropriate to community planning consultations and invitations to participate, either individually or collectively through the Gloucestershire Association of Parish and Town Councils.

**We will** contribute where we can, to borough council initiatives.

**Where appropriate, we will** seek to keep the public in our parish informed on local government matters and seek to assess public opinion. We will make the results of major surveys available to Cheltenham Borough Council.

**We will** inform all of our borough councillors of the dates of all meetings of full council and standing committees as soon as they are set. We will email agendas for meetings of full council at the same time as our councillors receive them and minutes within 3 days of the meeting.

**We will** seek to develop close working relationships with our borough councillors and invite them to attend our liaison meetings with other statutory service providers such as Gloucestershire Highways.

**Where we** request a borough council officer to attend a meeting, we will ensure that reasonable notice is given.

**We will** work with Cheltenham Borough Council where we wish to undertake a community or neighbourhood plan.

**We will** maintain professional working relationships and work constructively with other parish councils in the borough.

### CONTACT DETAILS

Contact	Phone	Email / Web
<b>Cheltenham Borough Council (CBC) contacts</b>		
Cheltenham Borough Council (CBC)	01242 262626	<a href="http://www.cheltenham.gov.uk">www.cheltenham.gov.uk</a>
CBC Officer - Helen Down	01242 264272	<a href="mailto:helen.down@cheltenham.gov.uk">helen.down@cheltenham.gov.uk</a>
CBC Officer - Louise	01242 264297	<a href="mailto:louise.forey@cheltenham.gov.uk">louise.forey@cheltenham.gov.uk</a>

Forey		
Monitoring Officer – Sara Freckleton	01684 272011	<a href="mailto:sara.freckleton@tewkesbury.gov.uk">sara.freckleton@tewkesbury.gov.uk</a>
Planning	01242 264328	<a href="mailto:planning@cheltenham.gov.uk">planning@cheltenham.gov.uk</a>
Ubico	01242 262626	<a href="mailto:cleansing@cheltenham.gov.uk">cleansing@cheltenham.gov.uk</a>
Democratic Services	01242 264246	<a href="mailto:democratic.services@cheltenham.gov.uk">democratic.services@cheltenham.gov.uk</a>
<b>Parish Council Contacts</b>		
Charlton Kings Parish Council	01242 250087	<a href="mailto:clerk@charltonkingsparishcouncil.gov.uk">clerk@charltonkingsparishcouncil.gov.uk</a> <a href="http://www.charltonkingsparishcouncil.gov.uk">www.charltonkingsparishcouncil.gov.uk</a>
Leckhampton with Warden Hill Parish Council	01242 465762	<a href="mailto:clerk@lwwhpc.org.uk">clerk@lwwhpc.org.uk</a>
Prestbury Parish Council	01242 575129	<a href="mailto:parishclerk@prestbury-pc.gov.uk">parishclerk@prestbury-pc.gov.uk</a> <a href="http://www.prestburyparishcouncil.co.uk">www.prestburyparishcouncil.co.uk</a>
Swindon Parish Council	01242 517991	<a href="mailto:Parish.clerk@swindonparish.org">Parish.clerk@swindonparish.org</a> <a href="http://www.swindonparish.org.uk">www.swindonparish.org.uk</a>
Up Hatherley Parish Council	01242 527770	<a href="mailto:clerk@uhpc.org.uk">clerk@uhpc.org.uk</a> <a href="http://www.uphatherleyparish.co.uk">www.uphatherleyparish.co.uk</a>
<b>Other useful contacts</b>		
Gloucestershire County Council	01452 425000	<a href="mailto:customerservices@gloucestershire.gov.uk">customerservices@gloucestershire.gov.uk</a>
Gloucestershire Highways	08000 514514	<a href="mailto:highways@gloucestershire.gov.uk">highways@gloucestershire.gov.uk</a>
Gloucestershire Association of Parish and Town Councils (GAPTC)	01452 883388	<a href="mailto:info@gaptc.org.uk">info@gaptc.org.uk</a>
Gloucestershire Rural Community Council	01452 528491	<a href="mailto:info@grcc.org.uk">info@grcc.org.uk</a>

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**Cheltenham Borough Council  
Cabinet - 10th November 2020.  
Council - 16th November 2020.  
Minster Innovation Exchange  
(Formerly known as Workshop Cheltenham)**

<b>Accountable member</b>	<b>Rowena Hay, Cabinet Member for Finance</b>
<b>Accountable officer</b>	<b>Executive Director – Finance and Assets</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>On 8<sup>th</sup> October 2019, Cabinet approved the recommendation to support the creation of the Workshop Cheltenham development, including a tier 2 Growth Hub, by Workshop Cheltenham Limited (WSC) on Chester Walk car park following a land swap with GCC for part of St George's Road car park.</p> <p>A revision to the original planning approval in June 2019, incorporating a change from remodelled shipping containers to modular construction, was approved by the Planning Committee on 20<sup>th</sup> August 2020.</p> <p>On 3<sup>rd</sup> March 2020, Cabinet approved (exempt item) investment up to £1.7m in WSC to facilitate delivery of the facility and Council endorsed the lending as part of its Treasury Management Strategy on 23<sup>rd</sup> March 2020.</p> <p>The March 2020 Cabinet delegated authority to agree final terms of the investment and to set up the most appropriate vehicle for investment in Workshop Cheltenham. Independent legal advisors considered a number of options and recommended setting up a Limited Liability Partnership (LLP) with WSC to manage the building.</p> <p>In July 2020, the Government announced a £900m 'Getting Building Fund' to support economic recovery following the Covid-19 pandemic outbreak, co-ordinated by the Gloucestershire First LEP (LEP) under the banner of Local Infrastructure Stimulus Fund (LISF). The council made an application for funding an enhanced scheme rebadged as 'Minster Innovation Exchange (MIE)' and received a grant award of £3.114m.</p> <p>This report outlines the revised MIE scheme; the outcome of the work to establish the best investment vehicle for the council; the funding implications taking into account the grant funding and outlines the rationale for the waiver of contract procurement rules necessary to facilitate delivery of MIE within the government deadlines.</p>
<b>Recommendations</b>	<p><b>It is recommended that Cabinet:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the council accepting the award of the Getting Building Fund grant from the GFirst LEP of £3.114m and delegate authority</b></li> </ol>

to the Executive Director Finance & Assets, in consultation with the Cabinet Member Finance and the Borough Solicitor, to agree final terms and contract for the Getting Building Fund grant with the LEP.

