



## Notice of a meeting of Cabinet

**Tuesday, 13 July 2021**

**6.00 pm**

**Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Rowena Hay, Peter Jeffries, Victoria Atherstone, Flo Clucas, Mike Collins, Iain Dobie, Martin Horwood, Andrew McKinlay and Max Wilkinson

## Agenda

		<b>SECTION 1 : PROCEDURAL MATTERS</b>	
<b>1.</b>		<b>APOLOGIES</b>	
<b>2.</b>		<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>		<b>MINUTES OF THE LAST MEETING</b> Minutes of 15 <sup>th</sup> June meeting.	(Pages 5 - 10)
<b>4.</b>		<b>PUBLIC AND MEMBER QUESTIONS AND PETITIONS</b> These must be received no later than 12 noon on Tuesday 6 <sup>th</sup> July.	
		<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> Matter from Overview & Scrutiny Committee – Cllr. Barrell.	
		<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>HOUSING, HOMELESSNESS &amp; ROUGH SLEEPING STRATEGY ACTION PLAN</b> Report of the Cabinet Member Housing	(Pages 11 - 42)

6.		<b>CABINET APPOINTMENT TO OUTSIDE BODIES</b> Report of the Leader of the Council	(Pages 43 - 54)
7.		<b>LOCAL DISCRETIONARY BUSINESS RATES RELIEF SCHEMES</b> Report of the Cabinet Member Finance and Assets	(Pages 55 - 84)
8.		<b>FINANCIAL OUTTURN 2020/21</b> Report of the Cabinet Member Finance and Assets to follow	
		<b>SECTION 6 : BRIEFING SESSION</b> • Leader and Cabinet Members	
9.		<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>	
		<b>SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS</b>	
10.		<b>LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS</b> <b>The Cabinet is recommended to approve the following resolution:-</b>  “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 paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:  Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information);  Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
11.		<b>EXEMPT MINUTES</b> Exempt minutes of 15 <sup>th</sup> June meeting.	(Pages 85 - 86)
12.		<b>A PROPERTY MATTER (1)</b> Report of the Cabinet Member Cyber and Strategic Transport	(Pages 87 - 478)
13.		<b>A PROPERTY MATTER (2)</b> Report of the Cabinet Member Cyber and Strategic	

		Transport to follow	
14.		<b>THE CHELTENHAM TRUST - CAPITAL GRANT AWARD TO SUPPORT THE REDEVELOPMENT OF THE WILSON ART GALLERY AND MUSEUM</b> Report of the Cabinet Member Culture, Wellbeing and Business	(Pages 479 - 500)

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## Cabinet

**Tuesday, 15th June, 2021**  
**6.00 - 6.55 pm**

Attendees	
<b>Councillors:</b>	Rowena Hay (Leader of the Council), Peter Jeffries (Deputy Leader and Cabinet Member Finance & Assets), Victoria Atherstone (Cabinet Member Culture, Wellbeing & Business), Flo Clucas (Cabinet Member Safety & Communities), Mike Collins (Cabinet Member Housing), Iain Dobie (Cabinet Member Waste & Recycling & Street Services), Martin Horwood (Cabinet Member Customer & Regulatory Services), Andrew McKinlay (Cabinet Member Cyber & Strategic Transport) and Max Wilkinson (Cabinet Member Climate Emergency)
<b>Also in attendance:</b>	Tim Atkins, Sarah Farooqi, Simon Hodges

## Minutes

**1. APOLOGIES**

There were none.

**2. DECLARATIONS OF INTEREST**

There were none.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 27<sup>th</sup> April were approved and signed as a correct record.

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

There were none.

**5. HOUSING REVENUE ACCOUNT - SHARED OWNERSHIP SALES AND STAIRCASING POLICY**

The Cabinet Member Housing introduced the report and drew attention to its key points. It was important to make it easier for people to purchase their own homes, and various mechanisms were in place to make this easier. Shared ownership arrangements tended to range from 25% to 75% ownership, and were generally 45% in Cheltenham, while the rent criteria on unsold equity was 2.75%. He noted that the third recommendation allowed for amendments to the policy to be made if the government changed anything to do with it before the full policy was up for review in three years' time.

The Cabinet Member Climate Emergency described the policy as an important step, noting that Cheltenham was not an affordable place to live. In a difficult

housing market it was important to make a difference, especially for young people and families who were struggling to buy a home or afford to rent.

The Cabinet Member Cyber and Strategic Transport added that the need for affordable housing would only grow larger considering the council's future projects. Home ownership was becoming more difficult and these initiatives make a difference. The Cabinet Member Finance and Assets agreed that it was important to use every tool available to make homes more affordable and accessible.

The Cabinet Member Housing thanked members for their contributions. He added that 27 affordable homes at Monkscroft Villas, some of which were shared ownership, had been snapped up very quickly, demonstrating the demand for housing in the town.

The Leader moved to a vote, where it was unanimously:

**RESOLVED THAT:**

1. The Shared Ownership Sales policy be approved;
2. The Shared Ownership Staircasing policy be approved;
3. Authority be delegated to the Lead Commissioner Housing Services, in consultation with the Cabinet Member Housing, to make necessary changes to the current policy in order to comply with government guidance until the policy is subject to a full review in three years' time.

**6. COMMISSIONING YOUTH WORK 2021**

The Cabinet Member Safety and Communities said she was delighted to present the report to Cabinet. Throughout the Covid crisis, a significant number of young people had been out on the streets, becoming involved in anti-social behaviour and at risk of exploitation by criminal gangs, partly because they had little else to do. She stressed that young people should feel like part of Cheltenham and know where they can seek help and talk to people about their problems.

She noted that the key question was how the council could make a difference when youth provision in many places had been cut over the years. She thanked a number of partners for providing financial support, and highlighted key elements of the report like the introduction of trained detached youth workers, who would specialise in particular areas but be able to help people all across Cheltenham.

She hoped that it would be the first step of a long and successful project that could be built across Cheltenham, and emphasised that children and young people must have access to quality youth workers who can support them as they grow as individuals.

The Cabinet Member Housing added that young people were one of the town's most valuable assets, and that government funding cuts had long-term consequences. In his ward, the loss of youth provision over the years had had a genuine negative impact. He asked whether the Cabinet Member Safety and Communities would be willing to speak at one of his residents' association's meetings about this.

The Cabinet Member Finance and Assets emphasised that it was important to speak up for those who did not have much of a voice, and that he hoped it would be the first step of a successful process.

The Cabinet Member Waste, Recycling and Street Services agreed that the gradual loss of youth provision over the years had contributed to antisocial behaviour in the town. It was good to see council-led initiatives making a difference, and he hoped he would see an impact in the Warden Hill area.

The Leader praised the report and highlighted the importance of bringing about long-term, sustainable change.

The Cabinet Member Safety and Communities thanked colleagues for their words, and emphasised that funding would be an essential factor in the future. She added that she would be happy to meet with residents' associations to hear their views and discuss how they could build on projects like this in the future.

The Leader moved to a vote, where it was unanimously:

**RESOLVED THAT:**

1. The decision to grant £55,000 from the Commissioning Youth Work Fund to Inspire to Aspire C.I.C to carry out a programme of detached youth work across the borough for 12 months from July 2021 be approved;
2. Authority be delegated to the Executive Director of People and Change to agree the terms of and sign the grant agreement, in consultation with the Cabinet Member Safety and Communities;
3. It be recommended to Council that the grant of £20,000 to Cheltenham Performing Arts Festival in 2020, which could not go ahead, is approved to be used as the council's contribution to the Commissioning Youth Work Fund as part of the financial out turn report.

**7. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Safety and Communities reported that on the 18<sup>th</sup> June, she would be chairing a session at a European conference about the Covid recovery and contributing insight on what Cheltenham had done. Heads Up Cheltenham had been recently launched, which was a project looking at helping people with mental health issues. On the 17<sup>th</sup> June she would be visiting IT Schools Africa, a Cheltenham-based organisation which collects IT technology and distributes it to those in need across the world. She thanked the former Mayor, Roger Whyborn, for his hard work in raising a significant amount of money over the last year through the Mayor's Fund. Finally, she noted that Cheltenham A&E had been reopened, and although it was likely to be temporary she thanked the Restore Emergency At Cheltenham General Hospital (REACH) campaign for their work.

The Cabinet Member Culture, Wellbeing and Business thanked Marketing Cheltenham for launching the Cheltenham: Find Your Happy Place campaign, and noted that the response so far from residents and businesses had been very positive. The Parks team was working on community payback schemes, including travelling round Cheltenham and repainting railings. The Cheltenham Economic Recovery Task Force was bringing in businesses and community

support groups to tackle the topics of hospitality and the visitor economy, to figure out how to most effectively support these sectors.

The Cabinet Member Finance and Assets noted the extension of coronavirus restrictions until the 19<sup>th</sup> July and the lack of additional support measures from the government thus far, which he hoped would change soon.

The Cabinet Member Climate Emergency reminded members of the motion brought to Council in March by Cllrs. Horwood and Boyes on the Climate and Ecological Emergency Bill. He had recently written to Alex Chalk MP and Laurence Robertson MP about it, and both had sent detailed replies without yet committing to support the bill. He added that a county-wide climate enforcement officer was now in post, and would be an important role based on partnership working. Finally, he added that Thursday 18<sup>th</sup> June would be Clean Air Day, and urged everyone to do their bit.

The Cabinet Member Housing thanked his predecessor (Cllr. Jeffries) for his work on the housing portfolio. He added that he had met with lead officers and key partners, and stressed the importance of housing as a key part of the carbon neutrality by 2030 pledge.

### **Decisions of Cabinet Members**

The Leader moved onto the Cabinet Member Decisions taken since the last meeting on 27<sup>th</sup> April. The former Cabinet Members for Finance and Assets and Clean and Green Environment (Cllrs. Jordan and Coleman) had taken decisions relating to the Additional Restrictions - Discretionary Business Grant Scheme and the disposal of commercial waste. The Cabinet Member Safety and Communities had taken a decision to allocate the Winter Grant Scheme funding, while the Cabinet Member Finance and Assets had amended the Test and Trace Support Payment Scheme. The Leader reported that she had taken three decisions regarding the remuneration of Ubico's non-executive directors, the surrender of a lease of a telecommunications site in West Cheltenham and Ubico's five year vision. The Cabinet Member Climate Emergency added that he had awarded a contract under the Public Sector Decarbonisation Fund to a company which would provide integrated metering networks across 8 council premises, targeting a reduction in energy consumption of up to 25%. This complied with the council's carbon neutral objectives, and he thanked Alex Wells, the Climate Emergency Project Support Officer, for making it possible.

#### **8. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS**

#### **9. GIFT TO CHELTENHAM BOROUGH COUNCIL AS A RESIDUARY BENEFICIARY OF AN ESTATE**

Members resolved to move into exempt session.

The Cabinet Member Finance and Assets introduced the item, which related to a gift to Cheltenham Borough Council as a residuary beneficiary of an estate. Simon Hodges, Senior Asset Management Surveyor, explained the background of the item and updated members on recent developments.



The Leader moved to a vote, where it was unanimously:

**RESOLVED THAT**

The recommendations be approved.

**Chairman**

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**Cheltenham Borough Council**  
**Cabinet – 13<sup>th</sup> July 2021**  
**Housing, Homelessness & Rough Sleeping Strategy 2018-23**  
**Action Plan Update 2021**

<b>Accountable member</b>	<b>Councillor Mike Collins, Cabinet Member Housing</b>
<b>Accountable officer</b>	<b>Martin Stacy, Lead Commissioner – Housing Services</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The council's Housing, Homelessness &amp; Rough Sleeping Strategy 2018-23 was approved by Cabinet in July 2018. This is a five year strategy that sets out both our vision and priorities in order to achieve our outcomes.</p> <p>This strategy is a living document. For this reason we are updating our action plan annually to reflect the challenges and opportunities that have arisen, and will continue to arise, since the strategy was published.</p> <p>Our updated action plan is at Appendix 2 of this report.</p>
<b>Recommendations</b>	<p><b>That Cabinet:</b></p> <p><b>1. Approves the Housing, Homelessness &amp; Rough Sleeping Strategy Action Plan Update for 2021</b></p>

<b>Financial implications</b>	<p>None as a direct result of this report.</p> <p><b>Contact officer:</b> Andy Taylor, <a href="mailto:andrew.taylor@cheltenham.gov.uk">andrew.taylor@cheltenham.gov.uk</a>, 01242 264186</p>
<b>Legal implications</b>	<p>The applicable legislation is the Housing (Homeless Persons) Act 1977, Housing Act 1996 - Homelessness Act 2002. The Homelessness Reduction Act 2017 places an emphasis on early intervention and the prevention of homelessness. Authorities must provide structured advice and assistance to everyone who is homeless or threatened with homelessness, not just those who are considered to be vulnerable and in “priority need”. The Council is required to have a strategy in place and ensure that this complies with the relevant legislation. The Council should also have regard to the Equality Act 2010 and the Human Rights Act 1998 when applying their strategy.</p> <p><b>Contact officer:</b> <a href="mailto:vikki.fennell@onelegal.org.uk">vikki.fennell@onelegal.org.uk</a>, 01684 272015</p>
<b>HR implications (including learning and organisational development)</b>	<p>None as a direct result of this report.</p>
<b>Key risks</b>	<p><b>Please see Risk Register – Appendix 1</b></p>
<b>Corporate and community plan Implications</b>	<p>This action plan update supports the council’s corporate priority: ‘Increasing the supply of housing and investing to build resilient communities’, as well as the council’s place vision: ‘Cheltenham is a place where people and communities thrive’.</p>
<b>Environmental and climate change implications</b>	<p>None as a direct result of this report</p>
<b>Property/Asset Implications</b>	<p>None as a direct result of this report</p> <p><b>Contact officer:</b> Dominic Stead, <a href="mailto:Dominic.Stead@cheltenham.gov.uk">Dominic.Stead@cheltenham.gov.uk</a>, 01242 264151</p>

