



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Overview & Scrutiny Committee

Monday, 8 March 2021

6.00 pm

Virtual WEBEX video conference via <https://www.youtube.com/user/cheltenhamborough> the Council's YouTube Channel

Membership	
<b>Councillors:</b>	Chris Mason (Chair), Paul Baker, Dilys Barrell, Nigel Britter, Iain Dobie, Sandra Holliday, Martin Horwood, John Payne, Jo Stafford and Klara Sudbury

The Council has a substitution process and any substitutions will be announced at the meeting

### Agenda

1.		<b>APOLOGIES</b>	
2.		<b>DECLARATIONS OF INTEREST</b>	
3.		<b>MINUTES OF THE LAST MEETING</b> 18 January 2021	(Pages 5 - 14)
4.		<b>PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS</b>	
5.		<b>MATTERS REFERRED TO COMMITTEE</b>	
6.	6.05pm	<b>CHEL TENHAM ECONOMIC RECOVERY TASK FORCE</b> Diane Savory, Chair of the Task Force and Tracey Crews, Director of Planning, Place & Growth  <a href="https://movingtocheltenham.com/certif">https://movingtocheltenham.com/certif</a>  <b>Objective:</b> Consider the business plan (above) and get broader perspective from the Chair, Diane Savory	
7.	6.35pm	<b>COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE ARRANGEMENTS</b> Mike Holmes, Head of Planning	(Pages 15 - 18)

		<b>Objective:</b> Consider the governance arrangements, particularly in terms of accountability and transparency (can communities see how the money is being spent and where) and comment as necessary	
8.	7.05pm	<p><b>FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED</b></p> <p>Gloucestershire Health O&amp;S Committee (2/3) – update from Councillor Horwood (to follow)</p> <p>Gloucestershire Economic Growth O&amp;S Committee (20/1) – update from Councillor Paul McCloskey (to follow)</p> <p>Police and Crime Panel (8/2) - update from Councillor Flo Clucas</p> <p>Joint scrutiny of Publica – verbal update from Councillors Mason and Horwood</p>	(Pages 19 - 20)
9.	7.20pm	<p><b>CABINET BRIEFING</b></p> <p>An update from the Cabinet on key issues for Cabinet Members which may be of interest to Overview and Scrutiny and may inform the O&amp;S work plan</p>	(Pages 21 - 22)
10.		<b>REVIEW OF SCRUTINY WORKPLAN</b>	(Pages 23 - 28)
11.	7.30pm	<p><b>LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION</b></p> <p><b>The committee is recommended to approve the following resolution:-</b></p> <p>“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely:</p> <p>Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p>	
12.		<p><b>PROJECT ECLIPSE - MUNICIPAL OFFICES OPTIONS APPRAISAL UPDATE</b></p> <p>Emma Morgan, Programme Manager and Mark Sheldon, Project Sponsor</p> <p><b>Objective:</b> Consider the options relating to the Municipal Offices and comment as necessary</p>	(Pages 29 - 34)
13.		<b>DATE OF NEXT MEETING</b> 19 April 2021	

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### Overview & Scrutiny Committee

**Monday, 18th January, 2021  
6.00 - 7.40 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Chris Mason (Chair), Paul Baker, Dilys Barrell, Nigel Britter, Iain Dobie, Sandra Holliday, Martin Horwood, John Payne and Klara Sudbury
<b>Also in attendance:</b>	Councillor Atherstone (Cabinet Member Economy & Development), Gareth Edmundson (Chief Executive – CBC), Councillor Hay (Leader), Councillor Jeffries (Cabinet Member Housing), Paul Jones (Executive Director Finance & Assets), Darren Knight (Executive Director People & Change), Steve Slater (Interim Chief Executive – CBH) and Martin Stacy (Lead Commissioner for Housing Services)

### Minutes

**1. APOLOGIES**

No apologies had been received.

**2. DECLARATIONS OF INTEREST**

Councillor Mason declared a prejudicial interest in agenda item 8 (Housing Review) as a Board Member of Cheltenham Borough Homes and would be handing over the chair and not participating in the debate of that particular item.

Councillor Barrell declared a personal interest in agenda item 8 (Housing Review) as her son worked for Cheltenham Borough Homes.

**3. MINUTES OF THE LAST MEETING**

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was

**RESOLVED that the minutes of the meeting held on the 02 November 2020, be agreed and signed as an accurate record.**

**4. PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS**

There were none.

**5. MATTERS REFERRED TO COMMITTEE**

There were none, but the Chairman took this opportunity to raise something with the committee.