2. Approve the council accepting the award of the Tier 2 Growth Hub residual grant of £433,638 and taking over the role of promoter of the Growth Hub and delegate authority to the Managing Director Place and Growth, in consultation with the Cabinet Member Finance and the Borough Solicitor, to agree final terms and contract for the Growth Hub grant with the LEP.
3. Approve the council entering into a joint venture (including the incorporation of the new limited liability partnership (LLP)) with WSC to manage MIE and delegate authority to the Executive Director Finance & Assets, in consultation with the Cabinet Member Finance and the Borough Solicitor, to:
  - a. agree the final terms of the Joint Venture;
  - b. approve the form of and the council entering into any documents required to put in place or otherwise facilitate the creation of the Joint Venture;
  - c. take any decisions (to include, without limitation, the approval of all documents) considered necessary by the Executive Director Finance & Assets to facilitate the creation and/or operation of the Joint Venture.
4. Approve the council entering into a contract with WSC for WSC to deliver the design and build of the MIE subject to the final terms being agreed and, in accordance with Contract Rule 6.2.1, agree to waive the requirements of the council's Contract Rules to enable the design and build agreement to be entered into provided that the estimated value remains under the applicable threshold for a full procurement process determined by the Public Contracts Regulations 2015.
5. Delegate authority to the Executive Director of Finance and Assets, in consultation with Cabinet Member Finance, to agree the final terms of the design and build agreement and such other documents as may be required relating to the construction and delivery of the MIE and to approve the council entering all required documentation, including a commercial lease to the LLP for the management of the MIE.
6. Approve for consultation the public realm masterplan for the Minster grounds at Appendix 6, as outlined in section 8, and delegate authority to the Managing Director Place and Growth, in consultation with the Cabinet Member Finance to respond to the feedback from the consultation.

Recommend for Council to approve:

7. The gross capital budget for MIE of £4,671,000, as per Appendix 5, be incorporated into the council's budget and capital programme for 2020/21.



<p><b>Financial implications</b></p>	<p>The financial projections for the revised investment proposal for the delivery of the MIE based on the council commissioning the construction of the MIE and the creation of a new joint venture limited liability partnership (LLP) between the council and WSC, taking into account the £3.114m of government funding, are included at Appendix 2 (exempt), Appendix 3 (exempt) and Appendix 4 (exempt).</p> <p>Appendix 2 sets out the estimated outcome if the council invests £850k. Appendix 3 sets out the estimated outcome if the council invests £1m.</p> <p>All funding being utilised by the council will be spent by the council except for circa £40k (yet to be agreed) invested into the LLP as a capital contribution to provide funding to support pre-letting / marketing activity.</p> <p>The council's involvement in the joint venture is designed to be on commercial terms so that the council is acting as a market economy operator.</p> <p>Appendix 4 updates the business case presented to Cabinet in March 2020 and shows the overall net impact of the proposal on the council's revenue budget with a reduced level of council investment in the MIE.</p> <p>An indicative capital budget for the enhanced scheme is shown in a table at Paragraph 7.3 and at Appendix 5. The revised upper limit of borrowing required of £1m (net of the government grant), is within the level of original upper limit of £1.7m included within the Investment and Treasury strategy for 2020/21 approved by Council in March 2020.</p> <p>A due diligence process has been undertaken by the LEP resulting in a positive report to the LEP Investment Panel by the independent assessor.</p> <p>Due diligence is still required on the financial projections for the LLP. Based on indicative figures, the breakeven point for the MIE to be profitable is 54.5% occupancy if £1m is invested and 53% occupancy if £850k is invested. It is estimated that the occupancy will be an average of around 60% for the first year and then grow 5% per annum. This is in line with ventures of this nature.</p> <p>Detailed financial implications are set out in section 7 of the report.</p> <p><b>Contact officer: Andrew Knott</b></p> <p><a href="mailto:Andrew.knott@publicagroup.uk">Andrew.knott@publicagroup.uk</a>, Tel: 01242 264121</p>
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<b>Legal implications</b>	<p>The council is being advised by Anthony Collins Solicitors LLP (ACS). ACS has provided detailed advice, which supports the proposals outlined in the report.</p> <p>In summary, the council has the ability to act here through its General Power of Competence under the Localism Act 2011. In utilising the General Power, it is considered that, notwithstanding the need for the council's involvement to be financially viable and that the LLP will be a commercial entity, the council is acting for a dominant regeneration and economic development purpose here and not a dominant commercial purpose. This is noted above in this report and in the March 2020 Cabinet report discussing the drivers for the council to act here.</p> <p>The council must ensure that in acting it complies with its powers to invest and borrow. The council will only be providing a proportion of funding directly to the LLP as an unsecured (albeit controlled in accordance with the LLP governance) capital contribution.</p> <p>The council must also only dispose of land for best consideration to enable compliance with both its disposal powers and the rules on State aid. The council considers that it would be acting in accordance with these requirements and compliance will be kept under review as the terms are finalised.</p> <p>The council must only enter into contracts for works, supplies and services in compliance with the Public Contracts Regulations 2015 and the Constitution. The valuation of the proposed design and build agreement with WSC is below the threshold above which the Regulations apply. However, the council does require a waiver of its Contract Rules as detailed in this report. The council will not be procuring the operation of the MIE.</p> <p>The EU rules on State aid still apply, as at the date of this report and the full details of their replacement are not yet known. It is not considered that the council is receiving any unlawful State aid and its arrangements with WSC and the LLP are intended to be on commercial terms so that State aid does not arise.</p> <p>Legal advice will continue to be obtained as the detailed terms of the council's involvement in the MIE are agreed.</p> <p><b>Anthony Collins solicitors LLP</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>The Council is considering the options for the delivery of the Growth Hub. Approval is sought to delegate authority to the Executive Director Place and Growth, in consultation with the Cabinet Member Finance, to agree the contract for delivery of the Growth Hub with the LEP.</p> <p><b>Contact officer: Julie McCarthy HR Manager</b>  <a href="mailto:julie.mccarthy@publicagroup.uk">julie.mccarthy@publicagroup.uk</a> Tel 01242 264355</p>
<b>Key risks</b>	<b>See Appendix 1</b>

<b>Corporate and community plan Implications</b>	<p>As outlined in the March 2020 Cabinet report, the MIE supports the council's vision for 'a town where culture and creativity thrive'.</p> <p>Research by Nesta and Creative England shows Cheltenham's 1,027 creative businesses constitute 11% of the total but employ only 4.5% of its workforce and contribute just 6% of its Gross Value Added (GVA). Cheltenham's creative sector is significantly under-performing and there is a compelling case to do more to stimulate the contribution it makes to the local economy.</p> <p>The provision of easily accessed start-up spaces, principally for young creative entrepreneurs and cyber tech individuals and organisations will support a cyber eco system ahead of the Golden Valley development. MIE is a key part of the council's post covid-19 recovery strategy.</p> <p>The enhanced development of MIE will be a significant regeneration project in the vicinity of the Minster and the Wilson and support the council's aspiration to create a thriving cultural quarter in this location.</p> <p>The use of Chester Walk car park to locate MIE will introduce activity into the area adjacent to St Mary's churchyard. This is expected to have many positive benefits, including a likely reduction in the level of antisocial behaviour that currently takes place within the churchyard and will repurpose an underused public asset.</p> <p>Additional footfall in this area is likely to have a positive effect on the Wilson, including its café.</p>
<b>Environmental and climate change implications</b>	<p>Following a change in construction approach, MIE will now be a modular building which will reduce its construction carbon footprint. The enhanced scheme will include solar panels, external thermal cladding and triple glazing with the aim of delivering a building which is operationally carbon neutral.</p> <p>The project team are working with Gloucestershire Local Nature Partnership to ensure that MIE and public realm works deliver both carbon efficient outcomes and a positive contribution to biodiversity.</p> <p>The location is also well placed in the town centre, reducing the need to travel to it by car.</p>