## **1. Background**

- 1.1** The Housing, Homelessness and Rough Sleeping Strategy 2018-23 was approved by Cabinet in July 2018. This is a five year strategy that sets out both our vision and priorities in order to achieve our outcomes.
- 1.2** This strategy is a living document. For this reason we will continue to update our action plan annually to reflect the challenges and opportunities that have arisen, and will continue to arise, since the strategy was published. Our updated action plan is at Appendix 2 of this report.
- 1.3** Whilst we must look forward, this report also provides us with an opportunity to look back at some of our most notable achievements during the third year of our strategy. These are summarised below:

## **2. Progress against our Housing & Homelessness Strategy Action Plan 2018/23**

### **2.1 Outcome 1 – Increasing the provision of affordable housing.**

- 80 new affordable homes were provided during 2020/21, of which 75 homes (i.e. 94%) were delivered over and above what would have been delivered through market forces alone. This 'additionality' – a key aim of our housing strategy - is made up of 34 (out of 37) new council (CBC) homes delivered via Cheltenham Borough Homes (CBH), along with a further 41 (out of 43) new affordable homes provided by Bromford, with the help of Homes England grant funding.
- Significant progress has also been made over the last 12 months to identify a wide range of sites for the potential delivery of CBC-owned affordable housing across the Borough. We now have a current pipeline of c.371 affordable homes to be delivered within 5 years from April 2021. This includes schemes in contract, committed sites, our acquisitions programme and sites with a higher probability of progressing, and does not include any further speculative sites which we are also continuing to progress.
- During the first few months of this new financial year alone, CBC has already delivered, via CBH, a further 27 new affordable homes at Radford Court, Hesters Way. This is in addition to land recently acquired at Monkscroft school (potentially delivering 70 affordable homes) and the recent acquisition of land at Swindon Road (subject to planning permission being awarded), which has the potential to provide a further 24 affordable homes. At present, we are expecting to invest approximately £89m from the Housing Revenue Account on new affordable homes over the 3 years to March 2024.
- This is in addition to the exciting new opportunities currently underway in West Cheltenham's proposed Cyber Park/Golden Valley development, which will see the provision of up to 3,700 new homes alongside a new cyber innovation hub. Please see the following link for more information:  
  
<https://www.goldenvalleyuk.com/>
- Our plans to significantly increase the delivery of affordable housing in the Borough are part of a wider £180m CBC housing investment plan that will see the provision of both private rented and market homes throughout the town. CBH have already taken the first steps to providing 13 high quality homes in the private rented sector later in the year, following their acquisition of a site for refurbishment at St George's Place in the town centre.

### **2.2 Outcome 2 – Making best use of existing housing and improving our**

## neighbourhoods

- During the last 12 months, nearly 300 homes in the private sector in Cheltenham have been made safer. 13 long term empty homes have also been brought back into use as a result of direct action taken by CBC's Enforcement Team. In addition, the county-wide, jointly commissioned Warm & Well scheme undertook 86 energy efficiency measures, leading to an estimated annual carbon saving of 205.8 tonnes, and generating estimated annual savings of over £10,000 for households for the Borough.
- In addition, CBH have now completed a fire door renewal programme, installing over 6,000 new doors across our properties over the last 5 years. It is also anticipated that the window replacement and boiler programme will be completed during 2021/22. These improvement programmes have so far contributed to a further uplift in the SAP (energy efficiency) rating of our homes (now 72.96, compared with 72.02 in 2019).
- Following a funding bid to the government's Decarbonisation Fund Demonstrator Project, CBC (again, via CBH) has been successful in securing a £40k grant, which will go towards financing the transformation of two low energy performing homes through a 'deep retrofit' pilot. It is envisaged this will be implemented during 2021/22.
- Supporting households to downsize from large CBC homes is a key part of our housing strategy, as this helps to release these homes for larger families. Over the last 12 months, CBH have enabled 25 households to downsize from family-sized CBC accommodation, via Cheltenham's Help to Move Scheme. (This scheme provides practical support and assistance to enable older people to move home.) Of the 25 homes that became available for re-letting, four were 4 bedroom properties and one was a 5 bedroom home. In total, 34 unused bedrooms were freed-up for larger families under this initiative.

### 2.3 Outcome 3 – Tackling Homelessness and Rough Sleeping

- COVID-19 meant that 2020/21 was a challenging year generally, but perhaps most challenging of all has been our work in tackling homelessness and rough sleeping, particularly in the first national lockdown when housing pathways were significantly reduced. During the year, CBC and CBH responded positively to the government's 'everyone in' message by making 125 placements into emergency, hotel accommodation for those who were either rough sleeping or at imminent risk of rough sleeping. We have also collaborated with our partners across the county to bid for funding for the provision of accommodation and the joint commissioning of services for rough sleepers. A summary of some of our key successful funding bids during 2020/21 is provided below:
  - £3.8m county-wide funding from the government's Next Steps Accommodation Programme (NSAP). This funding is going towards providing approximately 50 additional new homes in the county for rough sleepers, along with specialist support services to help with tenancy sustainment. The funding also includes £24,000 to furnish 6 CBC homes to be made available specifically for rough sleepers with highly complex needs.
  - £868k funding from the government's Rough Sleeper Initiative (RSI4). This funding will enable key services for rough sleepers to continue to be commissioned across the county to cover the period July 2021 to March 2022. Specifically, it will ensure that we are able to maintain our existing Somewhere Safe to Stay Hubs in Gloucester and Cheltenham, and to

continue operating a larger Assertive Outreach Team. The funding includes a new Adult Social Work position within the Navigator Service operating from the hubs so that any care needs can be more easily assessed. There will also be a Hospital In-Reach worker to ensure rough sleepers going into hospital are not discharged onto the streets. In addition, this funding includes a £112,000 Enhanced Placement Fund (which incorporates funding for Winter 21/22, provided as a separate “Cold Weather Fund” in previous years) to ensure that rough sleepers have an off the street accommodation offer.

- Finally, CBC was successful in securing a small pot of Protect Plus Funding (c.£6k) from MHCLG to fund a short-term, part-time link worker post, employed by P3. This post is being used to pilot a new approach to engaging with our most entrenched rough sleepers in Cheltenham – a handful of individuals who are consistently unwilling to engage with services. Our aim is to enable more time to be spent with these households to build trust, with a view to then finding bespoke solutions and pathways.
- In addition to funding received via MHCLG, district authorities agreed to jointly fund and commission P3 (a charity) to secure 50 homes across the county within the private rented sector for rough sleepers with lower support needs (i.e. for those whose needs can more easily be met through Housing Benefit's Intensive Housing Management payments). We are currently at the start of this initiative, so we will be closely monitoring outcomes to identify early successes and any lessons learned.
- Following COVID, we have reviewed our county-wide housing partnerships. CBC is now chairing a new Programme Management Group on behalf of districts and representatives from other relevant organisations such as Gloucestershire County Council, Health, and the Police and Crime Commission. This group will be responsible for coordinating and bidding for new funding opportunities, commissioning services, and monitoring and reviewing outcomes across the county.
- Throughout these last 12 months, CBH's Housing Options Service has continued to remain effective in preventing and relieving homelessness across the Borough. In 20/21 there were 362 households whose homelessness was either prevented or relieved. This compares with 145 households during 2017/18 (prior to the implementation of the Homelessness Reduction Act and CBC's Housing, Homelessness & Rough Sleeping Strategy).
- Following an earlier successful countywide bid for funding, a Private Rented Sector Access Fund was established a couple of years ago to increase access to the private rented sector for homeless households (through the payment of deposits). The scheme ended earlier this year, with Cheltenham securing 85 of approximately 200 private rented properties secured across the county.
- Cheltenham's Housing Options Service is one of the few homelessness services that also includes a much valued Benefits and Money Adviser. During the last 12 months alone, our Adviser has generated an additional £2.3m income for low-income households as a direct result of her involvement in supporting residents to resolve their benefits issues. This is an increase from £1.5m achieved the previous year, and reflects the increased financial support that has been made available generally during the pandemic, which our Benefits and Money Adviser has been able to tap into for her clients.

## 2.4 Outcome 4 – Improving the health and wellbeing of our communities

## Page 16

A lot of work has been undertaken by CBC and our partners, including CBH, to help improve the health and wellbeing of our communities and to support independent living. Here are a few highlights:

- CBC led on a comprehensive review of our Preferred Provider arrangements on behalf of the Joint Core Strategy Affordable Housing Partnership (which is made up of Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council). Of the Registered Providers that applied for Preferred Provider status, six were successful, and they have since joined the new Affordable Housing Partnership. The six successful Preferred Providers are: Aster, Bromford, Cheltenham Borough Homes, Cottsway Housing, Rooftop and Two Rivers. All were able to demonstrate a strong alignment with each district's housing and homelessness strategies, with a particular focus on reducing homelessness, increasing the provision of affordable housing, and creating sustainable and cohesive communities. We look forward to working with these Preferred Providers on our Strategic Allocation Sites, situated at West Cheltenham and North West Cheltenham, in the near future.
- CBH have continued to do well in tackling antisocial behaviour (ASB) – with all 132 cases being successfully resolved. In addition, CBH's Employment Initiatives Service has enabled 68 people to access training locally, and helped a further 41 people into work.
- Whilst opportunities to deliver initiatives in the community have been challenging during the pandemic, a range of online community activities have been implemented, which have enabled social contact to continue throughout these difficult times. Wellbeing calls have also allowed CBH to maintain contact with residents, and to help understand any vulnerability issues. Planning is now underway to restart the community and wellbeing initiatives in the summer (assuming restrictions are, and remain, lifted at the end of July 2021).
- Working with our partners in Health and Social Care, we have been supportive of the implementation of a new Home-Sharing Scheme. This Scheme brings together older people who have spare rooms, with people who need affordable accommodation and who are happy to chat and lend a hand if needed. The scheme is still at its early stages, but initial feedback remains very positive, with 15 households matched across the county as a whole, 5 of which have been in Cheltenham since the initiative began in 2019/20.
- Partners also remain committed to investing in improvements to the Borough's park homes. Through the use of the county-wide Better Care Fund, Health and Social Care partners have enabled 74 park homes across the county to be insulated this year, 9 of which were in Cheltenham. Of those benefiting from the insulation, 89% stated they felt happier in their home and 87% stated the improvements has a positive impact on their day-to-day life.
- Earlier this year, CBH (on behalf of CBC) was successful in securing £70,000 from the county-wide Better Care Fund. This funding will be used to support the creation of two new community hubs in our sheltered schemes at Coopers Court, Charlton Kings, and at Popes Close near the town centre, building on the two hubs that already exist at Wallace House, Hatherley, and at Lynworth Court, Prestbury. It is envisaged these community hubs will be delivered during 2021/22, and will improve social interaction and reduce social isolation within these local communities.
- CBC's Lifeline Alarm service has carried out 193 new installations over the last 12 months, with a further 84 key safes being fitted to allow for ease of access to both care and emergency services,



all of which contribute to our collective aims of supporting independent living.

- CBC has also continued to work collaboratively with our partners across the county to develop greater consistency in the delivery of Disabled Facilities Grant (DFG) services. 44 major DFG adaptations were delivered this year, enabling disabled or frail people to remain in their homes.
- Finally, CBC is proud to be a town of sanctuary for refugees and asylum seekers. We are continuing to work with partners to increase the provision of homes for asylum seekers and refugees within the Borough. In November 2020, CBC took the decision to increase the number of homes that will be sourced by UK Visas and Immigration (UKVI) as part of the Asylum Dispersal Scheme to accommodate approximately 50 people, and procurement for additional properties is currently underway. We will review our position again after 12 months.

### **3. Next steps for the year ahead**

**3.1** Appendix 2 of this report provides a detailed breakdown of the range of activities that will be undertaken during 2021/22 and beyond in order to support our strategy. Highlights include:

- Creation of an overarching CBC Housing Investment Strategy (incorporating private rented sector and market homes delivery to help support our regeneration aspirations and carbon neutral agenda);
- Continued focus on firming up our pipeline of up to 500 affordable homes over the next five years;
- West Cheltenham/Cyber Park – progression with the Golden Valley project that will lead to the creation of a new cyber innovation hub and potentially 3,700 new homes;
- A review of the affordable housing (and associated) policies within the JCS, as part of the JCS review – and to create a new Affordable Housing Supplementary Planning Document to support CBC's policy position;
- Via CBH, develop a Carbon Reduction Action Plan to support CBC's declared climate emergency;
- Jointly commissioning a county-wide housing condition survey to ensure we are up to date on the condition of homes in the private sector. This will then help to inform CBC's future priorities in this area;
- Recommission CBC's Advice & Inclusion Service (covering, debt, benefits, financial inclusion and housing rights advice), subject to securing relevant approvals;
- Further investment in the Housing Options Service, utilising MHCLG homelessness prevention grant funding, to create a deeper, more resilient service that will enable continued emphasis on tackling rough sleeping, as well as supporting people more generally to be able to stay in their homes;
- A review of rough sleeper pathways and the commissioning of services following successful funding bids to MHCLG, along with preparation of further service provision requirements ahead of any future funding opportunities;

- Implementation of the new Domestic Abuse Act. This will involve establishing new county-wide partnership arrangements, which will be responsible for supporting the county council in the assessment of needs, strategy development and the commissioning of services.