He advised that the Chairman of the Overview and Scrutiny Committee at Forest of Dean District Council had approached scrutiny chairs at all Publica

partners and suggested a joint scrutiny meeting to discuss the Campbell Tickell report and concerns that Publica were failing to address the issues raised within that report, the suggestion being that rather than every partner holding an individual meeting on this particular issue; there should be one joint meeting.

The Chairman was supportive of this proposal but had stipulated that the Vice-Chairs should also be invited to participate, rather than there being only one member representative from each council. He invited members to share their thoughts on what was being proposed and the members that spoke were fully supportive of the proposal to undertake joint scrutiny and when the question of feedback to this committee was raised, the Chairman confirmed that both he and the Vice-Chair would feedback to this committee.

### **6. BUDGET PROPOSALS 2021-22**

In the absence of the Chair of the Budget Scrutiny Working Group (BSWG), the Executive Director of Finance and Assets explained that the BSWG had met last week to scrutinise the Cabinet budget proposals, which were currently out for public consultation. Councillor Babbage, as Chair of that group, had produced a briefing paper, which summarised what was discussed at that meeting, but the Executive Director was happy to take any questions and answer them directly, or take them back to Cabinet as part of the consultation.

The Chairman reminded members that they had received the briefing from the BSWG and whilst no decision was required, the committee could make recommendations to Cabinet where necessary, and invited members to ask any questions or make any comments. There were none.

The Chairman thanked the BSWG for preparing their briefing and the Executive Director for his attendance.

### **7. CABINET MEMBER ECONOMY AND DEVELOPMENT**

The Chairman welcomed Councillor Atherstone and reminded the committee that she had been invited as the newly elected Cabinet Member Economy and Development, to outline her priorities for the coming year and what she hoped to achieve. A paper had been circulated with the agenda, which set out her ambitious plans to support the development of her portfolio, which were particularly relevant due to a number of key priorities for the borough, including Cheltenham's COVID-19 economic recovery growth plans and development of sustainable and affordable housing, among others.

A member felt that the term 'reimagining the high street' captured exactly what was required and whilst he had no doubt that the Chamber of Commerce and BID would represent the views of the town centre high street, he queried if and how the cabinet member planned to engage with and support shopping centres, including the Princess Elizabeth Way shopping centre. Members were assured that the Cheltenham economic recovery task force and plan included all retail centres and high streets, but the 18 month programme had been broken down into manageable and workable work streams, with the town centre high street being the starting point, but with all being considered at some point in the programme.

Asked if and how councillors could get involved, the Cabinet Member encouraged all members to access the business plan via the 'Moving to

Cheltenham' website, as this document not only set out the 9 key priorities, but also expanded to demonstrate the scope for community engagement. She asked that any members or residents contact her in the first instance, in order that she would direct them to the relevant officer.

The term 'Counter Culture' was new to her too, but in essence meant taking different approaches and encouraging creativity as a means of repurposing the town centre to aid economic growth. She would ensure that members were made aware as soon as the plan had been published. In terms of eco-tourism, there were many aspects that she felt could be looked at which were well suited to the town, including, encouraging visitors to access the town by train, on foot or by bicycle rather than by car, promoting tourism within our parks and ensuring recycling facilities were widely available and there was also an opportunity to bring more green technologies to the town. Admittedly there were more adventurous options but she did not feel that these were all particularly well suited to Cheltenham. She stressed that this work was at a very early stage and would again ensure that members were made aware once the plan had been published.

Asked about whether she felt that the LEP had different perspectives or priorities to those held by the council, she explained that she was not in a position to be able to answer that that question as she had not yet had an official (virtual) meeting with the LEP leadership, though she had been in contact, informally, with the Deputy Chief Executive (xxx). She reassured members that the lead officer at CBC, the Director of Planning, Place & Growth was meeting regularly with the LEP on the skills, jobs and apprenticeships sub-group, which had only convened in September 2020 and she was confident that the roll out of the roll out of the strategy would mean that a formal meeting would soon be arranged.

Each of the plans that were being developed, would include clear and measurable objectives and she encouraged members to tune into Cabinet meetings and/or read reports in order to stay informed on these issues.

A number of members congratulated Councillor Atherstone on her appointment and commended her clear enthusiasm for her new role. They wished her well and looked forward to future updates on progress.

### **8. STRATEGIC HOUSING REVIEW**

Having declared a prejudicial interest, Councillor Mason handed over the chair to Councillor Horwood, as Vice-Chair and left the room.