<p><b>Property/Asset Implications</b></p>	<p>In order to facilitate the delivery of MIE, the council will undertake a land swap with GCC. The proposal is to exchange Chester Walk car park for 61% of St George's Road car park. In accordance with part 3 of the constitution, the exchange of land or property with a value exceeding £250,000, sits with Cabinet. A decision to approve the land swap was approved by Cabinet on 8<sup>th</sup> November 2019.</p> <p>The council will lease the MIE to the LLP for best consideration. It is proposed that the LLP will pay a commercial rent for the land to CBC, based on 5.5% of gross rental income, capped at £75k per annum.</p> <p>As per the original Cabinet decision, the Growth Hub will continue to occupy part of the development. Although the LLP is intended to operate as a commercial entity the council will seek, in agreeing the final commercial terms, to ensure that delivery of the Council's obligations back to the LEP are secured.</p> <p>The LLP will operate MIE subject to the terms of the lease and in accordance with its commercially adopted business plan.</p> <p>Following negotiations, Cheltenham Festivals will now relocate to the development and will now contract directly with the LLP.</p> <p>The investment in MIE on Chester Walk car park will likely increase the value of the site.</p> <p>The freehold of the MIE will be in the ownership of the council albeit subject to the LLP lease for its term.</p> <p><b>Contact officer: Simon Hodges</b></p> <p><a href="mailto:simon.hodges@cheltenham.gov.uk">simon.hodges@cheltenham.gov.uk</a> , 07775418664</p>
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## 1. Background

- 1.1 On 8th October 2019, Cabinet approved the recommendation to support the creation of Workshop Cheltenham by Workshop Cheltenham Limited (WSC) on Chester Walk car park which is owned by Gloucestershire County Council (GCC). The decision included a land swap with GCC for part of St George's Road car park and, following the land swap, the provision for a lease from CBC to WSC to access Chester Walk car park to construct the Workshop Development.
- 1.2 During the autumn of 2019, WSC attempted to attract external financing to deliver the Workshop Cheltenham but as WSC would not have had a freehold interest in the land; it was unable to secure external funding. As a result, WSC approached the council to consider an investment in WSC to facilitate the delivery of the project.
- 1.3 On 3rd March 2020, Cabinet approved (exempt item) investment of up to £1.7m investment into Workshop Cheltenham Limited (WSC) at a commercial rate to enable the delivery of the facility, taking a share of the net profit from running the facility, subject to obtaining independent advice to establish the most appropriate investment delivery vehicle. The Council endorsed the borrowing as part of its Treasury Management Strategy at a meeting of Council on 23rd March 2020.
- 1.4 In July 2020, the Government announced a £900m 'Getting Building Fund' to support economic recovery following the Covid-19 pandemic outbreak, co-ordinated by the Gloucestershire First Local Enterprise Partnership (LEP) under the banner of Local Infrastructure Stimulus Fund (LISF). The council made a funding application, assisted by WSC, for an enhanced Workshop Cheltenham scheme rebadged as 'Minster Innovation Exchange' (MIE) and was awarded £3.114m.
- 1.5 This report outlines the revised MIE scheme; the outcome of the work to establish the best investment vehicle for the council the funding implications taking into account the award of LISF funding and outlines the rationale for the waiver of contract procurement rules necessary to facilitate delivery of MIE within the government deadlines.

## 2. Investment delivery vehicle – Joint Venture

- 2.1 Independent legal advisors, Anthony Collins Solicitors LLP, explored a number of delivery vehicle options for investment and recommended the creation of a Corporate Joint Venture (JV). Specifically, the advice was that the council and WSC should establish a jointly owned new Limited Liability Partnership (LLP). An LLP is a flexible joint venture vehicle, which would be able to adapt if new partners came on board or morph to reflect developments in the nature of the LLP. The advice also concluded that the land should be leased to the LLP on terms that demonstrate best consideration and that funding should be provided through a mix of debt and equity financing to achieve the desired councils flows of funding. They recommended that a commercial/market terms evaluation should be undertaken to record how the council is complying with its State Aid obligations and that the council should obtain tax and appropriate financial advice.
- 2.2 This advice was shared with and supported by WSC. Although the flows of funding and development process have since changed as a result of the award of government grant (see section 3 below), the original advice on a new vehicle to manage and operate the MIE still stands. This now forms the basis of the legal agreements which are being drawn up to include the final terms of the council's involvement, taking into account the government grant funding.
- 2.3 The Cabinet is recommended to approve delegation for the legal agreements for the creation of the LLP to be agreed by the Executive Director Finance and Assets, in consultation with the Cabinet Member for Finance and the Borough Solicitor, in accordance with delegated powers in the March 2020 Cabinet report.

### 3. **Getting Building Fund grant awarded / Local Infrastructure Stimulus Fund (LISF).**

- 3.1** In July 2020, the Government announced a £900m fund to help kick-start the economy post Covid-19 pandemic by funding 'shovel ready' infrastructure schemes co-ordinated by the GFirst Local Enterprise Partnership (LEP) under the banner of Local Infrastructure Stimulus Fund (LISF).
- 3.2** Despite very tight deadlines, council officers worked with the Directors of WSC to submit a funding bid for £3.114m for the enhanced MIE scheme. It included the original flexible workspace and Growth Hub but the bid also included funding for project management; an enhanced build and improved fit out and public realm improvements in the vicinity of MIE i.e. the Minster grounds.
- 3.3** The bid was led by the council and sought to meet the following LEP requirements (references to the Scheme are to the MIE):
1. LISF: Deliverability - LISF funding is ONLY available to projects that will have completed delivery within 18months (by December 2021) –
    - Being predominantly a modular scheme, the core assembly / construction process is relatively rapid (c.18 weeks) with a total of c. 32 weeks required on site including preliminary enabling works.
  2. LISF: Objective one: Driving up Economic Growth -
    - The Scheme will be a significant extension of the Scheme's sister facility Hub8 and act as a catalytic platform for high value cyber-tech and digital businesses to deliver economic growth and create high value jobs.
  3. LISF: Objective two: Supporting GREEN recovery -
    - The Scheme transforms a GCC car park, removing hundreds of car movements from the town centre, to an exemplar low energy development that promotes the efficient decentralised generation and use of natural resources and renewable energy and protects the environment.
  4. LISF: Priority one: Town & city centre modernisation
    - The Scheme supports regional and national objectives for town centres to embrace and adapt to radical changes in working practices and the way in which we shop to foster greater social interaction, community spirit and local identity to ensure they remain relevant and vibrant places at the heart of our communities and unleash longer-term economic potential.
  5. LISF: Priority two: Investment in physical connectivity -
    - The overall impact of the Scheme will be transformational, vastly improving accessibility, footfall and connectivity to this important but often overlooked town centre site. It will enhance direct connectivity between the adjacent Grade I Minster, The Wilson museum and art gallery, Cheltenham Library, the High Street and to Hub8 at the nearby Brewery Quarter. Whilst also reaching beyond the Scheme to better connect the Promenade and the bus station with the lower High Street, along with enhancing the connectivity of the Honeybourne line links to/from the train station into central Cheltenham.
  6. LISF: Priority three: Investment in innovation ecosystem -
    - The purpose-built Cyber Innovation Facility within the Scheme will be the new focal point for the cyber-tech and digital innovation ecosystem where academia, industry and government can coalesce, intersect and interact to stimulate tech-led growth that is the cornerstone to increasing productivity.