#### **4. Reasons for recommendations**

**4.1** It is important that our strategy remains a living document by way of annual updates to our action plan. Issues around housing, both nationally and locally, will continue to emerge; and so the activities that support these outcomes need to be responsive and flexible to meet new challenges and embrace emerging opportunities as they arise. For instance, nationally, a number of key announcements have been made over the last 12 months. These include:

- Publication of the government's Social Housing White Paper. This sets out a 'charter for social housing residents' and aims to deliver the improvements in transparency and accountability in the social housing sector, with a view to raising standards throughout the country. Critically the role of the Social Housing Regulator is set to change, with triggers for intervention likely to be more frequent, once the current 'serious detriment test' is removed. Primary legislation is required for much of the proposals within the white paper, and we are currently working with CBH to ensure CBC continues to remain compliant with the Consumer Standards ahead of any changes.
- The government's launch of its 'First Homes' programme. This discount market housing is now set to become a requirement within s.106 affordable housing schemes. The Ministerial Statement of 24<sup>th</sup> May 2021 means that, following a transitional period, 25% of affordable housing on s106 schemes will need to be First Homes. A minimum discount of 30% will be available (more, i.e. 40% or 50%, if local authorities can evidence the need). First Homes will replace other forms of affordable housing tenure, notably Shared Ownership and potentially Affordable Rented homes. LAs will also be required to identify the resources needed to administer the delivery of First Homes (e.g. assessing home-buyers on their eligibility for the product).
- The government have now set out a new national model for Shared Ownership properties delivered under the government's Affordable Homes Programme 2021-26, bringing down the initial stake that households can purchase from 25% of the value of the home to 10%. In addition, for homes delivered under the programme, owners will be able to increase their share of their home in 1% tranches rather than the current 10%. As part of these new measures, Shared Ownership leaseholders will not be responsible for the essential repairs and maintenance for the first 10 years of ownership on new build homes.
- On 27<sup>th</sup> January 2021, the government published its response on the Future Homes Standard following early public consultation on proposed changes to the Building Regulations. The response sets out how, within four years, new housing must produce 75%-80% fewer carbon emissions than permitted under the current regulations. A full technical specification for the Future Homes Standard will be consulted on in 2023, with the necessary legislation introduced in 2024, ahead of implementation in 2025.
- During the pandemic, the government placed a temporary ban on eviction hearings and extended the notice period that landlords are required to give to their tenants if they wish to end the tenancy. The ban on evictions came to an end on 31<sup>st</sup> May 2021, with the first evictions taking place from mid-June. Tenants will still continue to benefit from longer

notice periods, though these are now gradually being reduced from 6 months back to 2 months, from 1<sup>st</sup> August 2021.

- 4.2** The above examples illustrate the complexity and breadth of 'housing' – sometimes a decision taken in one area can have unintended consequences in another. As such, national policy will continue to evolve.

## **5. Alternative options considered**

- 5.1** To agree not to update the Housing & Homelessness Strategy 2018-23 action plan. It is proposed this option is rejected for the reasons given above. Our action plan needs to remain responsive to changes nationally and locally, and as illustrated above, 'housing' is a fast-changing world.

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

- 6.1** CBC recognises the importance of increasing the supply of housing and the need to build strong, resilient communities – indeed it is one of our top 5 priorities within our corporate plan. Our updated action plan supports this priority.

## **7. Consultation and feedback**

- 7.1** This action plan has been updated in collaboration with key officers within CBC, CBH and our other partners. It has also been circulated for feedback to a range of organisations within our Housing & Support Forum, and updated accordingly.

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

- 8.1** Progress against our action plan will be reviewed and updated annually and brought to Cabinet for approval.

<b>Report author</b>	<b>Martin Stacy, <a href="mailto:martin.stacy@cheltenham.gov.uk">martin.stacy@cheltenham.gov.uk</a>, 01242 264171</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Housing, Homelessness &amp; Rough Sleeping Strategy Action Plan Update 2021</li></ol>
<b>Background information</b>	

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 regularly monitor progress against the activities and outcomes identified within the Housing, Homelessness & Rough Sleeping Strategy 2018-23, then the effectiveness of the strategy will be unclear, and the opportunity to review activities in light of any emerging issues could be missed.	Martin Stacy	24.5.21	3	4	12	Reduce	Ongoing annual review and monitoring of the Housing, Homelessness & Rough Sleeping Strategy, as approved by Cabinet.	13.7.21	Martin Stacy	
<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											



## Housing, Homelessness & Rough Sleeping Strategy 2018-23



## Action Plan Update 2021

## Outcome 1: Increasing the provision of affordable housing

ACTION	TARGETS OR MILESTONES	TARGET DATE	LEAD/ PARTNERSHIPS
We will use our housing supply working groups to oversee progress towards identifying sites and evaluating their suitability for acquisition and the delivery of affordable housing and private rented (PRS) accommodation	Pipeline of potential 106 acquisitions and land led schemes identified	Ongoing through 2021/22 and beyond	Lead Commissioner – Housing Services and Cheltenham Borough Homes via the following partnership arrangements:
	Emerging overarching CBC Housing Investment Plan to inform priorities for delivery of new homes	2021/22	Cabinet Member Working Group Strategic Housing Delivery Group Operational Working Group
	Target 65 Private Rented Homes delivered or in pipeline (CBH are currently reflecting on the reality of the strong market conditions we are experiencing locally to ensure we are well placed to meet this target)	Ongoing	
	Delivery target of 59 affordable homes of which it is anticipated that 41 of which will be ‘additionality’ (i.e. homes delivered over and above market forces alone).	2021/22	
	Delivery target of 130 affordable homes, of which it is anticipated that 96 will be ‘additionality’	2022/23	

We will identify use of commuted sums and Homes England grant funding to enable delivery of affordable homes that might otherwise be unviable.	Identification of land and property that would not be viable for the delivery of affordable homes without the injection of commuted sums	Regular review and allocation during 2021/22	Lead Commissioner – Housing Services Cheltenham Borough Homes  Other Registered Providers
We will ensure that appropriate governance arrangements are in place to enable delivery	Cabinet Approval of any changes to CBC-CBH Management Agreement and Articles of Association, if required.  Review/clarify roles and responsibilities across CBC-CBH to support agility	2021/22  2021/22	Lead Commissioner – Housing Services  Cheltenham Borough Homes
We will actively monitor development and show how CBC is delivering against housing requirement targets.	Via annual housing monitoring report	Winter 2021	Planning Policy
We will undertake a new Joint Core Strategy Housing Review	Draft Plan (reg.18)  Pre-Submission (reg. 19)  Submission to Secretary of State  Adoption	Summer 2021  Winter 2022  Spring 2023  2023	Planning Policy  Tewkesbury Borough Council  Gloucester City Council
We will provide training to Members on planning, and identify other engagement activities which will be carried out on an annual basis	Timetable agreed Delivery of activities	Ongoing	Development Management
We will keep under review the Leader's Allocations of Executive Functions to ensure it provides sufficient agility to enable the	Review as needed in light of future acquisition programme	2021/22	Lead Commissioner – Housing Services  Property Services

acquisition of homes for affordable housing purposes			Cheltenham Borough Homes
We will ensure we have an up to date understanding of housing needs across the Borough, including the needs of older and/or frail people to help inform future planning policy	Housing with Care Strategy now in place  Housing with Care District-focused Place-based Plans	2021/22	Housing Strategy & Enabling Planning Policy Other district authorities Gloucestershire County Council/NHS
We will increase transparency for developers regarding our expectations over the delivery of affordable homes, thereby speeding up the negotiation process on s106 agreements	Affordable Housing Supplementary Planning Document:  Consultation Adoption – full council	Winter 2021/22 2022/23	Affordable Housing Partnership (CBC leading)
We will co-create a joint workplan with the recently refreshed and recruited Affordable Housing Partnership of Preferred Providers	Work plan agreed with Preferred Providers and LAs within the JCS area, to include:  <ul style="list-style-type: none"> <li>- Update to the JCS precedent s.106 agreement</li> <li>- Update to the JCS precedent s.106 Guidance Notes</li> <li>- Agree 6 monthly monitoring arrangements re preferred Provider outcomes</li> </ul>	Summer 2021  Summer/Autumn 2021  As above As above	Affordable Housing Partnership (CBC leading)

## Outcome 2- Making best use of housing and improving our neighbourhoods

ACTION	TARGETS OR MILESTONES	TARGET DATE	LEAD/ PARTNERSHIPS
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We will roll out a programme of identification and inspection of HMOs across the borough to ensure that any remediation works are carried out, and to ensure that the management standards meet the regulatory requirements	Data collection completed and commencement of St Peter's Ward survey	2021/22	Enforcement Manager
	Prepare for St Pauls Ward Survey and associated data collection in connection with article 4 direction requirements.	March 2022	Enforcement Manager
We will jointly commission a county-wide housing condition survey	Specification agreed  Procurement/tender Contract with successful provider and implementation	2021/22	Enforcement Manager
We will investigate whether CBC can adopt nationally described space standard for all new dwellings	Adopt as part of the JCS Review	2022	Planning Policy
We will reduce the number of homes with Health & Safety Hazards by identifying properties and ensure appropriate action is taken	We will aim to increase the safety of more than 600 homes during 2021/22	March 2022	Enforcement Manager
We will improve standards in the private rented sector through the council's accreditation scheme 'Fit for rent'	The Enforcement team will continue to make accreditation inspections on request in 2021/2022. The charge for inspection will be kept at £300 for 2021/2022.	Ongoing	Enforcement Manager
We will reduce the number of empty homes in the Borough	We will establish joint protocol arrangements with CBH over the potential acquisition of long term empty homes for use as affordable housing.	2021/22	Enforcement Manager

	<p>We will review internal resourcing with a view to increasing our focus on reducing the number of long term empty homes.</p> <p>Options for use of Compulsory Purchase Orders (CPOs) will continue to be explored on bringing the most difficult properties back into use in conjunction with formalised negotiation procedures.</p>	<p>2021/22</p> <p>Ongoing</p>	<p>Enforcement Manager</p> <p>Enforcement Manager</p>
We will regularly monitor and review performance of the jointly commissioned Warm & Well scheme	Aim for c.40 energy efficiency measures to be implemented, with potential savings estimated to be c.£10,000 to those households benefiting	Spring 2022	Enforcement Manager
We will install new more thermally efficient windows and doors throughout all of our council homes	<p>Completion of door renewal programme</p> <p>Completion of window replacement programme</p>	<p>March 2022</p> <p>March 2022</p>	Cheltenham Borough Homes – Head of Technical & Investment Services
We will improve the energy performance of our council homes	<p>c. 1000 remaining homes to have boilers replaced.</p> <p>We will provide individual support to tenants in relation to their energy usage, bills and savings where they are referred by their Tenancy Management Officer or the Benefits and Money Advisor to ensure that their properties are effectively insulated</p>	<p>March 2022</p> <p>Ongoing</p>	Cheltenham Borough Homes – Head of Technical & Investment Services

	We will undertake a pilot 'deep retrofit' of 2 low energy performing council homes as part of our successful bid for grant funding under the Social Housing Decarbonisation Fund Demonstrator Project	2021/22	Cheltenham Borough Homes – Head of Technical & Investment Services
	We will progress with our first carbon neutral 'pilot' scheme to redevelop a former garage site (providing 4 new council-owned affordable homes)	2022/23	Cheltenham Borough Homes – Head of Technical & Investment Services/Head of Development
	We will develop a Carbon Reduction Action Plan as part of CBC's declared climate emergency.	Autumn 2021	Cheltenham Borough Homes – Head of Technical & Investment Services
	SAP rating target 73	Spring 2023	
	All homes will have a minimum SAP rating of 60	Spring 2024	
We will implement an Asset Management modelling toolkit to understand the Net Present Value of our council homes, to enable the council to make more informed decisions about future investment options of our council homes.	Re-testing following installation of new QL Housing Management system	Summer/Autumn 2021	Cheltenham Borough Homes – Head of Technical & Investment Services
We will maintain compliance with the Decent Homes Standard and consider potential options for the	Identified as part of Capital Investment Programme	Ongoing	Cheltenham Borough Homes – Head of Technical & Investment Services

remaining non-traditional builds with a view to progressing with the most appropriate solutions	% of dwellings deemed non-decent target: 0.25%	Spring 2021	
We will undertake improvements to selected sheltered housing dwellings following outcome of commissioning review	Implementation of a new warden call system  Implement a programme for the upgrade of communal finishes on remaining schemes – including the creation of two new community hubs at Popes Close in the town centre, and at Coopers Court, Charlton Kings	Spring 2022  2021/22	Cheltenham Borough Homes – Head of Technical & Investment Services
We will implement our Help to Move Scheme to incentivise downsizing	Implement following review of successful pilot during 2020/21	Ongoing	Cheltenham Borough Homes – Head of Housing Services