The Vice-Chair explained that having reviewed the forward plan as part of the agenda setting process for this meeting, lead members had requested that this item come to committee prior to Cabinet. The draft Campbell Tickell report had been circulated with the agenda, along with a discussion paper which provided some context to the issue, as well as options for the committee to consider.

The Vice-Chair welcomed Gareth Edmundson, Chief Executive and Councillor Jeffries, Cabinet Member Housing, as well as Steve Slater, Interim Chief Executive at CBH and Martin Stacy, as the Lead Commissioner for Housing Services.

Gareth Edmundson reiterated that this was an opportunity for O&S to ask questions and provide feedback prior to Cabinet considering a report on the 26 January, which had now been published and recommended that the Campbell Tickell report be endorsed and the strategic review be taken forward and implemented. He felt it was a huge credit to both CBC and CBH that despite all the challenges that the Covid-19 pandemic had presented, both organisations wanted to move forward with an ambitious shared agenda, including cyber, regeneration, growth and investment in housing, as well the flagship programme; tackling child poverty, delivering inclusive growth and making sure no child is left behind. Housing is so fundamental to all of these priorities, it was considered important to ensure that the partnership was as strong as it could be. The impact of the pandemic and on our ability to deliver those shared priorities in the medium and long term, made it even more appropriate to look at the existing relationship between CBC & CBH. Given the added pressure of the Covid-19 response, every effort was made to ensure that the review did not risk operational delivery. This was achieved by both organisations working in partnership to jointly commission the review. Gareth wished to put on record his thanks to Steve Slater and CBH for the way in which they have embraced and approached the review, and participated in identifying opportunities for the relationship to evolve and strengthen. Clearly, as part of any meaningful review, there was a need to consider an alternative service model to act as a comparator and therefore Campbell Tickell were asked to consider the option of bringing the service back in-house. It was also felt that this was a good way of validating the options that were open to the council. The recommendations from Campbell Tickell to retain CBH provides an extremely strong platform on which to continue to deliver our ambitious priorities for the future, together.

The Cabinet Member Housing stated that had hoped to be able to bring the Cabinet report to this committee, but circumstances including Christmas and Covid, had prevented this from being possible. The drivers for this review had come into sharp focus during the first national lockdown in March, with communities at the forefront. Ultimately an invigorated partnership would benefit those communities further. He noted his thanks to both Gareth Edmundson and Steve Slater and whilst there was lots of work to be done, he felt the review put the partnership in the best position from which to take it forward.

Steve Slater echoed what had been said by Gareth and the Cabinet Member. In spite of the challenges posed by Covid, the review was timely and welcome, particularly for him as a newly appointed Interim Chief Executive, as it validated the great work that CBH do, as well as highlighting where they could build upon those strong foundations and take it to the next level. He looked forward to taking forward the 11 priorities highlighted within the revised business plan and exploring opportunities to work even more closely with CBC to deliver some exciting projects for residents and communities going forward.

The following responses were given to member questions:

There were large sums of money at CBH's disposal and a need for new affordable housing, but CBH could be fairly slow in terms of progress in this area, in his opinion. Would this improve?



There were lots of things that CBH did well in terms of performance monitoring and some of their systems and practices, which CBC could learn from, but likewise CBC could assist CBH in strengthening areas of their business to expedite delivery of some of their priorities. One key area was housing investment and how best to invest that money to achieve the best outcomes, as well as pushing forward the delivery of housing investment more generally. The Campbell Tickell recommendations will be reviewed and implemented by shared governance arrangements detailed in the Cabinet report, this will help to make sure there are the right people and skills, as well as learning from each other, to ensure a successful and expedited delivery of priorities.

Steve Slater assured members that in terms of new supply a lot of work had gone on behind the scenes and there was a strong pipeline of affordable housing and regeneration but acknowledged that there was more work to be done in terms of other streams. CBC and CBH were awaiting receipt of a report to consider the pros and cons of outright sale and as soon as that was received and digested, they would be looking to press on as quickly as possible with this element of delivery to supplement the ongoing work on affordable delivery, regeneration, and entering the private rented market. He hoped to reassure members that CBH were looking at all areas of the business to make sure that they were driving innovation and not just supply, but also modern methods of construction. But in order to have a major impact on all their activities, CBH were looking to tap into their partners across Cheltenham and Gloucester, to ensure that they could drive out as much benefit for communities as possible. A key driver for him and his Executive Leadership Team was how CBC could use their local on the ground knowledge and align that to partners who had resources they wanted to use to deliver great services in Cheltenham, but didn't always know where to focus their efforts.