### 7. LISF: Priority four: Improvements to human capital

- The Scheme will support our next generation of cyber-tech and digital talent by enhancing an existing relationship with Gloucester College (see <http://www.gloscol.ac.uk/>) to complement its investment in cyber-tech and digital courses to help facilitate integration between students / graduates and industry in the form of work placements, apprenticeships and other career progression opportunities;

### 8. LISF: Priority five: improving digital connectivity

- The Scheme will enable over 50 businesses / 250 members to connect to a next generation digital infrastructure including a direct, independent, ultra-fast, secure and resilient dark-fibre connection (in excess of 10GB) and access to and utilise fully secure VM or bare metal single servers in a fully supported data centre environment.

- 3.4** The proposal submitted to the LEP was to use the LLP to utilise the expertise and procurement process undertaken by WSC to deliver MIE ensuring that the scheme remained 'shovel ready'. The bid proposed that the grant would be passported to the LLP on commercial terms to comply with State aid requirements and be repaid back to the council over a 10 year period and be re-invested in future cyber infrastructure.
- 3.5** The submission articulated the benefits of the enhanced proposal; included governance arrangements for the LLP that would still be created in this scenario. It included a revised profit and loss account projection for the LLP which reflected the grant funding and demonstrated the financial stability and longevity of the facility, including the Growth Hub.
- 3.6** The bid underwent a LEP due diligence process which considered the project outputs against the LEP and Government criteria; the financial stability and longevity of the scheme and State Aid compliance. The due diligence assessor initially requested that the council provide a guarantee plus a clawback of the passported the grant repaid to the council back to the LEP.
- 3.7** This process resulted in an addendum to the bid being submitted by the council, which proposed that the council lead on the commissioning process and take on the role of 'promotor' of the Growth Hub rather than WSC. This revised approach was supported by the due diligence assessor and removed the need for a guarantee and clawback of the grant repaid back to the council by the LLP.
- 3.8** This model will see the MIE developed prior to being leased on commercial terms to the LLP. The council will contract with WSC through an under-threshold design and build contract to deliver the MIE works. Although the LLP is intended to operate as a commercial vehicle and will not be procured by the council to enable delivery of any operational elements of the LISF bid, achievement by the council of its obligations to the LEP will be factored into the negotiation of the commercial terms for the LLP.
- 3.9** The LEP Investment Panel supported the revised bid on 19<sup>th</sup> August and the LEP Board awarded a grant of £3.114m on 1<sup>st</sup> September 2020.
- 3.10** The Cabinet is recommended to delegate authority to the Executive Director Finance & Assets, in consultation with the Cabinet Member Finance and the Borough Solicitor, to agree final terms of the grant delivery contract between the council and GFirst LEP to reflect the commitment to outcomes of the Government grant funding.

## 4. Growth Hub

- 4.1** The original Workshop Cheltenham proposal included a Growth Hub, which was to receive £500k of capital funding from the LEP which was to be managed by WSC. As outlined above, it is now proposed that the council take over the 'promotor' role for the Growth Hub, which provides the LEP with additional assurance as to its security and longevity. All existing contracts with WSC will

be terminated and a new contract would be agreed with the council.

- 4.2 The LEP are supportive of the Growth Hub being delivered either (i) directly by the council using directly employed CBC staff or (ii) via the LLP as per the original proposal. The delivery options are being currently evaluated. Where delivery is to be via the LLP, then this will be built into the commercial terms setting up the LLP. If it is to be delivered by CBC, then this will be factored into the property terms with the LLP.
- 4.3 The Growth Hub is a model adopted in other districts within the county and provides invaluable support to businesses by offering (a) free, impartial diagnostic and brokerage to businesses and individuals in Cheltenham Borough and Gloucestershire via the Business Navigator service; (b) tailored support depending on size and growth; (c) access to online business support, networking events and use of Growth Hub space.
- 4.4 The LEP have requested that the council consider the delivery of a virtual Growth Hub, ahead of the completion of MIE. This could support economic growth for business impacted by Covid-19 pandemic and is being explored by officers and the Directors of WSC.
- 4.5 The LEP have already advanced £66,362 to WSC towards the creation of the Growth Hub. As such, the council will contract with the LEP for the balance of £500,000 grant due i.e. £433,638.
- 4.6 The Cabinet is recommended to approve the council taking on the 'promotor' role for the Growth Hub and delegate authority to the Managing Director Place and Growth, in consultation with the Cabinet Member Finance and the Borough Solicitor, to agree final terms of the Growth Hub contract with the LEP.

## **5. Procurement and waiver of contract procurement rules**

- 5.1 As outlined above, the approach proposed to deliver the original Workshop scheme was for the LLP to be both the commissioning body for the procurement of the construction of MIE and for it to manage MIE and the Growth Hub. It would have engaged WSC for support on both aspects.
- 5.2 WSC has at risk been engaging with and, in some cases, contracting with suppliers already. The public realm works will be delivered directly by the council (and its procured contractors) and do not form a direct part of the MIE. As lead commissioner for MIE, the council will engage WSC through a Design and Build agreement to manage the construction of MIE and the various site contractors will now be sub-contractors to this contract.
- 5.3 The council undertook a due diligence review to ensure that the procurement processes undertaken by WSC for the appointment of suppliers of goods and services and works contracts (comprising the realisation of the work that the council would engage WSC for) demonstrate best value and ensures quality. The review established that WSC had undergone a selection process, which mirrored the approach taken by the council in its normal procurement process.
- 5.4 For the modular building, the main component of the project and budget, an external consultant specialising in modular buildings was appointed to assist in tendering for the supplier who sought quotations from a number of modular building suppliers and evaluated and compared price; product performance, quality and delivery method statements. An external Quantity Surveyor has been employed to support the implementation of the project. Work has been undertaken to analyse the overall project budget in order to determine which elements can be tendered through the normal procurement process within the overall project timeframe.
- 5.5 The estimated value of construction of MIE is circa £4.2m, which is less than the current Public Contract Regulation 2015 threshold for a full procurement in respect of a works contract (£4,733,252).
- 5.6 In order to enter into the Design and Build contract, a waiver of the council's contract rules is required by Cabinet in accordance with Contract Rule 6.2.1. As per Contract Rule 6.1.4, in the



opinion of the Authorised Officer (Executive Director of Finance and Assets – Paul Jones) in consultation with the Deputy Section 151 Officer and the Borough Solicitor the work to be executed under the Design and Build contract (i.e. delivery of MIE) is urgent in order to meet the government requirement for funding to be a 'shovel ready' scheme and to ensure that the council can draw down the grant funding obtained. There are, therefore, exceptional circumstances to justify a waiver.