### Outcome 3A - Tackling Homelessness

ACTION	TARGETS OR MILESTONES	TARGET DATE	LEAD/ PARTNERSHIPS
We will continue to work with CBH's Housing Options Team, and partners across the county, to keep under review emerging pressures and identify potential solutions to any increase in homelessness linked to COVID-19	Regular analysis of needs via relevant partnerships  Potential allocation/reallocation of funding, as required	2021/22	Lead Commissioner – Housing Services  CBH – Housing Options Team District Authorities across Gloucestershire  Gloucestershire County Council  Public Health
We will seek to embed the new housing interventions post into	Evictions reduced	2021/22	CBH – Housing Options Team

Supported Housing Services with a view to reducing potential evictions			Accommodation Based Support Providers
We will work with CBH's Housing Options Team to ensure any additional MHCLG funding opportunities are directed into homelessness prevention initiatives	Approval of new funding arrangements Target: 30 homelessness acceptances 360 positive homelessness prevention and reliefs  20 households in Temporary Accommodation (of which no more than 5 will be in B&B).	Winter 2021/22  2021/22   31 <sup>st</sup> March 2022	Lead Commissioner – Housing Services CBH - Housing Options Team
We will continue to work in partnership with other districts to support homeless households access PRS accommodation through the PRS Access Fund	Partnership Agreement in Place	complete	Housing Strategy & Enabling  District Authorities across Gloucestershire  CBH – Housing Options Team
We will review the Homeseeker Plus Choice Based Lettings Allocations Scheme	Consultation with stakeholders Approval of changes to policy	2020/21	Lead Commissioner – Housing Services/Housing Strategy & Enabling  CBH - Housing Options Team  Other district authorities across Gloucestershire
We will work with CBH Housing Options and low-level accommodation based support providers to ensure the implementation of fair and effective pathways to independent living.	Review of working practices against agreed KPIs	Ongoing	Lead Commissioner – Housing Services/Housing Strategy & Enabling  Accommodation Based Support Providers

			CBH – Housing Options Team
We will regularly monitor the outcomes of the grant funded Gloucestershire Nightstop service in terms of its provision of emergency accommodation for young people.	6 Monthly Monitoring Meetings	Ongoing throughout term of 3 year grant (2021-24)	Housing Strategy & Enabling
Gloucestershire Nightstop will pilot a “Supported Lodgings” scheme that will provide safe, supported, settled accommodation placements in the homes of trained and vetted Landlord Providers	Monitor, review and Consider future long-term delivery options following outcomes of the ‘supported lodgings pilot’s scheme.	Autumn / winter 2021 - 2022	Gloucestershire Nightstop
We will monitor Cheltenham Borough Homes’ delivery of the council’s Housing Options Service to ensure it is supporting key outcomes and increase its transparency/accountability	Quarterly performance meetings  Agreed reporting format for dissemination to agencies within the council’s Housing & Support Forum	Ongoing  Ongoing	Housing Strategy & Enabling Lead Commissioner – Housing Services CBH - Housing Options Team  Housing & Support Forum
We will re-tender the advice & inclusion contract which forms a key part of the council’s housing and homelessness strategy in tackling and preventing homelessness.	Review specification & KPIs Consultation with key partners Approvals in place to retender Finance in place Offer of contract New service begins	Summer 2021 Summer 2021 Autumn 2021 January/Feb 2022 January/Feb 2022 April 2022	Lead Commissioner – Housing Services  Housing Strategy & Enabling
We will ensure that we make best use of Discretionary Housing Payments to support households who are in a short term crisis	Review outcomes from new protocol arrangements agreed between CBH – Housing Options Team and CBC – Revenue Benefits Team	Quarterly performance meetings	Housing Strategy & Enabling  CBH – Housing Options Team  CBC – Revenue Benefits Team

	Ongoing awareness raising and sharing of outcomes/expenditure to date via Housing Support & Forum	Quarterly partnership meetings	
In the event of our MHCLG allocated DHP funding running out, we will apply for the MHCLG for approval to allocate funding from the council's Housing Revenue Account to top up Discretionary Housing Payments for our council tenants	Regular review of spend against budget	Ongoing	s.151 officer/ Head of Revenues and Benefits  Housing Strategy & Enabling  Cheltenham Borough Homes
We will develop alternative accommodation options for care leavers and ensure consistency for care leavers across the six districts	We will review the Southwark Protocol (joint working arrangements between the county and district councils for homeless 16-17 year olds  Clarity of offer via updated Homeseeker Plus Policy  Review of working practices generally – via Task & Finish Group, reporting into county-wide Strategic Housing Partnership	2021/22  2021/22  2021/22	CBH – Housing Options Team District Authorities Gloucestershire County Council  Homeseeker Management Board  Strategic Housing Partnership
We will review emergency accommodation provision for the homeless (standards and location)	Consideration and potential implementation of new options with a view to improving standards and increasing choice	2021/22	CBH Housing Options Team
We will ensure we remain compliant with the Chartered Institute of Housing's 'Making a Stand' initiative to support victims of domestic abuse	Key initiatives implemented, as part of the pledge  Annual review of Domestic Abuse Policy	Ongoing  2022/23	CBH – Community Services  CBH – Community Services

We will work with Housing Options and other partners to ensure delivery of the MHCLG 2020-2021 funding 'to support victims of DA and their children within safe accommodation'	Quarterly monitoring outcomes of county-wide Domestic Abuse Interventions Officer (12 month fixed term post) sitting within Cheltenham's Housing Options Team	2021/22	CBH – Housing Options Team  Housing Strategy & Enabling  Gloucestershire County Council  District Authorities
We will support the implementation of the new Domestic Abuse Act via the development of new partnership and commissioning arrangements	New Partnership arrangements in place across county  Agreement on district based commissioning arrangements	2021/22	Housing Strategy & Enabling  Gloucestershire County Council  District Authorities
We will continue to work with ex-offenders who are homeless to help explore alternative housing solutions balancing risks and taking account of the needs of the local area	Keep under review existing pathways	Ongoing	CBH – Housing Option Team
We will build positive relations with quality care mental health services to support a joined-up approach to safeguarding.		ongoing	CBH – Community Services
We will work with voluntary agencies via our Housing & Support Forum and involve people with lived experience in the forum to help shape future service delivery.	Identification of potential recruits to the Housing & Support Forum	2021	Housing Strategy & Enabling  Housing & Support Forum
We will implement the new county homelessness partnerships to plan for and to support the delivery of housing and homelessness services	Terms of References agreed  Partnerships in place and reporting mechanisms established  Review of Partnerships	Spring/Summer 2021    Autumn 2021	Lead Commissioner – Housing Services    District Partners



Cheltenham Housing Aid Centre will actively seek funding to ensure their Doorway Project (which offers specialist housing advice to vulnerable people ) can continue	Funding opportunities identified	Spring 2022	CHAC
Cheltenham Housing Aid Centre will deliver life skill workshops to people who are ready to live independently and who currently live in supported housing.	Funding secured	March 2022	CHAC/Supported housing providers
Cheltenham Housing Aid Centre will seek to identify other partnerships that may benefit from the life skill workshops	Secure key partners	March 2022	CHAC/Other potential users of the service.

### Outcome 3B – Tackling Rough Sleeping

ACTION	TARGETS OR MILESTONES	TARGET DATE	LEAD/ PARTNERSHIPS
We will work with CBH's Housing Options Team, and partners across the county, to keep under review emerging pressures and identify potential solutions to increases in rough sleeping arising from COVID-19	Regular analysis of needs via operational leads	2021/22	Lead Commissioner – Housing Services
	Allocation/Reallocation of funding	2021/22	CBH – Housing Options Team District Authorities across Gloucestershire
	Agreement with Registered Providers for potential Housing Led model, using social housing.	Ongoing through 2020/21	Gloucestershire County Council
	Other pathways and opportunities explored via county-wide housing supply cell and complex case cell.		Public Health
We will work collaboratively with partners to ensure previously			Housing Strategy & Enabling

<p>awarded funding is implemented effectively across the borough, by reviewing outcomes. This includes the rolling out of additional funding and (re)commissioning of the following services:</p> <p>Somewhere safe to stay and navigator funding (Safe places to bring people off the streets and undertake assessments to connect to correct housing options/support services for those with complex needs/co-existing conditions)</p> <p>Housing First/Enhanced Housing Support Services</p> <p>Support services relating to the new NSAP (Next Steps Accommodation Programme)</p> <p>Assertive Outreach services to support rough sleepers into accommodation</p>	Review/create specifications, KPIs and evaluation criteria for each of the proposed services	Summer 2021	<p>District Authorities and County Council</p> <p>Clinical Commissioning Group/health</p> <p>Police and Crime Commission</p> <p>County-wide housing partnerships</p>
	Retender and evaluation		
	Offer of contracts	August 2021	
	New service in place	1 <sup>st</sup> October 2021	
	Simultaneous schedule and timeline as for somewhere safe to stay and navigator services	As above	
	Review specification and price Agreement across key partners if uplift in price is recommended	Summer 2021	
	Review evaluation criteria	Summer/Autumn 2021	
	Retender and evaluation	Autumn/Winter 2021/22	
	Offer of contract	Winter 2022	

	<p>New service in place</p> <p>Monthly partnership meetings to review performance/monitor outcomes for above services</p> <p>Target: Rough sleeper estimate/count: 5 or under</p>	1 <sup>st</sup> April 2022.	Programme Management Group (county-wide)
We will seek to ensure future funding opportunities are actively sourced.	<p>As opportunities arise these will be picked up via monthly partnership meetings. This will include:</p> <p>RSI5 (Rough Sleeper Initiative funding for 2022/23)</p>	2021/22	<p>Housing Strategy &amp; Enabling</p> <p>District Authorities and County Council</p> <p>Clinical Commissioning Group/health</p> <p>Police and Crime Commission</p>
We will review outcomes from the 2020/21 (severe weather emergency protocol) and agree any necessary adjustments ahead of winter 2021/22	<p>Approach to winter 2020/21 SWEP agreed</p> <p>To incorporate feedback about Homeless Link recommendations.</p> <p>Potential for a summer section to be added</p> <p>To link with specification of outreach service ahead of retender (detailed above)</p>	Autumn 2021	<p>Housing Strategy &amp; Enabling</p> <p>District Authorities</p>
We will support the Assertive Outreach Team in coordinating an	Mechanism agreed with partners on this year's street count	Autumn 2021	Housing Strategy & Enabling

annual count or estimate of the number of people rough sleeping throughout Cheltenham			District authorities P3
We will support the implementation of Billy Chip, in line with Council's motion in March 2021	<p>Include BA Hope foundation/relevant partners within Cheltenham's Housing &amp; Support Forum for the sharing of new ideas</p> <p>Increase Billy Chip's profile by providing space on the council's website listing venues and other relevant information</p>	<p>Ongoing</p> <p>Reviewing timing in light of restrictions associated with covid-19</p>	Housing Strategy & Enabling
We will publish and implement operational rough sleeper delivery plan	Updated and published quarterly	2021 onwards	Housing Strategy & Enabling
We will review the implementation of the 6 CBC-owned Housing Led dwellings that have been provided for rough sleepers who have complex needs.	Pathways and opportunities explored via partnership meetings and complex case cell.	Oct 2021	<p>CBH</p> <p>P3</p> <p>Lead Commissioner – Housing Service</p>
We will monitor the outcomes of the link worker role to engage with people who are rough sleeping with complex needs	Review Protect Funding	June 2021	<p>Housing Strategy &amp; Enabling</p> <p>P3</p>

## Outcome 4 – Improving the health and wellbeing of our communities

ACTION	TARGETS OR MILESTONES	TARGET DATE	LEAD (in bold) / PARTNERSHIPS
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We will ensure that future communities established on the strategic urban extensions are cohesive and sustainable.	We will review the potential inclusion of new Preferred Providers to the JCS Affordable Housing Partnership	Winter 2021/22	Lead Commissioner – Housing Services  Tewkesbury & Gloucester District Authorities  Preferred Registered Providers
We will review viability options for the potential regeneration of homes in the west of Cheltenham	Development & Regeneration Strategy (sitting within the council's overarching Housing Investment Plan)  Scoping work to inform proposals for potential investment, including community development/engagement in priority areas	2021/22  2021/22 (and beyond)	Lead Commissioner – Housing Services  Cheltenham Borough Homes
We will review existing lettings plans to ensure that an appropriate balance is being achieved between meeting housing need and ensuring communities are cohesive and sustainable	Lettings Plans reviewed and updated	2021-23	Housing Strategy & Enabling  CBH – Community Services
We will support the implementation of 'Welcome to the Future – A local model for building socially sustainable communities' as a model for social sustainability	We will explore how we can incorporate this model within a future Affordable Housing Supplementary Planning Document	2022/23	Housing Strategy & Enabling  Planning Policy
We will implement a suite of initiatives for our tenants to: - reduce social isolation and improve overall health & wellbeing,	6 monthly Community Investment Impact reports	2021/22	CBH – Community Services

<ul style="list-style-type: none"> <li>- improve access into education, training and employment,</li> <li>- ensure residents feel safe in their community, and</li> <li>- ensure tenants are involved and engaged both in CBH and in the community</li> </ul>			
We will be the district housing representative on the Gloucestershire Mental Health and Wellbeing Partnership Board. This will support the implementation and awareness of the Gloucestershire Mental Health & Wellbeing Strategies and action plans including the Mental Health Crisis Care Concordat and the Gloucestershire Suicide Prevention Action Plan.	Regular review of outcomes	Quarterly Partnership Meetings	Housing Strategy & Enabling Gloucestershire County Council District Authorities
We will continue to review arrangements with UK Visas and Immigration (UKVI) to source private rented accommodation in Cheltenham for asylum seekers	Agree any changes to number of households being accommodated will be supported by Cabinet Member - Housing	Oct 2021	Housing Strategy & Enabling UKVI GARAS
We will review grant funding arrangements for GARAS to support both refugees and asylum seekers living in Cheltenham	Officer decision published, in consultation with Cabinet Member – Housing	2021/22	Housing Strategy & Enabling
We will examine measures to reduce furniture poverty	Asset Mapping & gap analysis  Potential solutions identified	Summer 2021  Autumn/winter 2021-22	Housing Strategy & Enabling  Furniture Poverty Group