The Cabinet Member Housing assured members that in terms of innovation, everything was being considered, including 3D printing, which hadn't quite made it over the line, modular housing, about which there had been many conversations and passive and carbon neutral homes, but as well as this, the technologies within those buildings.

There had been criticism of the NHS Trust for continuing a consultation during the pandemic. Could Campbell Tickell really have sufficiently explored CBH given the environment and circumstances they were working in?

Gareth Edmundson did not believe the pandemic had resulted in a less robust review by Campbell Tickell. He assured members that they had been given a considerable amount of information in advance, to be able to identify any areas of interest within scope and they had spoken to a broad range of people at both organisations including officers, members and tenants

What steps were being taken to address some of the suggestions within the report?

There are area for improvement identified and the review would allow the partnership to evolve. Identified efficiencies did not necessarily mean savings, but rather would provide more choice and opportunities for investment and how resources are spent. There would also be increased activity in support of key

areas such as becoming carbon neutral by 2030, bringing forward new housing supply as quickly as possible and looking at the commercial opportunities, but there were other smaller issues that the partnership could work together on. He felt that part of recovery was being able to look back in 5-10 years and say that communities were in a stronger and more resilient position, to deal with future challenges and this is an ultimate aim.

In addition, the Cabinet Member wished to remind members that CBH were lead players in the Arms Length Management Organisation (ALMO) world and hugely respected. He had often said that arms length meant shoulder to shoulder, but he felt CBC and CBH would now be holding hands to build a stronger partnership and to an extent and for him that was an exciting prospect.

Throughout, a number of members had not only welcomed the review and recommendations, but also took the opportunity to praise CBH for the work that they do, with one member suggesting establishing CBH was 'the best decision CBC ever made'.

The Vice-Chair reminded members that the committee were able to make a recommendation to Cabinet and the paper included two options based on the Campbell Tickell report, option 1 to retain the partnership but work to improve it still further, or, option 2, to take the service back under council control. He felt that based on what he had heard, members were resoundingly supportive of option 1 and with no members indicating otherwise he moved to a vote on recommending option 1 to Cabinet.

Upon a vote it was unanimously

**RESOLVED that the Overview and Scrutiny Committee recommend that Cabinet approve the recommendation to retain CBH, working to improve the partnership still further.**

### **9. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED**

The Chairman reminded members that updates on recent meetings of the Police and Crime Panel and Gloucestershire Economic Growth scrutiny committee, had been circulated with the agenda and members were asked to contact the relevant member directly with any questions.

Councillor Horwood apologised for not having circulated anything in advance of the meeting, citing IT issues. His written update is attached at Appendix 1 and he read this to the committee.

A member shared her experience of Gloucester A&E prior to the pandemic and having had to wait 4 hours to be admitted, whilst enormously busy, she was struck by how incredibly kind and upbeat all staff were. She had discussed the delays with the ambulance staff who had suggested that the main cause for delays was the fact that Cheltenham had been closed. Councillor Horwood echoed these sentiments and confirmed that there was universal praise for NHS frontline and management staff who were coping well under an enormous amount of stress. He explained that delays in handovers from ambulance to A&E were due to the fact that given the high occupancy of hospital beds, there was a shortage of beds to which A&E patients could be moved, and new patients couldn't be admitted to A&E until those patients had been moved out.

He assured this committee that HOSC did challenge whether such delays were due, in part, to the closure of Cheltenham and were always told this was not the case, but he felt that it was evident that waiting times were deteriorating, even back in July and August, when the pandemic was at its lowest. Whilst there was a commitment to reopen Cheltenham on the previous basis, he had concerns about how this would operate and how resilient it would be. He suggested that there was an option for HOSC to refer the issue to the Care Quality Commission but noted that now was probably not the best time to do such a thing.

Another member queried whether the HOSC could challenge the emphasis that was given to efficiency within the NHS generally, over resilience. He argued that a degree of slack within the system was a good thing, citing Germany which had three times as many hospital beds as this country. Councillor Horwood felt this was a perceptive analysis. He and other HOSC members were worried that the reconfiguration and centralisation of key services would result in Cheltenham running as a cold site, with lots of planned appointments and surgery, highly efficient, but with minimal margin for error and resilience issues when something out of the ordinary occurs at Gloucester.

He highlighted his growing scepticism about the ability of HOSC to actually challenge these things. It seemed to him that in reality HOSC had few powers apart from being able to refer matters to the Secretary of State and felt that they were regularly provided with data and reports that tended to support whatever the management plan was. He suggested that it would be for Cheltenham to raise this issue with higher political powers or scrutiny bodies nationally, if this was to be challenged.