- 5.7** Once the LLP is formed, it will enter into such contracts as are necessary for the operation of MIE. This will be determined in accordance with its business plan. It is anticipated that the LLP will be set up so that it is not a contracting authority. This is a matter that will be kept under review during the set up.

## **6. Revised funding options / Investment proposal**

- 6.1** The Government grant and enhanced MIE scheme has impacted on the financial modelling approved by Cabinet in March 2020. As such, a revised financial model has been developed.

- 6.2** The overarching principles of the revised investment in MIE include the following:

- The council will be the commissioning body for the procurement of the construction of MIE.
- The majority of the council and grant funding will be spent directly by the council, but a proportion of the council funding/investment will be invested as a capital contribution to the LLP to assist with cash flow in respect of the LLPs obligations.
- The LLP will be the commissioning body for all aspects of the management of WSC.
- The council investment (£850,000 to £1m) will be paid back by the LLP over a 10-year period.
- WSC will receive some elements of its return through the fees it charges to the LLP for services delivered.
- The council will receive rent under the lease based upon turnover (5.5% of gross income up to a cap of £75,000 per annum. Rent will not be payable in year 1.
- Net profits will be split 60% to WSC and 40% to CBC.
- The MIE development will be owned by CBC.
- The lease will contain provisions in respect of permitted use and disposals (including underletting) to allow the council permissible influence over tenants occupying the space within MIE.
- Open book accounting arrangements will apply.

- 6.3** The council is in the process of agreeing the terms of:

- the LLP/joint venture documentation; and
- As a member of the proposed LLP, the agreement between the LLP and WSC for management of MIE will be an 'all inclusive' management fee on an 'at cost' basis.

Officers are exploring a mechanism to incentivise WSC to exceed financial targets which may be considered once the cost base for the LLP has been finalised and agreed between the council and WSC, to be considered and agreed using delegated powers outlined in recommendation 3. This arrangement may be dealt with either in the LLP legal documentation or the management agreement between the LLP and WSC.

## 7. Financial implications

- 7.1** WSC are working with the Quantity Surveyor to firm up construction costs following the change to modular construction. The current estimate of the overall indicative budget for MIE is £4.521m, including public realm works. Despite the grant of £3.114m, the project will still require council investment of at least £850k to part fund the delivery of MIE.
- 7.2** The original Workshop Cheltenham scheme included a contingency for borrowing which allowed for unforeseen circumstances. Given the enhanced and more complex nature of the project, it is proposed that additional borrowing headroom of £150k is built into the revised overall budget to ensure that the revised MIE scheme, including public realm works, can be delivered within the challenging deadlines. This would increase the total budget to £4.671m and the upper borrowing limit to £1m which is still within the original £1.7m limit approved by Council in March 2020.
- 7.3** As such, the Cabinet is requested to recommend that the Council approve the amendment of the council's budget and capital programme for 2020/21 to include the MIE scheme with an indicative overall gross project budget of £4.671m, including the borrowing headroom of £150k. A summary of capital spend and funding for MIE is included in the tables below and detailed at Appendix 5.

Capital Breakdown	£
<b>Preliminaries</b>	<b>62,500.00</b>
Modular units	3,007,300.00
Event space	240,000.00
Furniture and fittings	200,000.00
Public realm works / landscaping (CBC)	355,000.00
Other Costs	200,000.00
<b>Total Packages</b>	<b>4,002,400.00</b>
<b>Professional fees</b>	<b>416,200.00</b>
<b>Contingency</b>	<b>40,000.00</b>
<b>Total Scheme Cost</b>	<b>4,521,000.00</b>
<b>Additional Contingency</b>	<b>150,000</b>
<b>TOTAL COST</b>	<b>4,671,000.00</b>

Funding Sources:	£
<b>LISF grant</b>	3,114,000.00
<b>CBC loan (upper limit)</b>	1,000,000.00
<b>CBC Public match</b>	57,000.00
<b>LEP GH grant</b>	500,000.00
	<b>4,671,000.00</b>

- 7.4** In summary, the construction of MIE will be financed from £3.114m of Government grant, £500k from the LEP for the Growth Hub and investment of circa £850k to £1m from the council (a proportion of the latter will be invested in the LLP as member capital to assist with cash flow and initial marketing activity) and £57k of council funding contribution for the public realm improvements.
- 7.5** Indicative cash flow projections for the LLP showing financing of the council borrowing of £850k by the LLP are modelled at Appendix 2 (exempt) and £1m Appendix 3 (exempt).

- 7.6 It is proposed that the LLP will repay the council investment (whether spent by the council or invested as member capital) on a straight line basis over the 10 year period, based on 1/10<sup>th</sup> of the investment sum with a 5% interest rate payable. This will be the first draw on the gross profit and taken directly as a council management cost of running the LLP along with costs such as the lease of the land to the LLP, operational management costs for running the facility and other associated costs.
- 7.7 It is proposed that the council will receive a share of profits based on 60% to WSC and 40% to the council which delivers a commercial rate of return to the council. Due diligence will be undertaken on the financial accounts produced to calculate this profit split.
- 7.8 In addition, following an initial one year rent free period, the council will receive site rent based on 5.5% of gross income.
- 7.9 These payments will offset the opportunity cost of the loss of car parking revenue. An updated estimate of the net financial impact taking into account revised MIE income projections is contained at Appendix 4 (exempt).
- 7.10 Separately to the commercial return, the council will also benefit from additional business rates which have yet to be quantified.
- 7.11 Independent Tax advice will be sought to ensure that this is minimised for the LLP, CBC and WSC.

## 8. Public Realm.

- 8.1 The public realm in the area surrounding Minster is in a poor state of repair. A budget of £355k for public realm enhancements formed part of the grant funding application to provide investment in paths; wayfinding; public spaces including seating; lighting and public art within the Minster grounds which will create links to the MIE and will also create linkages to the High Street and the Wilson. The council already has £57k identified, part of the match funding, for planting and public art in the newly created public spaces which will be part of the scheme.
- 8.2 The proposed interventions will provide an exciting opportunity to transform the area from one which attracts a significant degree of antisocial behaviour to one where people will want to meet and spend time.
- 8.3 A Public realm masterplan, attached at Appendix 6, outlines the nature of the proposed public realm interventions.
- 8.4 Cabinet is recommended to approve the public realm masterplan at Appendix 6 for consultation with key stakeholders, including the Diocese and delegate authority to the Managing Director Place and Growth, in consultation with the Cabinet Member Finance to respond to the feedback from the consultation. The detailed proposals will be presented to Cabinet for final approval.
- 8.5 Reasons for recommendations
- 8.6 Despite the government grant funding, if the council does not invest, then the MIE development is unlikely to go ahead due to the inability to raise external financing.
- 8.7 As a result, the significant regenerative and place shaping benefits to Cheltenham, as outlined in this report and the Cabinet reports of March 2020, will not materialise. The MIE is likely to make a considerable positive economic impact on the town and is part of its Covid-9 recovery package which would be negatively impacted if the scheme were not to proceed.
- 8.8 The Council, largely as a result of the government grant, will benefit from a significantly enhanced scheme, with improved outputs and outcomes for 50% less investment compared to the proposals agreed in the March 2020 Cabinet and Council meetings.