We will promote awareness and take up of the council's Lifeline Alarm Service	Range of promotion initiatives implemented throughout the year.	Ongoing	Enforcement Manager
	Move current paper based customer data file to an electronic format within Uniform or other.	2021/22	
	Introduction of an internet based application process, following initial mapping exercise.	2021/22	Enforcement Manager
We will promote the awareness and uptake of assistive technology to help improve the wellbeing, safety and independence of residents in Cheltenham	Upgrade existing customers from Lifeline 400 units to new digitally compatible units in preparation to the digital switch over.	March 2022	Enforcement Manager
We will work with key partners on a developing a range of initiatives that supports independent living	Evaluation of county-wide Frailty Housing Officer (with a view to quantifying savings to health and social care system)	complete	Gloucestershire County Council/health
	We (CBH) will continue to work with CCG to source psychological interventions to address complex trauma	ongoing	Gloucestershire County Council/health CBH – Community Services
	We will explore the potential for Health Impact Assessment Toolkit to be introduced to assist developers in their plans for delivering homes on large sites	2021/22	Gloucestershire County Council/health District Authorities Lead Commissioner – Housing Services Planning Policy
	We will continue to promote the Home sharing scheme, where an	2021/22	Gloucestershire county council/health District Authorities

	<p>older person can share their house with a young person in return for 10 hours of support a week, with a view to increasing the number of pairs during 2020/21.</p> <p>We will undertake research to identify new ways by which active communities can be developed which support people to live independently in line with the Gloucestershire Integrated Care System Aim – i.e. to support people to stay healthy and independent and develop active communities that promote prevention/ self-care.</p> <p>We will consult with residents and implement a range of enhancements to create additional older peoples' community hubs within two of CBC's sheltered housing schemes, following a successful bid for Better Care Funding</p>	<p>2021/22 (and ongoing)</p> <p>2021-2022</p>	<p>Gloucestershire county council/health</p> <p>District Authorities</p> <p>Lead Commissioner – housing services</p> <p>Head of Communities – CBH</p>
	<p>We will facilitate large scale adaptations through the availability of means tested Disabled Facilities Grants and work with districts and Gloucestershire County Council to bring about a more consistent approach to how adaptations are provided across the county</p>	<p>The DFG Forum will continue to develop a Hub and Spoke approach to bring the 6 districts together</p> <p>2021/22</p>	<p>District Authorities</p> <p>Gloucestershire county council/health</p>



We will invest in improvements to the stock of park homes in the county, including Cheltenham	Insulate 167 homes across the county (16 within Cheltenham) using the additional DFG funds agreed by the DFG forum.	2021/22	District councils, County council, Health, Severn Wye Energy Agency
We will increase support for people receiving treatment for cancer re benefits advice	Ongoing funding and monitoring outcomes of a CAB adviser in Cheltenham General Hospital	2021/22	District councils, County council, Health, CAB

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## Cheltenham Borough Council Cabinet – 15 June 2021

### Nominations to Outside Bodies

<b>Accountable member</b>	<b>Leader, Councillor Rowena Hay</b>
<b>Accountable officer</b>	<b>Chief Executive, Gareth Edmundson</b>
<b>Ward(s) affected</b>	<b>None directly</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>Following each Selection Council, and at other times when vacancies arise, the Leader/Cabinet takes the opportunity to nominate and, in limited cases, appoint persons to various roles within bodies external to the Council. Also the opportunity is taken to nominate persons to other bodies such as Joint Committees and other bodies/groups.</p> <p>It is proposed that on this occasion the appointments are made for one year, with a return to two yearly appointments in 2022 and in subsequent election years. This is due to changes to the election cycle as a result of the Covid 19 pandemic.</p>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li><b>1. Cabinet makes nominations/appointments to the outside bodies as set out in Appendix 2A in accordance with the following principles:</b> <ul style="list-style-type: none"> <li><b>• All nominations are made on the basis that the nominee/appointee is a representative of Cheltenham Borough Council insofar as that is compatible with any overriding legal duty to the outside body;</b></li> <li><b>• Cabinet/the Leader reserves the right at any time to withdraw/terminate a nomination/appointment which it has made; and</b></li> </ul> </li> <li><b>2. Cabinet makes appointments to joint committees as set out in Appendix 2B; and</b></li> <li><b>3. Cabinet notes the Cabinet Member responsibilities for the bodies/groups listed in Appendix 2C.</b></li> </ol>

<b>Financial implications</b>	<p>There are no financial implications associated with this report.</p> <p><b>Contact officer: Gemma Bell, <a href="mailto:gemma.bell@cheltenham.gov.uk">gemma.bell@cheltenham.gov.uk</a>, 01242 264365</b></p>
<b>Legal implications</b>	<p>See body of the report.</p> <p>Appointments/nominations to outside bodies are made in accordance with the Council Constitution. Guidance for Members appointed to outside bodies can be found at Part 5G of the Constitution.</p> <p><b>Contact officer: Legal Services, <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>No HR implications arising for the report</p> <p><b>Contact officer: Julie McCarthy , HR Manager – Operations, <a href="mailto:julie.mccarthy@publicagroup.uk">julie.mccarthy@publicagroup.uk</a></b></p>
<b>Key risks</b>	<p>Members appointed should be aware of their roles and responsibilities.</p>
<b>Corporate and community plan Implications</b>	<p>The nomination of representatives of Cheltenham Borough Council to the identified outside bodies helps develop valuable links between the council and community-based organisations supporting community priorities and community engagement</p> <p><b>Contact officer: Richard Gibson, Strategy and Engagement Manager, <a href="mailto:richard.gibson@cheltenham.gov.uk">richard.gibson@cheltenham.gov.uk</a></b></p>
<b>Environmental and climate change implications</b>	<p>None</p>

## **1. Background**

- 1.1** The external bodies to which nominations/appointments are made comprise a variety of organisations and groups. A traditional distinction can be drawn between incorporated and unincorporated bodies; the former being distinct legal entities such as companies, having a legal personality and a framework imposing obligations upon those who become involved by appointment; the latter being bodies which, albeit without formal legal foundation, play an important role in representing interests within the local community. Involvement in these unincorporated organisations will often carry few or no legal obligations on those appointed.
- 1.2** In the majority of cases the authority decides who to nominate to the outside body concerned and it is then for that body to decide on whether to accept the nomination and make the appointment. There are some limited exceptions to this, such as Cheltenham Borough Homes, Gloucestershire Airport, Publica and the Cheltenham Trust where the Council has the right (by virtue of its interests in those companies) to make the nominations/appointments to the boards of directors.
- 1.3** It is proposed that the appointments are made for one year, with a return to two yearly appointments in 2022 and in subsequent election years. This is due to changes to the election cycle as a result of the Covid 19 pandemic.

## **2. Legal context**

- 2.1** Although nominations/appointments to outside bodies are made on the general basis that the nominee/appointee is the council's representative on the outside body, it is important to note that in many cases the overriding duty is to the outside body. For example, a company director has a primary duty of care towards the company and to act in the best interests of the company as a whole and a trustee must act in accordance with the trust deed and uphold the trust's objectives. In these circumstances members must apply independent judgement in respect of the body to which they are appointed.
- 2.2** The council is able to indemnify members (and officers) in the course of their activities on outside bodies provided they are acting within the scope of their authority as council representatives. Outside bodies, such as companies, that are legal entities in their own right must have their own appropriate insurance arrangements in place. It is important that members (and officers) clarify the position in each particular case.

Under the executive functions set out in Part 3E of the Council's constitution, the Leader has the power to make nominations/appointments to outside bodies where they relate to an executive function or revoke such nominations/appointments provided there is Group Leader agreement. Where there is not group leader agreement the decision is referred to Council.

The Leader has chosen to refer the decisions on appointment to Cabinet. The Leader has however the power in Part 3E of the Constitution to appoint or nominate individuals to outside bodies in respect of Executive Functions and revoke or withdraw such appointment or nomination provided all Group Leaders agree.

## **3. Nomination/appointment of external persons**

**3.1** Historically the council has nominated/appointed external persons to some outside bodies. On 29th June 2006 Council specifically agreed that 'All nominees are elected Members of Cheltenham Borough Council unless there are exceptional reasons justifying the appointment of a non Member'. Relevant examples of outside bodies to whom external persons have been appointed are; Gloucestershire Airport, Pate's Grammar School Foundation. The reasons for these appointments have been the specialist knowledge skills and experience that have been brought to the outside body and/or the lack of Member nomination to that body.

**3.2** External persons are not, of course, subject to the Code of Members' Conduct nor are they under any general obligation to act in the best interests of the council or the broader public interest. Also, they are not covered by the council's insurance. Whilst these factors do not prevent the nomination of external persons they should be borne in mind when considering whether to make such nominations/appointments.

## **4. Reasons for recommendations**

**4.1** It is in the interests of the council to ensure representation on outside bodies.

## **5. Alternative options considered**

**5.1** None

## **6. Consultation and feedback**

**6.1** The appendices were circulated to Group Leaders in May 2021.

<b>Report author</b>	Bev Thomas, Democratic Services Team Leader, 01242 264246, <a href="mailto:beverly.thomas@cheltenham.gov.uk">beverly.thomas@cheltenham.gov.uk</a>  One Legal, <a href="mailto:legal.services@teWKesbury.gov.uk">legal.services@teWKesbury.gov.uk</a>
<b>Appendices</b>	1. Risk Assessment  <b>2. Appendix to follow</b>
<b>Background information</b>	1. <a href="#">Constitution Part 5G – Guidance for Councillors appointed to represent the Council on Outside Bodies</a>

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 elected members are not aware of their roles and responsibilities they may compromise their position		June 2021	3	2	6	Control	Ensure members are aware of guidance set out in Constitution Ensure members understand their role on the outside body and have a copy of relevant constitution or terms of reference of the body concerned		Democratic Services Team Leader	
<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 2a-Nominations to Outside Bodies

Title	Nomination
Brizen Young People's Centre	Councillor Tony Oliver
Cheltenham Arts Council	Councillor Wendy Flynn & Councillor Barbara Clarke
Cheltenham Borough Homes	Councillor Chris Mason; Councillor Richard Pineger
Cheltenham Economic Recovery Task Force	Councillor Rowena Hay, Councillor Victoria Atherstone
Cheltenham Pensioners Forum	vacancy
Cheltenham Theatre & Arts Club (Playhouse)	Councillor Diggory Seacome
Cheltenham Trust	Councillor Barbara Clark; Councillor Alisha Lewis
Cheltenham West End Partnership Ltd	Councillor David Willingham
Cleeve Common Trust	Councillor David Willingham; Councillor Simon Wheeler
Community Connexions (previously Third Sector Services)	Councillor Tim Harman
Cotswold Conservation Board	Councillor Jo Stafford
Everyman Theatre	Councillor Garth Barnes; Councillor Diggory Seacome
Friends of Leckhampton Hill	Councillor Angie Boyes and Councillor Wendy Flynn
Gloucestershire Airport Ltd	Roger Whyborn
Gloucestershire Airport Consultative Committee	Councillor Tim Harman
Gloucestershire Playing Fields Association	Councillor Simon Wheeler
Gloucestershire Resources and Waste Partnership	Councillor Suzanne Williams; Councillor Iain Dobie (as Cabinet Member)
Hesters Way Partnership Ltd	Councillor Wendy Flynn
Higgs and Cooper (and Relief in Need)	Councillor Angie Boyes
Higgs and Cooper (and Relief in Need)	Councillor Matt Babbage
Pates Grammar School Foundation	Helen Hooper
Pates Grammar School Foundation	Lloyd Surgenor
Prestbury United Charities	Councillor John Payne
Publica	Councillor Paul McCloskey
Sandford Parks Lido	Councillor Wendy Flynn
St Margarets Hall User Group	Councillor Julie Sankey
St Marks & Hesters Way Community Association	Councillor Simon Wheeler
Twinning Association Executive Committee	Councillor Diggory Seacome, Councillor Angie Boyes, Councillor Garth Barnes
Victory Trust	Councillor Tim Harman

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Title	Nomination
<b>Gloucestershire Economic Growth Joint Committee</b>	Councillor Rowena Hay

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## Appendix 2c- Cabinet Portfolio Appointments

Title	Nomination
<b>Cheltenham Business Improvement District Board</b>	Councillor Rowena Hay
<b>Communities Partnership</b>	Councillor Flo Clucas
<b>District Councils Network</b>	Councillor Rowena Hay
<b>Gloucestershire Airport Ltd (shareholder)</b>	Councillor Rowena Hay
<b>Leadership Gloucestershire</b>	Councillor Rowena Hay
<b>LGA General Assembly</b>	Councillor Rowena Hay
<b>Place Governance Group</b>	Councillor Rowena Hay
<b>South West Councils</b>	Councillor Rowena Hay
<b>South West Councils Employers Panel</b>	Councillor Rowena Hay

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**Cheltenham Borough Council**  
**Cabinet – 13 July 2021**  
**Local Discretionary Business Rates Relief Schemes**