There were no further questions and the Chair thanked Councillor Horwood for his update.

### **10. CABINET BRIEFING**

The Chairman congratulated Councillor Hay on her recent appointment as Leader of the Council and welcomed her to her first O&S meeting in her role as Leader. Members were reminded that a briefing had been circulated with the agenda but in addition to this the Leader said a few words.

She explained that having been in post for only 4 days not including weekends, and with Christmas and the third national lockdown there was not an awful lot to brief the committee on. However, a working group of members and officers had met to discuss the JCS going forward and she reiterated her hope that weekly dashboard data would soon be able to be shared widely and whilst this was not yet the case, she could assure members that in terms of the vaccination programme, we were doing well.

There were no questions and the Chairman thanked the Leader for her attendance.

### **11. REVIEW OF SCRUTINY WORKPLAN**

The work plan had been circulated with the agenda.

The chairman confirmed that the lead members would be meeting soon to agree the agenda for the next meeting, with an increased focus on the forward plan.

Having invited comments from members, one queried the Community Levy Infrastructure item. The Democracy Officer explained that the reference to a delay related to Cabinet. It was due to go in January but had been deferred until April because the Joint Action Group were not able to meet until the 14 January. As such, this item would be considered by the committee in March, prior to Cabinet in April.

An officer had asked if the committee wished to review the grants given to the Holst Museum and Cheltenham Festival of Performing Arts, but given the increased focus on corporate priorities, neither item had been added to the agenda. The lead members would soon be meeting to agree the agenda for the next meeting and consideration would be given to whether the committee should consider these issues.

### **12. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**

Upon a vote it was unanimously

**RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely:**

**Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

### **13. STRATEGIC WASTE SITE**

The Chairman explained that having considered an earlier paper on the issue of the strategic waste site, the committee had asked to be kept updated.

Cabinet were scheduled to consider a report in November 2020 but the pandemic had caused delays to the project and rather than simply wait for the report to be rescheduled, before considering it, the Chairman had asked for a briefing on progress. This was exempt due to the commercial sensitivities around the issue and the Officer had not been asked to attend as this was simply an update, rather than there being any recommendations to consider.

In response to those members that queried the value of such an update, the Chairman reminded the committee that similar briefings on other projects had been circulated in the past and that such briefings provided the committee with an overview, and scrutiny would come at a later date.

### **14. DATE OF NEXT MEETING**

The next meeting was scheduled for the 8 March 2021.

Chris Mason  
**Chairman**

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# ***Information/Discussion Paper***

## **Overview and Scrutiny Committee – 08 March 2021**

### **Community Infrastructure Levy (CIL) Governance Arrangements**

This note contains the information to keep Members informed of matters relating to the work of the Committee, but where no decisions from Members are needed

#### **1. Why has this come to scrutiny?**

- 1.1 To provide Members with information on the legislative requirements for the Governance and Reporting of CIL spending.
- 1.2 To provide an opportunity for Members to consider and discuss the options available regarding the Governance of CIL spending.
- 1.3 To provide Members with the opportunity to steer officer work, on establishing Governance arrangements for spending CIL, that will result in an acceptable recommendation for future Member decision.

#### **2. Summary of the Issue**

- 2.1 Whilst the Community Infrastructure Regulations 2010 (as amended) establish a framework for the distribution and spending of CIL and clearly assign responsibility to the Borough Council, which it calls the 'Charging Authority' and Parish Council's, referring to them as 'Local Councils', there are options available to Members regarding how this responsibility may be met.
- 2.2 In any financial year when a Parish receive, hold or spend CIL monies they are required to produce a funding statement which must be published on their website and submitted to the Borough Council. The Borough Council also now have to publish and submit to Government an annual 'Infrastructure Funding Statement' covering details of both CIL and S106 income and expenditure.

#### **3. Summary of evidence/information**

- 3.1 CIL Income is divided by regulation into three 'pots':
  - ADMINISTRATION FUND - Regulation 61 allows up to 5% of income received in any financial year to be used towards the administrative costs of running the Charging and Collection function of the Charging Authority. NB the JCS Authorities each made the decision when adopting their CIL Charging Schedules in October 2018 to pool their administration fund to contribute to shared resources/service and meet as much of the set-up costs (evidence, examination and legal/technical support) as permitted and possible.
  - NEIGHBOURHOOD FUND - Regulation 59A states that where there is a Parish