- 8.9** The recommendations set out in this report enable the council to proceed with the project and to enter into all necessary arrangements and legal documents to facilitate the delivery of MIE and the achievement of the resulting benefits to Cheltenham referred to throughout the report.

## **9. Alternative options considered**

- 9.1** Not progressing was considered and discounted given the potential negative impact on the place strategy aspirations particularly given the negative economic impact of the Covid-19 pandemic.

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

- 10.1** The proposal delivers against one of the key strands of the council's corporate plan, which is that Cheltenham seeks to be a town where culture and creativity thrive.

## **11. Consultation and feedback**

- 11.1** The council and WSC have undertaken considerable engagement with and received support from various stakeholders, including Gloucestershire County Council, GFirst LEP, Cheltenham Chamber of Commerce, Alex Chalk MP, Cheltenham Festivals, Cheltenham BID, Cheltenham Development Task Force, The Cheltenham Trust, Cheltenham Minster, University of Gloucestershire, Gloucestershire College, Cheltenham Library and CyNam.

- 11.2** The LEP have undertaken considerable analysis of the proposal based on the grant funding bid.

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

- 12.1** The outcomes from the MIE project will be monitored by both the LEP and the council. Review and monitoring mechanisms will be built into both the Design and Build contract and the LLP legal documentation.

- 12.2** The returns from the council's investment will be monitored by the councils ELT.

<b>Report author</b>	<b>Contact officer: Mark Sheldon</b> <a href="mailto:mark.sheldon@cheltenham.gov.uk">mark.sheldon@cheltenham.gov.uk</a> 01242 264123
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Investment proposal - financial projections - £850k borrowing (exempt).</li> <li>3. Investment proposal - financial projections - £1m borrowing (exempt).</li> <li>4. Net financial impact on CBC – financial projections (exempt).</li> <li>5. Indicative Capital budget for MIE.</li> <li>6. Public Realm Masterplan.</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1. Cabinet report 8<sup>th</sup> October 2019 Workshop Cheltenham</li> <li>2. Cabinet report 3<sup>rd</sup> March 2020 Workshop Cheltenham – investment proposal</li> </ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the council does not invest in MIE, then the facility is unlikely to be delivered and the place strategy theme for being a place where 'culture and creativity thrive' will be negatively impacted.	Paul Jones	21/2/19	4	2	8	Reduce	Cabinet and Council to agree an upper limit of £1m investment in March 2020.		Mark Sheldon	
	If MIE financial projections are not realised then the LLP may not repay the council's investment in the MIE and the commercial terms will not be realised.	Paul Jones	21/2/19	4	3	12	Reduce	Undertake further due diligence work to provide assurance that financial modelling is robust. Modelling has been undertaken which provides assurance that MIE breaks even at 50% occupancy levels.		Andrew Knott	
	If the relationship between the Council, LLP and WSC for the MIE is not deemed to be on commercial terms, then the council could be considered to be providing state aid.	Paul Jones	21/2/19	4	3	12	Reduce	Provide evidence to ensure commercial returns and seek external assurance that state aid does not apply.		Andrew Knott	
	If there is a CVA or insolvency, the Council's investment in the MIE may not be realised	Paul Jones	21/2/19	4	3	12	Reduce	Undertake further due diligence work to provide assurance that financial modelling is robust.			
	If there is a CVA or insolvency, the Council's powers as landlord may be inhibited or delayed	Paul Jones	21/2/19	4	3	12	Reduce	Explore mechanisms to protect the council's interest in agreeing final terms.			

	If the development does not proceed or is not a success there may be reputational consequences.	Paul Jones	21/2/19	4	2	8	Reduce	Cabinet and Council to agree the revised approach which supports the delivery of MIE.			
	If MIE tenants are not in line with the council's aspirations then MIE could have a negative impact on the ambition for the delivery of a delivery of cyber ecosystem.	Tim Atkins	21/2/19	4	3	12	Reduce	Ensure that occupation is controlled within the documents, as far as legal restrictions allow			
	If the council does not deliver MIE within the timelines required by the LEP then the Growth Hub grant funding may be at risk	Paul Jones	28/10/20	4	3	12	Reduce	Cabinet to approve the waiving of contract procurement rules and agree to contract with WSC to design and build MIE.			
	If the demand for workspaces is impacted by coronavirus, then the financial projections and returns to the LLP and council may not be realised	Paul Jones	28/2/19	4	3	12	Reduce	Ensure that the LLP actively markets the workspaces and links with the wider cyber development activity in West Cheltenham.			
	If WSC do not manage the delivery of MIE then the council will not meet the requirements of the LEP grant funding.	Paul Jones	28/10/20	4	2	8	Reduce	Due diligence undertaken of WSC. Ensure legal contracts with WSC and LLP deliver the construction and operation of MIE.			
	If the relationship with WSC is viewed as an unlawful public contract then there is a risk that grant will not be received.	Paul Jones	28/10/20	4	2	8	Reduce	Ensure that the rationale for the delivery approach for construction and management meets legal requirements.			
	If WSC viability as a partner in/provider to the LLP is not credible then MIE management may fall to the council.	Paul Jones	28/10/20	4	2	8	Reduce	Undertake due diligence to ensure that WSC is a viable partner in the LLP.			