<b>Accountable member</b>	<b>Councillor Peter Jeffries, Cabinet Member Finance and Assets</b>
<b>Accountable officer</b>	<b>Jayne Gilpin, Head of Revenues and Benefits</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>On 3 March 2021, the Government announced that the period of 100% business rates relief in the form of the Expanded Retail Discount and Nursery Discount awarded in 2020/21 would be extended to 30 June 2021 then reduce to 66% from 1 July 2021 until 31 March 2022 when they will cease.</p> <p>The reliefs have been awarded to businesses in accordance with Government guidance using the Council's discretionary powers. Both reliefs will be fully funded by the Government.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the business rates Expanded Retail Discount scheme for 2021/22 as detailed in appendix 2 and the detailed guidance in appendix 4</b></li> <li><b>2. Approve the Nursery Discount scheme for 2021/22 in line with appendix 3 and the detailed guidance in appendix 4</b></li> <li><b>3. Authorises the Head of Revenues and Benefits in consultation with the Cabinet Member Finance and Assets to implement any further changes in 2021/22 made by the Government to the reliefs detailed in appendix 2</b></li> <li><b>4. Due to the volume of cases, delegate decisions relating to the application of these reliefs to the Head of Revenues and Benefits and officers in the Business Rates team. In the case of a dispute reconsideration is to be made by the Executive Director Finance and Assets.</b></li> </ol>

<b>Financial implications</b>	<p>As detailed within the report and appendices Central government will fully reimburse local authorities for the local share of the retail and nursery discounts provided the Council uses its powers to grant them in accordance with the guidance.</p> <p><b>Contact officer: Paul Jones</b>  <b>paul.jones@cheltenham.gov.uk, 01242 775154</b></p>
<b>Legal implications</b>	<p>The Council has statutory power to award discretionary rate relief under S47 of the Local Government Finance Act 1988 (as amended by S69 of the Localism Act 2011).</p> <p>The cost of relief to the Local Authority can be recovered from the Government by way of grant under Section 31 of the Local Government Act 2003. The government must establish a discretionary scheme for administering the relief to access this funding.</p> <p><b>Contact officer: <a href="mailto:legalservices@onelegal.org.uk">legalservices@onelegal.org.uk</a> 01684 272012</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are none associated with this report</p>
<b>Key risks</b>	<p><b>See appendix 1</b></p>
<b>Corporate and community plan Implications</b>	<p>None</p>
<b>Environmental and climate change implications</b>	<p>None</p>
<b>Property/Asset Implications</b>	<p>There is nothing in this report which impacts on Council properties</p> <p><b>Contact officer: Dominic.Stead@cheltenham.gov.uk</b></p>



## **1. Introduction**

- 1.1** As part of its support measures due to the coronavirus pandemic the Government provided 100% business rates discounts to eligible retail, hospitality, leisure and nursery businesses in 2020/21.
- 1.2** In the budget on 3 March 2021 the Government announced that the Expanded Retail Discount for retail, hospitality and leisure businesses and the Nursery Discount would continue in 2021/22. The reliefs will be 100% until 30 June 2021. They will then reduce to 66%, subject to caps, from 1 July 2021 until 31 March 2022 when they will end.
- 1.3** As the reliefs are a temporary measure legislation is not being amended. Councils are expected to use their discretionary powers under section 47 of the Local Government Finance Act 1988 to adopt a scheme using the detailed guidance provided. Details of the scheme are in appendix 2. The detailed guidance for Expanded Retail Discount is in appendix 3 and Nursery Discount in appendix 4
- 1.4** Due to the timing of the Budget announcement bills were issued in March 2021 to all businesses already in receipt of the Expanded Retail Discount and Nursery Discount with 100% discount for the full 2021/22 year. Software changes were made to the business rates billing system so that revised bills could be issued in June 2021.
- 1.5** The Government will fully reimburse the Council for the local share of expanded retail and nursery discounts provided they are awarded to eligible businesses in accordance with the guidance provided.

## **2. Expanded Retail Discount**

- 2.1** The expanded retail discount in 2021/22 can be awarded to eligible business rate payers occupying properties that are wholly or mainly being used as:
- shops, restaurants, cafes, drinking establishments, cinemas and live music venues,
  - for assembly and leisure; or
  - as hotels, guest & boarding premises and self-catering accommodation
- 2.2** This discount is 100% of the business rates payable from 1 April to 30 June 2021, reduced to 66% from 1 July 2021 to 31 March 2022.
- 2.3** A list of the types of retail purposes is in the guidance in appendix 3
- 2.4** To qualify for the expanded retail discount the property must be wholly or mainly used for a qualifying purpose detailed in the guidance. Properties which are occupied but not wholly or mainly used for the qualifying purposes will not be eligible for the discount. Business ratepayers that temporarily closed due to Coronavirus restrictions are eligible for the discount.
- 2.5** The 66% discount for the period 1 July 2021 to 31 March 2022 is subject to cash caps. Business ratepayers that were legally required to close at 5 January 2021 may claim expanded retail discount of up to £2million across all eligible properties in England. Business ratepayers able to open at 5 January 2021 may claim the discount of up to £105,000 across all eligible properties in England.
- 2.6** 2021/22 Business rate bills were issued in March 2021 to businesses with the 100% discount for the full financial year. Revised bills were issued on 11 June 2021 with the

reduced discount and instalments payable from July.

- 2.7 Where businesses were identified as likely to be affected by the caps the discount has been cancelled from 1 July. These businesses can reapply for the discount provided they verify that the cap will not be exceeded.
- 2.8 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, to a major or local precepting authority
- 2.9 Some businesses, including some of the large supermarket chains have declined the discount altogether in 2021/22 and are paying the full business rates for the year.

### 3. Nursery Discount

- 3.1 The 100% discount in 2021/22 applies to properties occupied by business rate payers that are childcare providers on Ofsted's Early Years Register. The property must be subject to business rates and be wholly or mainly used for the provision of the Early Years Foundation Stage.
- 3.2 The full guidance provided is in appendix 4
- 3.3 This discount is 100% of the business rates payable from 1 April to 30 June 2021, reduced to 66% from 1 July 2021 to 31 March 2022.
- 3.4 Nurseries were able to open at 5 January 2021 so business ratepayers may claim the discount across all eligible properties in England for the period 1 July 2021 to 31 March 2022 of up to £105,000.
- 3.5 2021/22 Business rate bills were issued in March 2021 to businesses with the 100% discount for the full financial year. Revised bills were issued on 11 June 2021 with the reduced discount and instalments payable from July. No nursery businesses were identified as likely to be affected by the caps.
- 3.6 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, to a major or local precepting authority

### 4. Alternative options considered

- 4.1 The Government expects billing authorities to grant these reliefs to qualifying ratepayers and will fully reimburse the Council for its share of the cost of reliefs awarded in line with the guidance.

### 5. Consultation and feedback

- 5.1 Due to the timing of announcements, the multiple changes being made and the other coronavirus support measures for businesses these discounts were implemented promptly in accordance with the latest Government guidance. The Leader of the Council and Cabinet Member Finance and Assets were consulted on this approach.

## 6. Performance management – monitoring and review

- 6.1 The number of businesses benefiting from these discount schemes and the total amount awarded will be monitored by the Head of Revenues and Benefits and are reported to the Government periodically.

<b>Report author</b>	<b>Contact officer: Jayne Gilpin, Head of Revenues and Benefits, <a href="mailto:Jayne.gilpin@cheltenham.gov.uk">Jayne.gilpin@cheltenham.gov.uk</a>, 01242 264323</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Business Rates Relief Schemes 2021/22</li> <li>3. Retail Discount guidance</li> <li>4. Nursery Discount Guidance</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1. Section 47 Local Government Finance Act 1988, as amended by clause 69 of The Localism Act 2011</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
1	If the policy is not approved as required by law Government funding for the discounts may not be available	Jayne Gilpin	29/06/2021	2	1	2	Accept	Cabinet Approves the report recommendations	29/06/2021	Jayne Gilpin	
<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											

**Cheltenham Borough Council Policy for  
Local Discretionary Business Rates Relief Schemes  
Cabinet 13 July 2021**

The policy sets out the Council's approach to administering Expanded Retail Discount and Nursery Discount for 2021/22 under section 47 of the Local Government Finance Act 1988, as amended.

**Section 1: Expanded Retail Discount**

In the budget on 3 March 2021 the Government announced that it would provide an extension in 2021/22 to the business rate discount granted under the Expanded Retail Discount provisions

Retail discount is available in the financial year 2021/22 for certain occupied retail, hospitality and leisure properties.

In 2020/21 the expanded retail discount was 100% cent. In 2021/22 the discount is 100% cent of the rates payable after other reliefs for the period 1 April 2021 until 30 June 2021. The discount is reduced to 66% from 1 July 2021 until 31 March 2022 and for this period will subject to caps on the maximum discount any business can receive.

Businesses that were required to close at 5 January 2021 may receive up to a total of £2million of discount across all eligible properties. Businesses that were able to open at 5 January 2021 are limited to a maximum of £105,000 of discount across all eligible properties. Businesses will be asked to verify that they will not exceed the cash caps by receiving the discount

The discounts will be awarded in line with the detailed guidance issued by the Ministry of Housing, Communities and Local Government and will be administered as detailed in section 4. The discount will end on 31 March 2022

**Section 2: Nursery Discount**

In the budget on 3 March 2021 the Government announced that it would provide an extension in 2021/22 to the business rates Nursery Discount in respect of properties occupied by providers on Ofsted's Early Years Register. The property must be wholly or mainly used for the provision of the Early Years Foundation Stage.

In 2020/21 the expanded retail discount was 100% cent. In 2021/22 the discount is 100% cent of the rates payable after other reliefs for the period 1 April 2021 until 30 June 2021. The discount is reduced to 66% from 1 July 2021 until 31 March 2022 and for this period will be subject to a cap on the maximum discount any business can receive. Nurseries were able to open at 5 January

2021 and are limited to a maximum of £105,000 of discount across all eligible properties. Businesses will be asked to verify that they will not exceed the cash cap by receiving the discount.

The discounts will be awarded in line with the detailed guidance issued by the Ministry of Housing, Communities and Local Government. The discount is not subject to state aid and will be administered as detailed in section 4. The discount will end on 31 March 2022

### **Section 4: Administration**

- Cheltenham Borough Council will administer the schemes under Section 47 of The Local Government Finance Act 1988 as amended by The Localism Act 2011 and The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059)
- Discounts awarded under the above provisions cannot be awarded in respect of any financial year once after 6 months after the end of that financial year have elapsed.
- Entitlement to Expanded Retail Discounts and Nursery Discount will be dependent on the qualifying conditions being met provided by the Ministry of Housing, Communities and Local Government.
- Discounts awarded in 2021/22 will end on 31 March 2022.
- Discounts will be recalculated or cancelled to reflect a change in circumstances, change to entries in Rating List, or any of the conditions cease to be met.
- Decisions relating to the granting of discounts will be delegated to the staff within the Revenues and Benefits Service
- Discounts may be granted automatically where information held on the business rate account confirms eligibility in line with the qualifying criteria. In these cases businesses will be asked to notify the council if they are not entitled
- All businesses in receipt of a discount are required to notify the Council within 21 days of any change of circumstances that could affect their entitlement to a discount
- Businesses will be required provide any information requested to support their application for a discount
- Businesses will be required to verify that a cash cap will not be exceeded if a discount is awarded

- There is no statutory right of appeal against a decision made by the Council in respect of Retail Discounts, Supporting Small Businesses, Pubs Discount, or Revaluation Support Relief. However, the Council will reconsider the decision if the ratepayer is dissatisfied with the outcome.
- The request for a reconsideration must be made no later than 3 months after the end of the financial year for which relief is being requested.
- The review will be carried out by the Executive Director Finance and Assets
- If an unsuccessful applicant requests a reconsideration they will need to continue to pay their rates bill. Once the reconsideration has been carried out, the ratepayer will be informed, in writing, of the decision.

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  4. Business premises and business rates (<https://www.gov.uk/business/premises-rates>)
  5. Business rates: expanded retail discount 2021 to 2022 - local authority guidance (<https://www.gov.uk/government/publications/business-rates-expanded-retail-discount-2021-to-2022-local-authority-guidance>)
- Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Guidance

# Business rates: expanded retail discount 2021 to 2022 - local authority guidance

Published 4 March 2021

## Contents

About this guidance

Introduction

Expanded Retail Discount

Annex A – eligibility for the Expanded Retail Discount

Annex B – eligibility for the Closed Cash Cap (£2 million)

Annex C: Calculation examples for 2021/22

Annex D: Sample paragraphs that could be included in letters to ratepayers about the Expanded Retail Discount and the cash cap

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## Page 67

### About this guidance

1. This guidance is intended to support local billing authorities in administering the business rates expanded retail discount announced in the Budget on 3 March 2021. This guidance applies to England only.
2. This guidance sets out the criteria for the Expanded Retail Discount for 2021/22. The guidance does not replace existing legislation.
3. Enquiries on this measure should be addressed to: [ndr@communities.gov.uk](mailto:ndr@communities.gov.uk)

### Introduction

4. Since 2019/20 the government has provided a Business Rates Retail Discount for retail properties which for 2020/21 it expanded to include the leisure and hospitality sectors. On 3 March 2021 the government confirmed that the Expanded Retail Discount would continue to apply in 2021/22 at 100% for three months, from 1 April 2021 to 30 June 2021, and at 66% for the remaining period, from 1 July 2021 to 31 March 2022. The Government confirmed that there would be no cash cap on the relief received for the period from 1 April 2021 to 30 June 2021. From 1 July 2021, relief will be capped at £105,000 per business, or £2 million per business where the business is in occupation of a property that was required, or would have been required, to close, based on the law and guidance applicable on 5 January 2021.
5. This document provides guidance to authorities about the operation and delivery of the policy.