Council who cover the area, in which the chargeable development is taking place, then 15% of the CIL received must be paid to them (subject to a cap of, when the required index is applied, just over £100 per existing dwelling in the Parish), rising to 25% (uncapped) if they have a 'made' Neighbourhood Plan. NB

However where there is no Parish in the area that the development takes place then Regulation 59F states that the Borough Council, as Charging Authority, will hold 15% (uncapped), rising to 25% in areas where a Neighbourhood Area and Forum have been designated and a Neighbourhood Plan has been 'made', to be spent in consultation with the community in the unparished areas and with the Neighbourhood Forum in their designated area respectively. NB The Regulation 59F Neighbourhood Fund currently stands at £9,702.77

- **INFRASTRUCTURE FUND** – Regulation 59 states that the remaining 70% to 80+% is held by the Borough Council as Charging Authority.

**3.2** The distinction between the 'Neighbourhood Fund' and the 'Infrastructure Fund' is an important one as the regulations set out what each fund may be spent on:

- Regulation 59 (1) states that, "**A Charging Authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.**"; whereas
- Regulation 59 C (b) adds that, "**A Local Council must use CIL receipts passed to it in accordance with regulation 59A or 59B to support the development of the local council's area, or any part of that area, by funding—**

(a) the provision, improvement, replacement, operation or maintenance of infrastructure; or

(b) **anything else that is concerned with addressing the demands that development places on an area.**

**3.3** Regulation 59A imposes a '**Duty to Pass CIL to Local Councils**' and Regulation 59D states that this must be on set dates twice a year, or by arrangement to an alternative timetable. Whilst responsibility is passed to the Parish Council for spending decisions the regulations do provide the Charging Authority with powers to monitor and police that spending. For example, Regulation 59E **requires the neighbourhood funding to be spent within 5 years and in accordance with the rules in Regulation 59C**, or the Charging Authority may serve a notice to require repayment.

### **Neighbourhood Fund Governance**

**3.4** Regulation 59F states that, "The charging authority may use the CIL to which this regulation applies, or cause it to be used, to support the development of the relevant area by funding" those same wider range of things that Local Councils can spend their neighbourhood funding on (59C(b) a and b). However the regulations are not prescriptive on how this should be done only that the Charging Authority, "should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding" (CIL Guidance Paragraph 146 Reference ID: 25-146-20190901).

**3.5** Regulation 59F neighbourhood funding therefore requires governance arrangements to be put in place to, "set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools for example, website,



newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans” (CIL Guidance Paragraph 146).

### **Examples of approaches adopted by other authorities.**

- 3.6** Some authorities who have an existing ward grant/funding model have used this as a starting point for the allocation of Neighbourhood CIL funding to avoid having to create structures and processes from scratch.
- 3.7** Identifying and Prioritising Projects:
- The Council identify projects across their area and then consult upon them in order to prioritise their delivery.
  - The Council delegate the neighbourhood portion to ward-level, with some providing ward members with budgets for projects within their wards.
  - The Council invite bids from across their area (Gloucester City Council have opted for this approach) and evaluate them according to an agreed criteria. London Borough of Camden, require members to support or accept and propose projects to, in that case the Cabinet Member or, a funding committee or panel.
- 3.8** Where it is to be spent?
- Regulations allow the Council to spend the Neighbourhood funding anywhere within their administrative area that does not have a Parish Council or designated Neighbourhood Area with a ‘made’ Neighbourhood Plan.
  - In other areas the Council are required to take account of the views of the communities in which the income was generated. In order to do this some, such as the London Borough of Brent, have chosen to create CIL ‘neighbourhoods’ (5 covering 21 wards) that benefit directly from development taking place in that area, with spending informed by more local priorities.
- 3.9** Delivering the projects:
- Directly by community groups;
  - Via Council service areas on behalf of local communities; or
  - a mixture of these approaches.
- 3.10** Plymouth City Council have an interesting approach which requires crowd funding to match CIL spending on each project to enhance the impact of the CIL spending. Such an initiative could be incorporated with any of the above options
- 3.11** One of the first considerations must be the requirements of the Council’s Constitution on the sign-off of spending.
- 3.12** By the end of the financial year (31.03.2021) the Council will hold £20,378.83 Reg. 59F Neighbourhood Funding and will have passed on £11,783.81 Reg. 59A Neighbourhood Funding to Parish Councils.