**Explanatory notes**

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

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

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

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

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	Minster Innovation Exchange Full Scheme Budget	Page 103	£	Appendix 5 %
<b>1</b>	<b>Preliminaries</b>			
1.1	Up-front costs already incurred (incl architect's & planni	45,000.00		
1.2	Site office	7,000.00		
1.3	Storage container	incl 1.2		
1.4	W.C.	incl 1.2		
1.5	Hoarding/ fencing	2,500.00		
1.6	Temporary water	500.00		
1.7	Temporary electric	500.00		
1.8	Sundry costs	5,000.00		
1.9	W.C. cleaning	incl 1.8		
1.10	Consumables	incl 1.8		
1.11	PPE (for visitors)	incl 1.8		
1.12	First aid	incl 1.8		
1.13	Fire safety	incl 1.8		
1.14	Signage	incl 1.8		
1.15	Insurance	incl 1.8		
1.16	Delivery and collection of items	incl 1.2		
1.17	Plant and equipment not included in packages	0.00		
1.18	Waste skips	<u>2,000.00</u>	62,500.00	1.34%
<b>2</b>	<b>Packages</b>			
2.1	Modular units	3,007,300.00		
2.2	Transport and crane costs	incl 2.1		
2.3	Event space	240,000.00		
2.4	Mechanical and electrical	incl 2.1		
2.5	PV Cells	40,000.00		
2.6	Furniture and fittings	200,000.00		
2.7	Decking	10,000.00		
2.8	Perimeter skirting	5,000.00		
2.9	Ramps	7,500.00		
2.10	Steps	4,000.00		
2.11	Drainage (foul and surface)	20,000.00		
2.12	Public realm works / landscaping (CBC)	355,000.00		
2.13	Jack pads	40,000.00		
2.14	Cycle storage	2,500.00		
2.15	Car charging points	4,000.00		
2.16	Electricity supply	10,000.00		
2.17	Water supply	10,000.00		
2.18	Exterior lighting	22,000.00		
2.19	Interior planting	20,000.00		
2.20	Site preparation	<u>5,000.00</u>	4,002,300.00	85.68%
<b>3</b>	<b>Professional fees</b>			
3.1	Architect	67,500.00		
3.2	Administration fees (CBC)	30,000.00		
3.3	Project management and administration fees (WSC)	120,000.00		
3.4	Mechanical and electrical engineer	25,000.00		
3.5	Structural engineer	6,000.00		
3.6	Landscape architect	incl 2.12		
3.7	Modular consultant	7,000.00		
3.8	Construction Manager	65,000.00		
3.9	Quantity Surveyor	22,100.00		
3.10	Site Investigation	6,000.00		
3.11	Principal Designer (CDM)	2,600.00		
3.12	Legal & other professional fees	50,000.00		
3.12	Acoustic consultant	<u>15,000.00</u>	416,200.00	8.91%
<b>4</b>	Contingency (MIE)	<u>40,000.00</u>	40,000.00	0.86%
	Contingency (CBC)	<u>150,000.00</u>	150,000.00	3.21%
	<b>TOTAL SCHEME COST:</b>	<b>4,671,000.00</b>	<b>4,671,000.00</b>	<b>100.00%</b>
		Funding Sources:	LISF grant	3,114,000.00
			CBC loan	1,000,000.00
			CBC Public match	57,000.00
			LEP GH grant	<u>500,000.00</u>
				<b>4,671,000.00</b>

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# PUBLIC REALM MASTERPLAN

## CHELTENHAM MINSTER

EdgeDesignWorkshop

RIBA  architects



**European Union**  
European Regional  
Development Fund

INTRODUCTION

The Minster is the oldest building in Cheltenham and is Grade I Listed. Despite its historic importance there have been a number of more recent developments that now surround it which have effectively turned their back on the church and its grounds. The resulting effect is that the church has become a forgotten jewel in the town and there have been a number of problems with antisocial behaviour in its ground which further reduces visitor numbers. With relatively few people crossing the grounds there is little connection between the lower High Street, which is often very busy and Clarence Street to the other side where the Wilson Art Gallery and Public Library are located.

The proposed Pubic Realm improvements follow planning approval for an Innovation Hub on land to the rear of Chester Walk in Cheltenham which is now as Workshop Cheltenham. The original scheme was based on the re-use of recycled shipping containers [planning reference 19/00204/FUL], however a revised application using bespoke modular construction is currently under consideration, with a decision expected on August 13<sup>th</sup> 2020.

The aspirations of the project remain as originally intended and include a Tier II Growth Hub which will be delivered in partnership with GFirst LEP, an event space which will be curated in partnership with Cheltenham Festivals, a cafe and bar, and flexible studio space. The studios will be orientated towards the creative industries within the town such as digital, media, culture, cyber and technology, and as such the Growth Hub will offer specialist support in these areas.

The event space will be flexible enough to accommodate a variety of uses, from break out meeting areas to a conference hall, or for performances in music and the arts. The Culture Board identified the gap of cultural spaces for the 18-30 age group as a key missing element in the offering of Cheltenham and has been consulted along the way with the project

The cultural events will be orientated towards young performers and visitors to the county, and will build on the work that is already underway such as educational outreach and talent development programmes by Cheltenham Festivals and similar programmes by Cheltenham Trust and the theatres, among others.

Indeed, one of the key aspirations of the project is to provide a cultural “beating heart” for the town centre by providing a neutral meeting place where collaboration and cross pollination of ideas can take place. The physical setting of the project is therefore key to its integration into the fabric of the town and therefore a wider public realm masterplan is now proposed for the immediate area in which the project is based.

The Workshop Cheltenham project is neighboured by Gloucestershire libraries [both the main library and the library annex which includes an archive and social services], The Wilson Art Gallery and St. Mary’s Church which is also known as Cheltenham Minster. The Minster is the oldest building in Cheltenham and is Grade I Listed. Despite its historic importance there have been a number of more recent developments that now surround it which have effectively turned their back on the church and its grounds. The resulting effect is that the church has become a forgotten jewel in the town and there have been a number of problems with antisocial behaviour in its ground which further reduces visitor numbers. With relatively few people crossing the grounds there is little connection between the lower High Street, which is often very busy and Clarence Street to the other side where the Wilson Art Gallery and Public Library are located. The intention of the proposals is therefore to create a cultural destination that includes the Minster, its grounds, the art gallery, museum and library and the Workshop Cheltenham project.

PROPOSAL

ACTIVITY LAWN

Either side of the footpaths will be a new Activity lawn, with electrical connections provided for pop up events and gatherings. Seating in this area will be flexible to allow a variety of uses. This feature can be used for outdoor activities by the Minster, The Wilson, Workshop Cheltenham or link to the festivals and community events, increasing the frequency of positive public activities and animating the space.

MEETING PLACE

New Fixed and flexible accessible social seating is proposed within this area to encourage visitors to spend a little longer in the grounds, with more people using the space for positive activities it should help to displace anti-social uses. Additional seating will also provide an option to avoid sitting on the historical monuments and gave tables relieving the pressure on these features.

BIODIVERSITY GARDEN AND PUBLIC ART

The Minster Grounds are in a poor condition due to a number of factors, but with a poor grass sward, inappropriate shrub planting and a heavy tree canopy this does not help to make the space feel welcoming or safe.

As part of the borough’s Habitat Cheltenham project the existing landscape will be redesigned to increase the variety and number of plant species. This will involve increasing the species mix of the grass areas with a particular interest in increasing the spring and autumn colours to encourage visitors at the beginning of the year and extend the appeal of the space into autumn.

Management of the shrub and tree species will also be considered, both to increase the amenity of the space and increase the biodiversity. Opportunities to combine art and historical references into the landscape in a practical and appropriate manner will also be incorporated.

Visitor movement through the site will be partially controlled by the planting of wildflower/ bulb planting biodiversity gardens. Within the gardens will be allocated zones for public art which will be curated by The Cheltenham Trust which will provide much needed outdoor space for sculptures and installations.

The intention of the proposals is therefore to create a cultural destination that includes the Minster, its grounds, the art gallery, museum and library and the Workshop Cheltenham project. Public art plays a vital role in place making. Public art is only limited by the imagination of the artist and the guardians of public space. It can be a temporary installation, lighting a building, film & video, sculpture, ceramics, metal, textiles, plastic, street furniture, landscaping, a poster, poetry, performance, a website, a social enterprise, a shared idea, a new social relationship and more.