### Expanded Retail Discount

#### How will the relief be provided?

6. As this is a measure for 2021/22 only, the government is not changing the legislation relating to the reliefs available to properties. Instead, the government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief. It will be for individual local billing authorities to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47. The government will fully reimburse local authorities for the local share of the discretionary relief, using a grant under section 31 of the Local Government Act 2003.
7. As a short-term measure, authorities may consider rolling forward their 2020/21 scheme into the first three months of 2021/22. Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months of varying a rate relief scheme the effect of which would have been to increase rate bills. Therefore, authorities should be clear in their scheme, decision and determination that the 100% scheme is for three months only. Authorities should also ensure that their scheme from 1 April 2021 includes the option for ratepayers to refuse the discount (see paragraph 10(b) and 11 below). Billing authorities may also wish to consider issuing a letter to ratepayers providing notification of the award of the extended relief to all effected ratepayers. This should highlight that the 100% relief only applies for the first three months of the financial year and that a further relief scheme will be made in respect of the period 1 July to 31 March, when at 66% relief will apply to eligible ratepayers.
8. The government will reimburse billing authorities and major precepting authorities for their loss of income under the rates retention scheme as a result of awarding the relief that falls within the definitions in this guidance. Because billing authorities have completed their NNDR1s for 2021/22

already, payments to major precepting authorities will be unaffected by the award of relief. Therefore, billing authorities only will be provided with “on-account” s.31 payments covering the full amount of relief awarded, in order to ensure that their cashflow is not affected. In the first instance, payments will cover the first three months relief and will be based on existing data.

9. At the end of the year, billing authorities will also be asked to provide outturn data on the actual total cost for providing the relief, as per the usual process, via the National Non-Domestic Rate 3 (NNDR3) forms for 2021/22. Each billing and major precepting authority’s loss of income from relief will be reconciled against the on-account payments made over the course of the year, and any difference paid or recovered. In addition, billing authorities should ensure that they are able to monitor and report the take up of scheme at Parliamentary constituency level.

## Which properties will benefit from relief?

10. Hereditaments which benefit from the relief will be those which for a chargeable day in 2021/22:

a. meet the eligibility criteria at Annex A,

and

b. the ratepayer for that chargeable day has not refused the discount for the eligible hereditament. The ratepayer may refuse the discount for each eligible hereditament anytime up to 30 April 2022. The ratepayer cannot withdraw their refusal for either all or part of the financial year.

11. Local authorities should make it clear in their approved scheme that, for the purposes of section 47 of the 1988 Act, hereditaments where the ratepayer has refused the relief are outside of the scheme and outside of the scope of the decision of which hereditaments qualify for the discount and are therefore ineligible for the relief.

12. In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves or a precepting authority. A “precepting authority” includes fire, police and parish councils or a functional body, within the meaning of the Greater London Authority Act 1999.

## How much relief will be available?

13. Subject to the cash caps, the total amount of government-funded relief available for each property for 2021/22 under this scheme is:

- a. For chargeable days from 1 April 2021 to 30 June 2021 100% of the chargeable amount, and
- b. for chargeable days from 1 July 2021 to 31 March 2022, 66% of the chargeable amount.

14. The relief should be applied after mandatory reliefs and, other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their wider discretionary relief powers introduced by the Localism Act, which are not funded by section 31 grants<sup>[footnote 1]</sup>. Councils may use their discretionary powers to offer further discounts outside this scheme or additional relief to hereditaments within the scheme. However, where an authority applies a locally funded relief, under section 47 this must be applied after the Expanded Retail Discount.

15. Subject to the cash cap, the eligibility for the discount and the discount itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a chargeable day for a particular hereditament in the financial year 2021/22:

Amount of relief to be granted = V x percentage Expanded Retail Discount as found at paragraph 13 above, where:

V is the daily charge for the hereditament for the period of 365 days, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants<sup>[footnote 2]</sup>.

16. This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.

17. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties subject to the cash caps explained below.

## Instalments

18. The standard payment arrangement for business rates is for the liability for the year to be paid in 10 or 12 instalments<sup>[footnote 3]</sup>. However, for those eligible for the Extended Retail Discount for 2021/22, this would mean those ratepayers having to make instalments in the first three months of the year when 100% relief is available. Therefore, authorities should ensure in line with this guidance and in accordance with Part 1, Schedule 1 of The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Regulations) 1989 (SI 1989/1058), as amended, that ratepayers eligible for the Extended Retail Discount are not asked to make an instalment in respect of 2021/22 for the three month period of 100% relief is available for. Billing authorities should provide an alternative installment arrangement for ratepayers which spreads the liability for the period from 1 July 2021 to 31 March 2022 over some or all of the remaining nine months of the year.

## The cash caps

19. No cash caps will apply for the period between 1 April 2021 to 30 June 2021.

20. Under the cash caps, a ratepayer may only receive up to the following cash caps of Expanded Retail Discount in 2021/22 ignoring any relief for the period before 1 July 2021:

- a. £2 million for ratepayers meeting the eligibility for the closed cash cap test set out in Annex B (subject to paragraphs 21-23), or
- b. £105,000 for all other ratepayers (subject to paragraphs 21-23).

21. No ratepayer can in any circumstances exceed the £2 million cash cap across all of their hereditaments in England. Where a ratepayer eligible for the closed cash cap also occupies hereditaments which do not meet the criteria for the closed cash cap and the value of the discount on the closed hereditaments is less than £2 million then they may also claim the discount on other eligible hereditaments but only up to the cap of £105,000 in respect of those other eligible hereditaments. For example, such a ratepayer whose rate bill from 1 July 2021 onwards on hereditaments eligible for the closed cash cap is £1 million and also occupies other eligible hereditaments with a rates bill of £3 million is able to claim up to £1,105,000 in discount from 1 July 2021 onwards (£1million on their closed hereditament and then up to the £105,000 cash cap on their other eligible hereditaments).

22. Where a ratepayer has a qualifying connection with another ratepayer then those ratepayers should be considered as one ratepayer for the purposes of the cash caps. A ratepayer shall be treated as having a qualifying connection with another:

- a. where both ratepayers are companies, and
  - i. one is a subsidiary of the other, or
  - ii. both are subsidiaries of the same company; or

b. where only one ratepayer is a company, the ratepayer (the “second ratepayer”) has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.

23. In those cases where it is clear to the local authority that the ratepayer is likely to breach the cash caps then the authority should automatically withhold the discount. Otherwise, local authorities may include the discount in bills and ask the ratepayers, on a self-assessment basis, to inform the authority if they are in breach of the cash caps. Annex D of this guidance contains a sample cash cap ratepayer declaration, which local authorities may wish to use to discharge this responsibility.

## Splits, mergers, and changes to existing hereditaments

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

## Annex A – eligibility for the Expanded Retail Discount

1. Hereditaments that meet the eligibility for Expanded Retail Discount will be occupied hereditaments which meet all of the following conditions for the chargeable day:

a. they are wholly or mainly being used:

- i. as shops, restaurants, cafes, drinking establishments, cinemas and live music venues,
- ii. for assembly and leisure; or
- iii. as hotels, guest & boarding premises and self-catering accommodation,

2. We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:

i. Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

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

- Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents

- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire
- Employment agencies
- Estate agents and letting agents
- Betting shops

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

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

iv. Hereditaments which are being used as cinemas

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

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music. Although we would expect this would be clear in most circumstances, guidance on this may be found in Chapter 16 of the statutory guidance issued in April 2018 under section 182 of the Licensing Act 2003<sup>[footnote 4]</sup>.

3. We consider assembly and leisure to mean:

i. Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs

- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

ii. Hereditaments that are being used for the assembly of visiting members of the public.

- Public halls
- Clubhouses, clubs and institutions

4. We consider hotels, guest & boarding premises and self-catering accommodation to mean:

i. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

- Hotels, Guest and Boarding Houses
- Holiday homes
- Caravan parks and sites

5. To qualify for the discount the hereditament should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which have closed due to the government's advice on COVID19 should be treated as occupied for the purposes of this relief.

6. The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied uses that exist within the qualifying purposes. There will also be mixed uses. However, it is intended to be a guide for authorities as to the types of uses that the government considers for this purpose to be eligible for relief. Authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

7. The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the discount under their local scheme.

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

- Financial services (e.g. banks, building societies, cash points, bureaux de change, short-term loan providers)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers)
- Post office sorting offices

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



## Annex B – eligibility for the Closed cash cap (£2 million)

1. Ratepayers that meet the eligibility criteria for the closed cash cap will be ratepayers who for a chargeable day occupy one or more hereditaments whose use on the chargeable day would, based on the law and guidance applicable on 5 January 2021, have meant that the business or activity would have been mandated to close by the government.
2. For the avoidance of doubt, hereditaments which have closed due to the government's response to coronavirus should be treated as occupied for the purposes of the closed cash cap.
3. If, under this eligibility test, a person would have been required to close its main, in-person service but could have adapted its business to operate takeaway, click and collect or online with delivery services, it will be considered closed and be eligible for the closed cash cap because its substantive business would have been mandated to close.
4. In cases where hereditaments would have remained open to provide services that can continue as they are exempt from the regulations (e.g. post office services, food banks) the ratepayer may still be eligible for the closed cash cap, because they would have been unable to provide their main in-person service.
5. The following hereditaments do not meet eligibility for the closed cash cap:
  - a. Hereditaments occupied by businesses and other ratepayers that would have been able to conduct their main service because they do not depend on providing direct in-person services from premises and can operate their services effectively remotely (e.g. accountants, solicitors).
  - b. Hereditaments whose occupiers may have chosen to close but not been required to.

## Annex C: Calculation examples for 2021/22

The Expanded Retail discount is always calculated after mandatory relief and other discretionary reliefs funded by section 31 grant. Ignoring cash caps.

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

<b>Gross rates (before any reliefs) = £40,000 x 0.499:</b>	<b>= £19,960</b>
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £19,960 x 91/365	= -£4,976
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £19,960 x 0.66 x 274/365	= -£9,889
Rates due (after Expanded Retail Discount):	= £5,094

### Example 2: An occupied shop with a rateable value of £100,000

<b>Gross rates (before any reliefs) = £100,000 x 0.512:</b>	<b>= £51,200</b>
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £51,200 x 91/365	= -£12,765
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £51,200 x 0.66 x 274/365	= -£25,367
Rates due (after Expanded Retail Discount):	= £13,068

## Page 74

**Example 3: An occupied charity shop with a rateable value of £40,000**

<b>Gross rates (before any reliefs) = £40,000 x 0.512</b>	<b>= £20,480</b>
Net rates after charity relief (80% discount):	= £4,096
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £4,096 x 91/365	= -£1,021
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £4,096 x 0.66 x 274/365	= -£2,029
Rates due (after charity relief and Expanded Retail Discount):	= £1,045

**Example 4: An occupied shop with a rateable value of £13,500 eligible for Small Business Rate Relief (SBRR)**

<b>Gross rates (before any reliefs) = £13,500 x 0.499</b>	<b>= £6,737</b>
Net rates after SBRR (50%):	= £3,368
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £3,368 x 91/365	= -£840
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £3,368 x 0.66 x 274/365	= -£1,669
Rates due (after SBRR and Expanded Retail Discount):	= £860

**Example 5: An occupied shop with a rateable value of £10,000 eligible for Small Business Rate Relief (SBRR)**

<b>Gross rates (before any reliefs) = £10,000 x 0.499</b>	<b>= £4,990</b>
Net rates after SBRR (100%):	= £nil
Rates bill is nil and, therefore, no Expanded Retail Discount applies	

**Example 6: An occupied shop with a rateable value of £40,000 eligible for Transitional Relief (TR) and receiving Revaluation Discretionary Relief**

<b>Gross rates (before any reliefs) = £40,000 x 0.499</b>	<b>= £19,960</b>
Transitional Relief (say):	= -£1,500
Net rates after Transitional Relief:	= £18,460
Net rates after Revaluation Discretionary Relief (say):	= £15,460
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £15,460 x 91/365	= -£3,854

Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £15,460 x 0.66 x 274/365	= -£7,660
Rates due (after TR, revaluation relief and Expanded Retail Discount):	= -£3,946

### Example 7: An occupied shop with a rateable value of £18,000 previously paying nothing prior to revaluation 2017 and eligible for Supporting Small Businesses Relief (SSB)

Gross rates (before any reliefs) = £18,000 x 0.499	= £8,982
Supporting Small Businesses Relief (say):	= -£6,582
Net rates after SSB:	= £2,400
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £2,400 x 91/365	= -£598
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £2,400 x 0.66 x 274/365	= -£1,189
Rates due (after SSB and Expanded Retail Discount):	= -£613

### Example 8: A shop with a rateable value of £40,000 (example 1) but only occupied until 30 September 2020

Gross rates while occupied (before any reliefs) = £40,000 x 0.499 x 183/365	= £10,007
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £10,007 x 91/183	= -£4,976
Expanded Retail Discount (66% from 01/07/21 to 30/09/21), £10,007 x 0.66 x 92/183	= -£3,320
Net rates while occupied	= £1,711
Gross rates while unoccupied (before any reliefs) = £40,000 x 0.512 x 182/365	= £10,212
Unoccupied property relief (100% from 01/10/21 to 31/12/21), £10,212 x 92/182:	= -£5,162
Net rates while unoccupied	= £5,050
Rates due for the year (after empty property relief and Expanded Retail Discount):	= £6,760

### Annex D: Sample paragraphs that could be included in letters to ratepayers about the Expanded Retail Discount and the cash cap

At the Budget on 3 March 2021, the Chancellor announced that eligible ratepayers will receive a discount on their business rates bills for the year 2021/22 of 100% for the first three months and 66% for the remainder of the year.