**Infrastructure Fund Governance**

- 3.13** CIL Guidance states, at paragraph 144 (Reference ID: 25-144-20190901), that the regulations give, “local areas the opportunity to choose what infrastructure they need to deliver their relevant plan (the Development Plan and the London Plan in London)”. For the Borough Council this means the delivery of the Joint Core Strategy 2011 to 2031 (adopted December 2017) and The Cheltenham Plan 2011 to 2031 (adopted July 2020).
- 3.14** There are fundamentally two choices for the governance of the Infrastructure Fund but whichever option is adopted, what it will be spent on will be guided by joint work on Infrastructure Requirements to deliver the JCS and the District level plans (The Cheltenham Plan):
- 1) To formally make funding decisions individually at Cabinet; or
  - 2) to enter into an agreement to do this jointly, potentially delegating authority to the Leader and a Cabinet Member, sitting on a board or joint committee, to participate in decision making in that forum.
- 3.14.1** Individual – Retain individual decision making authority on spending potentially with greater influence when promoting projects to deliver development serving Cheltenham’s needs, when co-operating/negotiating with JCS partners and the County Council.
- 3.14.2** Joint - Decision Making would be more streamlined, with decisions not having to return to three Councils for approval. Focus would be on the delivery of the JCS, irrespective of which administrative area a project sits. Discussions are still being held on how this approach can work.
- 4. Next Steps - possible next steps for the committee to consider e.g. potential witnesses, further report, site visit etc.**
- 4.1** Officers to develop recommendation on Governance arrangements for the Regulation 59F Neighbourhood Fund with a view to establishing a mechanism for delivery for spending from April 2022.
- 4.2** Officers to work with JCS partners to develop proposals for the Governance of the main Regulation 59 Infrastructure Fund with a view to establishing an efficient mechanism for delivery for spending from April 2022.

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<b>Background Papers</b>	n/a
<b>Contact Officer</b>	Mike Holmes Interim Head of Planning 07825 734386 Mike.Holmes@cheltenham.gov.uk
<b>Accountability</b>	Councillor Atherstone , Cabinet Member Economy and Development

**Police and Crime Panel Report for Overview & Scrutiny – March 2021**

**Date of Panel: February 8 2021**

**Police Precept**

The police Commissioner outlined his reasoning behind the Precept he was proposing. He had decided on 4.99%, which was lower than the 5.8% maximum increase that could have been proposed.

He advised the Panel that he would be taking a 10% cut in his own salary and the amount saved would be going to the Commissioner's Fund. He wanted an effective, efficient force and there was a need to invest in the future.

Mandated costs had increased and there was a requirement for officers to be educated to degree level, which required three years training.

He was also concerned for the well-being of officers and had earmarked £100,000 for this. It could for example pay for a new kettle in the station, or a new fridge. Small things that make a difference.

The general reserve was required to be between 3-5% of the budget. This year it would be 3.7%, which was within required boundaries.

Cllr Clucas raised two issues that affected local communities. She outlined a proposal by a number of Parish Councils and Cheltenham Borough Council, to look at the provision of youth facilities in the Borough. Post COVID and in the run up to lockdown being lifted, anti social behaviour - as indicated in the Chief Executive's report in relation to the last lockdown, was likely to increase. Partners would be making financial contributions and hoped the PCC would be supportive.

The PCC agreed to look at the potential as he understood the impact lack of youth facilities had on ASB, exploitation and crime.

Cllr Clucas asked if the PCC would support a request to the County Council in relation to the Kingsditch Estate and the traffic problems created by MacDonald's. He agreed to do so. Following a number of questions the proposed Precept was agreed nem con.

**Covid-19 enforcement plan**

The Commissioner understood how the pandemic had changed life for all citizens. The enforcement plan was working well and officers understood how to react to situations.

**CEO report**

Crime rates in the County are down, with burglaries down by 25%, obviously reflecting the COVID situation. Gloucestershire has its 6th lowest crime rate in the country. Issues relating to safer roads were raised and the PCC indicated that community concern sites had been increased, with some 60-80 in the County.

The Chief Financial Officer was retiring and John Jones, former CFO for Dorsetshire Constabulary, had been appointed.

Cllr Clucas thanked the CE and PCC for the report, which was both readable and accessible. She was pleased also that it was acknowledged that all crime begins in the neighbourhood. She also praised the inclusion of the three Superintendents for the County, all of whom were great role models for girls.

**Police & Crime Plan summary update**

A brief update was presented.

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## **Cabinet Briefing for March 2021 Overview and Scrutiny**

Since the last briefing I gave we have very much focused on the budget process and therefore do not have a huge amount at this moment.

Following the Cambell Tickell report produced with regards to Publica which members are all aware of, I am pleased to report that there has been progress on some of their recommendations, a new chair has been appointed alongside a chair for audit, both of these are external appointments following a recruitment process that did involve the shareholders. In addition I met with my respective shareholders from Cotswolds, Forest of Dean and West Oxford we have agreed to reinvigorate the Shareholder forum group that will include the Chief executives.