FOOTPATH IMPROVEMENT

Footpaths throughout the site are in poor condition and unpleasant to use in wet conditions and surfaced in tarmac unsympathetic to the Grade 1 listing of the Minster. They are also currently unprotected from vehicles illegally using the space for parking.

New surfacing is proposed to provide higher quality, fully accessible pedestrian routes, protected from cars. These will follow the existing historical path routes but also include a new access into Workshop Cheltenham. Because of the highly sensitivity nature of the buried remains within the grounds new path construction will be designed to minimize any ground disturbance and will have new surfaces to improve accessibility as well as improving the setting of the church.

LIGHTING

The Minster Grounds support a number of mature large trees and the space is surrounded by tall buildings, consequently the space has low light levels even in good daylight conditions. To encourage greater public use, particularly in twilight, it is proposed to increase the amenity lighting helping to increase the perception of public safety and to assist way finding with sufficient ambient light to be welcoming whilst preserving the special serenity of the grounds.

Additional to this the masterplan seeks to introduce feature lighting to both celebrate the space’s cultural and creative connections, and to ‘signpost’ the pedestrian entrances in an imaginative and engaging way. Feature lighting is also proposed to highlight the Minster spire creating a landmark feature at night and to use the interior of the Minster for ‘shared’ light within the grounds.





## EXISTING SITE PHOTOGRAPHS

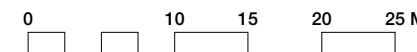
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EXISTING BLOCK PLAN 1:500

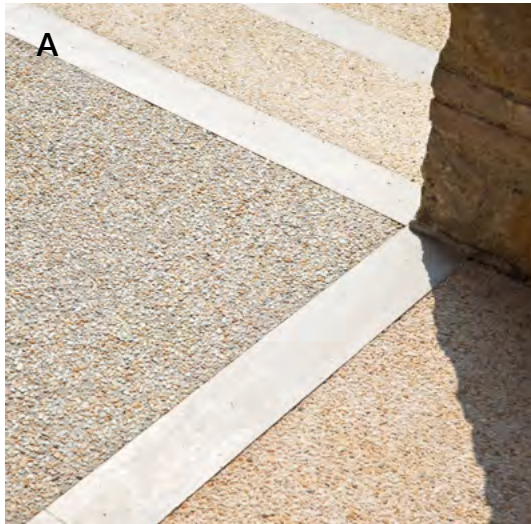


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# DIAGRAM KEY

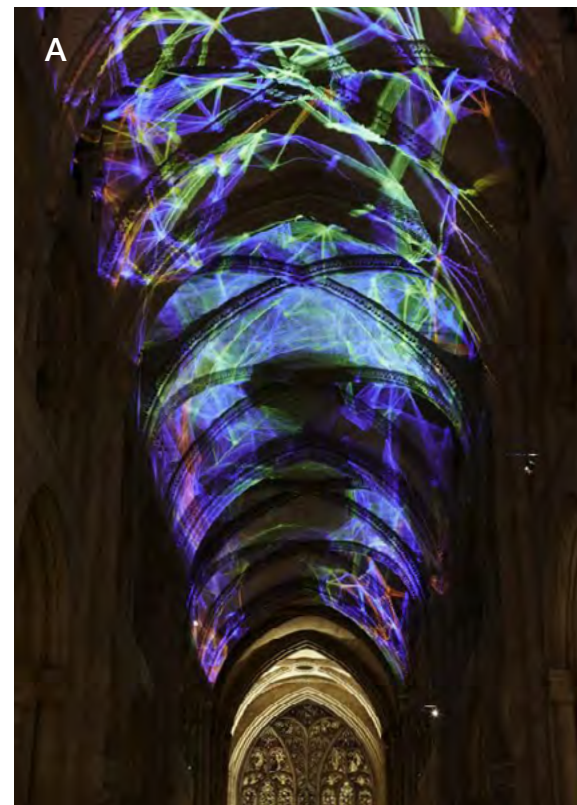
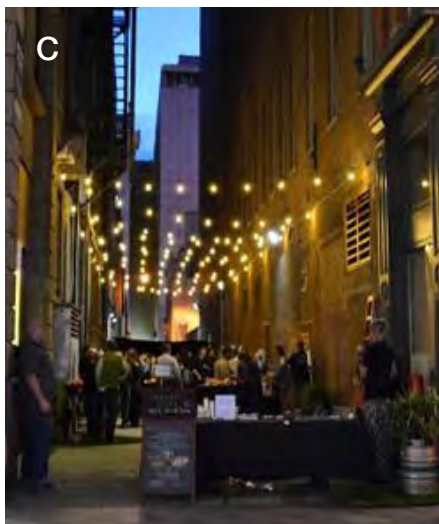
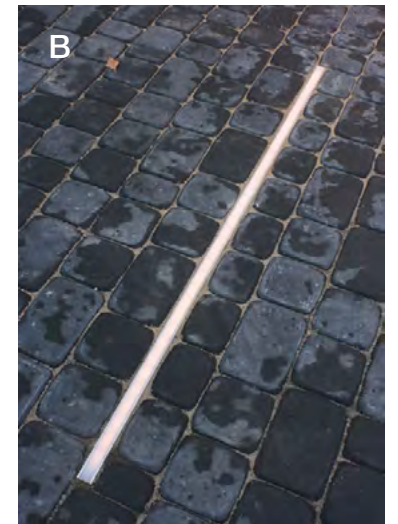
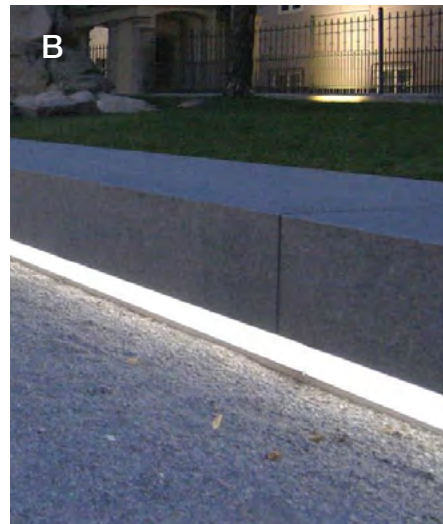
- A** Footpath finishes
- B** Biodiversity garden
- C** Fixed seating
- D** Flexible seating
- E** Floating footpath

## BIODIVERSITY, SEATING & FOOTPATHS PRECEDENTS

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#### DIAGRAM KEY

- A** Church lighting
- B** Footpath lighting
- C** Alleyway lighting

#### ALLEYWAY & LIGHTING PRECEDENTS

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# Edge**Design**Workshop

RIBA  architects

7 Royal Well Place, Cheltenham GL50 3DN

01242 528 111

10 Martello Street, London E8 3PE

020 7781 8177

[mail@edgedesignworkshop.com](mailto:mail@edgedesignworkshop.com)

[www.edgedesignworkshop.com](http://www.edgedesignworkshop.com)

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**PRELIMINARY PROPOSAL**

**ISSUE 07 - 21 07 2020**

**PUBLIC REALM MASTERPLAN**