Relief will be provided to eligible occupied retail, hospitality and leisure properties in 2021/22. Your current rates bill includes this discount.

In line with the conditions set by the government finding of this relief, ratepayers may for the period from 1 July 2021 onwards only claim up to £2 million of Expanded Retail Discount in 2021/22 for hereditaments which based on the coronavirus rules at 5 January would have been required to closed and £105,000 for other eligible properties (up to a cap of £2 million for all properties). This cash cap applies at a Group company level (so holding companies and subsidiaries cannot claim up to the cash cap for each company) and also to organisations which, although not a company, have such an interest in a company that they would, if they were a company, result in its being the holding company. Find further details of the cash cap (<https://www.gov.uk/government/publications/business-rates-expanded-retail-discount-2021-to-2022-local-authority-guidance>).

If you (or if appropriate a company in your Group) have received Expanded Retail Discount on any other property then you should return the attached declaration to this authority including any other Expanded Retail Discount you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of Expanded Retail Discount does not exceed the cash cap for 2021/22. If this applies to you, please complete the declaration at Form A and return it to the address above.

If you have exceeded the cash cap on other properties and wish to refuse to receive the Expanded Retail Discount granted in relation to the premises to which this bill and letter relates, please complete the attached Form B and return it to the address above. You do not need to complete the declaration at Form A. This may be particularly relevant to those premises that are part of a large chain, where the cumulative total of Expanded Retail Discount received could exceed the cash cap.

The government and [name of local authority] will not tolerate any business falsifying their records or providing false evidence to gain this discount, including claiming support above the cash cap. A ratepayer who falsely applies for any relief, or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

If you have not received any other Expanded Retail Discount for premises other than the one to which this bill and letter relates, you do not need to complete or return either form.

- 
1. As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.
  2. As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.
  3. The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1988 regulation 7.
  4. The statutory guidance can be accessed here:  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

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  4. Business rates (<https://www.gov.uk/regional-and-local-government/local-government-business-rates>)
  5. Business rates: nursery (childcare) discount 2021 to 2022 – local authority guidance (<https://www.gov.uk/government/publications/business-rates-nursery-childcare-discount-2021-to-2022-local-authority-guidance>)
- Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Guidance

# Business rates: nursery (childcare) discount 2021 to 2022 – local authority guidance

Published 4 March 2021

## Contents

About this guidance

Introduction

Nursery Discount

Annex A: Sample paragraphs that could be included in letters to ratepayers about the Nursery Discount and the cash cap

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## Page 79

### About this guidance

1. This guidance is intended to support local authorities in administering the business rates Nursery Discount, announced in the Budget on 3 March 2021. This guidance applies to England only.
2. This guidance sets out the criteria which central government considers should be met for a hereditament to be eligible for the Nursery Discount 2021/22. The guidance does not replace existing legislation.
3. Enquiries on this measure should be addressed to: [ndr@communities.gov.uk](mailto:ndr@communities.gov.uk)

### Introduction

4. On 18 March 2020, the Government announce the business rates Nursery Discount 2020/21 as part of the response to the COVID-19 pandemic.
5. The relief applies to hereditaments which are occupied by providers on Ofsted's Early Years Register and which are wholly or mainly used for the provision of the Early Years Foundation Stage. There is no rateable value limit on the relief. Ofsted has ensured that all local authorities can access the Ofsted Early Years Register to support authorities identify eligible properties.
6. At the Budget on 3 March 2021, the Chancellor announced that the Nursery Discount would continue to apply at 100% for eligible properties for the first three months of 2021 from 1 April 2021 to 30 June 2021. Subsequently, from 1 July 2021 to 31 March 2022, the Nursery Discount will apply at 66%. From 1 July 2021, the relief will be capped at £105,000 per business.
7. This document provides guidance to authorities about the operation and delivery of the policy.

### Nursery Discount

#### How will the relief be provided?

8. As in 2020/21, the government is not changing the legislation relating to the reliefs available to properties. Instead the government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual billing authorities to adopt a local scheme and determine in each individual case whether, having regard to this guidance, to grant relief under section 47. Central government will fully reimburse local authorities for their local share of the discretionary relief through grant payments made under section 31 of the Local Government Act 2003.
9. As a short-term measure, authorities may consider rolling forward their 2020/21 scheme into the first three months of 2021/22. Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice before varying a rate relief scheme the effect of which would have been to increase rate bills. Therefore authorities should be clear in their scheme, decision and determination that the 100% scheme is for three months only. Authorities should also ensure that their scheme from 1 April 2021 includes the option for ratepayers to refuse the discount (see paragraphs 16) and 17 below). Billing authorities may also wish to consider issuing a letter to ratepayers providing notification of the award of the extended relief to all effected ratepayers. This should highlight that the 100% relief only applies for the first three months of the financial year and that a further relief scheme will be made in respect of the period 1 July 2021 to 31 March 2022 when the 66% relief will apply to eligible ratepayers.

10. The government will reimburse billing authorities and major precepting authorities for their loss of income under the rates retention scheme as a result of awarding the relief that falls within the criteria of this guidance. Because billing authorities have completed their NNDR1s for 2021/22 already, payments to major precepting authorities will be unaffected by the award of the relief. Therefore, billing authorities only will be provided with “on account” s. 31 payments for 100% of the relief they anticipate awarding in respect of the retail discount in 2021/22. This will ensure that their cashflow is not affected. In the first instance, payments will cover the relief for the first three months and will be based on existing data.

11. At the end of the year, billing authorities will also be asked to provide outturn data on the actual total cost for providing the relief via the NNR3 forms for 2021/22. The loss of income resulting from the relief for each billing authority and major precepting authority will be reconciled against the on-account payments made over the course of the year and any difference will be paid or recovered. In addition, billing authorities should ensure that they are able to monitor and report the take-up of the scheme at Parliamentary constituency level.

## Which properties will benefit from relief?

12. Properties that will benefit from the relief will be hereditaments which are occupied by providers on Ofsted’s Early Years Register and which are wholly or mainly used for the provision of the Early Years Foundation Stage.

13. To qualify for the relief the hereditament should be wholly or mainly being used for the above qualifying purpose. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which have closed temporarily due to the government’s advice on COVID-19 should be treated as occupied for the purposes of this relief.

14. Billing authorities which are unitary authorities, London boroughs, or metropolitan districts should work with their education teams to identify eligible hereditaments in their area. We strongly urge county councils to assist district councils in identifying eligible properties.

15. In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, to a precepting authority. A “precepting authority” includes fire, police and parish councils or a functional body within the meaning of the Greater London Authority Act 1999.

16. A ratepayer may refuse the Nursery Discount anytime up to 30 April 2022. The ratepayer cannot subsequently withdraw their refusal for all or part of the financial year.

17. Local authorities should make clear in their approved scheme that, for the purposes of section 47 of the 1988 Act, hereditaments where the ratepayer has refused the relief are outside of the scheme and outside of the decision of which hereditaments qualify for the the discount and are therefore ineligible for the relief.

## How much relief will be available?

18. Subject to the cash cap, the total amount of government-funded relief available for each property for 2021/22 under this scheme is:

- a. For chargeable days from 1 April 2021 to 30 June 2021: 100% of the chargeable amount, and
- b. For chargeable days from 1 July 2021 to 31 March 2022: 66% of the chargeable amount.



19. The relief should be applied after mandatory and other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their wider discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants<sup>[footnote 1]</sup>. Of course, billing authorities may wish to use their discretionary powers to offer further discounts outside this scheme or additional relief to hereditaments within the scheme. However, where an authority applies a locally-funded relief, this must be applied after the Nursery Discount as per section 47 of the 1988 Act.

20. Subject to the cash cap, the eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a chargeable day for a particular hereditament in the financial year 2021/22:

Amount of relief to be granted = V x percentage Nursery Discount as set out at paragraph 18 above, where:

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants<sup>[footnote 2]</sup>.

21. This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.

22. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties subject to the cash caps explained below.

## Instalments

23. The standard payment arrangement for business rates is for the liability for the year to be paid in 10 or 12 instalments<sup>[footnote 3]</sup>. However, this would mean that those ratepayers eligible for the 2021/22 Nursery Discount would have to make instalments in the first three months of the year when the 100% relief is available. Therefore, authorities should ensure in line with this guidance and in accordance with Part 1, Schedule 1 of The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Regulations) 1989 (SI 1989/1058), as amended, that ratepayers eligible for the Nursery Discount are not asked to make an instalment in respect of 2021/22 for the three month period that the 100% relief is available for. Billing authorities should provide an alternative installment arrangement for ratepayers which spreads the liability for the period from 1 July 2021 to 31 March 2022 over some or all of the remaining nine months of the year.

## The cash cap

24. No cash cap will apply for the period between 1 April 2021 and 30 June 2021.

25. From 1 July 2021, a person may only receive Nursery Discount relief of up to £105,000 in 2021/22, ignoring any relief for the period before 1 July 2021.

26. No person can in any circumstance exceed the £105,000 cash cap across all of their hereditaments.

27. Where a person has a qualifying connection with another person then those persons should be treated as one person for the purposes of the cash cap. Persons shall be treated as having a qualifying connection where:

- a. Both persons are companies, and
  - i. one is a subsidiary of the other, or
  - ii. both are subsidiaries of the same company; or
- b. where only one person is a company, the other person (the “second person”) has such an interest in that company as would, if the second person were a company, result in its being the holding company of the other.

28. In cases where it is clear to the local authority that the ratepayer is likely to breach the cash cap, the authority should withhold the discount. Otherwise, local authorities may include the discount in bills and ask the ratepayer, on a self-assessment basis, to inform the authority if they are in breach of the cash cap. Annex A of this guidance contains a sample cash cap ratepayer declaration which local authorities may wish to use.

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

29. The Nursery Discount should be applied on a day-to-day basis using the formula set out at paragraph 20. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh on that day.

## **Annex A: Sample paragraphs that could be included in letters to ratepayers about the Nursery Discount and the cash cap**

At the Budget on 3 March 2021, the Chancellor announced that eligible ratepayers will receive a discount on their business rates bills for the year 2021/22 of 100% for the first three months and 66% for the remainder of the year.

Relief will be provided to eligible properties which are occupied by providers on Ofsted’s Early Years Register and which are wholly or mainly used for the provision of the Early Years Foundation Stage.

In line with the conditions set by the government for the funding of this relief, ratepayers may for the period from 1 July onwards only claim up to £105,000 under the Nursery Discount. This cash cap applies at a Group company level (so holding companies and subsidiaries cannot claim up to the cash cap for each company) and also to organisations which, although not a company, have such an interest in a company that they would, if they were a company, result in its being the holding company. Find further details of the cash cap (<https://www.gov.uk/government/publications/business-rates-nursery-childcare-discount-2021-to-2022-local-authority-guidance>).

If you (or if appropriate a company in your Group) have received the Nursery Discount on any other property then you should return the attached declaration to this authority including any other Nursery Discount you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of Nursery Discount does not exceed the cash cap for 2021/22. If this applies to you, please complete the declaration at Form A and return it to the address above.

If you have exceeded the cash cap on other properties and wish to refuse to receive the Nursery Discount granted in relation to the premises to which this bill and letter relates, please complete the attached Form B and return it to the address above. You do not need to complete the declaration at Form A. This may be particularly relevant to those premises that are part of a large chain, where the cumulative total of Nursery Discount received could exceed the cash cap.

The government and [name of local authority] will not tolerate any business falsifying their records or providing false evidence to gain this discount, including claiming support above the cash cap. A ratepayer who falsely applies for any relief, or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

If you have not received any other Nursery Discount form, you do not need to complete or return either form.

## Form A: cash cap declaration

Dear [ ]

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

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

This award shall comply with the cash cap on claiming the Nursery Discount on the basis that, including this award, [name of ratepayer] (together with any other companies in the same Group) shall not receive (from 1 July 2021 onwards) more than £105,000 of Nursery Discount in 2021/22. Find further details of the cash cap (<https://www.gov.uk/government/publications/business-rates-nursery-childcare-discount-2021-to-2022-local-authority-guidance>).

Value of Nursery Discount	Property Reference No.	Local authority providing aid

I confirm that:

- 1) I am authorised to sign on behalf of \_\_\_\_\_ [name of ratepayer]; and
- 2) \_\_\_\_\_ [name of ratepayer] shall not exceed Nursery Discount Cash Cap by accepting this Discount.

SIGNATURE: NAME: POSITION: BUSINESS: ADDRESS: DATE:

## Form B: Refusal of Nursery Discount form

Name and address of premises	Non-domestic rates account number	Amount of Nursery Discount

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

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

SIGNATURE: NAME: POSITION: BUSINESS: ADDRESS: DATE:

1. As required in the NNDR3 guidance note: **Page 84**r categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the Nursery Discount.
2. As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the Nursery Discount.
3. The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1988 regulation 7.

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