There may well be things that happen between now and the committee meeting that maybe of interest and I will of course update in March.

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Overview and Scrutiny Committee work plan – 2019/20 and 2020/21

Item	Outcome	What is required?	Author/presenter
<b>Monday 8 March 2021 (deadline: 24 February)</b>			
Cheltenham Economic Recovery Task Force	Consider the business plan and get broader perspective from the Chair, Diane Savory	Business plan and presentation	Diane Savory, Chair and Tracey Crews, Director of Planning, Place & Growth
Community Infrastructure Levy Governance Arrangements	Consider the governance arrangements, particularly in terms of accountability and transparency (can communities see how the money is being spent and where) and comment as necessary	Discussion paper	Mike Holmes, Head of Planning
Project Eclipse – Municipal Offices Options appraisal update	Consider the options for the future of the Municipal offices and comment as necessary	EXEMPT briefing and presentation	Emma Morgan, Programme Manager and Mark Sheldon, Project Sponsor
<b>Monday 19 April 2021 (deadline: 7 April)</b>			
Risk and Performance	Look at risk and performance scorecard on Clearview	Live demo	Darren Knight
Marketing Cheltenham	Data relating to return on investment (from a CBC standpoint) / review phase 1 and consider phase 2	Discussion paper	David Jackson
One Legal	How are One Legal performing against their Service Level Agreement / what's changed since we entered agreement (new clients, etc), what are their plans for the future?	Discussion paper	One Legal / Darren Knight (Client Officer)
<b>Monday 7 June 2021 (deadline: 26 May)</b>			
End of year performance review	Consider end of year performance and comment as necessary	Discussion paper	Richard Gibson, Strategy and Engagement Manager
New Homes and Regeneration Strategy	Consider the draft cabinet report and comment as necessary	Draft report	David Oakhill,
<b>Monday 5 July 2021 (deadline: 23 June)</b>			

**Overview and Scrutiny Committee work plan – 2019/20 and 2020/21**

UBICO annual report	Consider annual report from Ubico – how are they performing / what are their plans / meet the new MD (Beth Boughton)	Discussion paper	Ubico and Cabinet Member
<b>Monday 2 August 2021 (deadline: 21 July)</b>			
<b>Monday 6 September 2021 (date tbc)</b>			
<b>Monday 4 October 2021 (date tbc)</b>			
<b>Monday 17 January 2022 (date tbc)</b>			
<b>Monday 28 February 2022 (date tbc)</b>			
<b>Monday 28 March 2022 (date tbc)</b>			
<b>Monday 6 June 2022 (date tbc)</b>			
<b>Monday 4 July 2022 (date tbc)</b>			
<b>Monday 1 August 2022 (date tbc)</b>			



Overview and Scrutiny Committee work plan – 2019/20 and 2020/21

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## Overview and Scrutiny Committee work plan – 2019/20 and 2020/21

Items for future meetings (a date to be established)			
Public Art Panel	Consider what is it, is it effective, what has it done, what difficulties does it face	To be scheduled once SWOT has been concluded (chased TC for date 25/02/20)	Tracey Crews and Chair of Panel
Solace process	Understand the process for housing homeless people in Cheltenham and identify opportunities for improvement (Louise Boyle cannot make the April meeting / asked if rep could come or will offer an alternative date)		Officers and Cabinet Member Housing (Cllr Jeffries)
Waiver(s)	Consider recent instances where the O&S Chair has been asked to waive his right to call-in and the reasons behind these requests		Consider if this is still necessary
Air Quality / Schools	Consider the new AQMA action plan and data from the GCC 'Streets for Schools' project (June or July depending on completion of school project)		Gareth Jones and GCC officer(s)

Annual Items		
Budget proposals (for coming year)	January	Chair, Budget Scrutiny Working Group
Draft Corporate Plan	February	Richard Gibson, Strategy and Engagement Manager
Publica annual report	tbc	Dave Brooks (Chair) and MD
End of year performance review	June	Richard Gibson, Strategy and Engagement Manager

## Overview and Scrutiny Committee work plan – 2019/20 and 2020/21

UBICO annual report	July	Ubico and Cabinet Member
Scrutiny annual report	September	Democracy Officer
Police and Crime Commissioner (circulate his annual report in advance)	September	P&CC
Quarter 2 performance review	November	Richard Gibson, Strategy and Engagement Manager

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