



CHELTENHAM BOROUGH COUNCIL

Notice of a meeting of Cabinet

**Tuesday, 12 October 2021
6.00 pm
Council Chamber - Municipal Offices**

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

Important Notice

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Agenda

		SECTION 1 : PROCEDURAL MATTERS	
1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		MINUTES OF THE LAST MEETING Draft minutes of 14 th September meeting.	(Pages 5 - 10)
4.		PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on Tuesday 5 October 2021	
		SECTION 2 :THE COUNCIL <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
		SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
		SECTION 4 : OTHER COMMITTEES	

		<i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
		SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS	
5.		ADVICE AND INCLUSION CONTRACT Report of the Cabinet Member Housing	(Pages 11 - 20)
6.		SOCIAL HOUSING DECARBONISATION FUND – GRANT APPLICATION Report of the Cabinet Member Housing and Cabinet Member Climate Emergency	(Pages 21 - 32)
7.		GRANT TO CHELTENHAM BUSINESS IMPROVEMENT DISTRICT - CHRISTMAS LIGHTS Report of the Cabinet Member Culture, Wellbeing and Business	(Pages 33 - 40)
8.		AGREEMENT FOR SERVICES BETWEEN CHELTENHAM BOROUGH COUNCIL AND PUBLICA GROUP (SUPPORT) LTD: EXTENSION OF TERM Report of the Leader	(Pages 41 - 46)
9.		BUDGET MONITORING APRIL-JUNE 2021 Report of the Cabinet Member Finance and Assets-TO FOLLOW	
		SECTION 6 : BRIEFING SESSION	
		<ul style="list-style-type: none"> • Leader and Cabinet Members 	
10.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	
		SECTION 9 : BRIEFING NOTES	
		SECTION 10 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS The Cabinet is recommended to approve the following resolution:- “That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government	

		Act 1972, namely:	
		Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information).	
11.		CHELTENHAM TRUST GRANT AWARD Report of the Cabinet Member Culture, Wellbeing and Business	(Pages 47 - 76)

Contact Officer: Harry Mayo, Democracy Officer, 01242 264211

Email: democratic.services@cheltenham.gov.uk

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Cabinet

**Tuesday, 14th September, 2021
6.00 - 6.40 pm**

Attendees	
Councillors:	Rowena Hay (Leader of the Council), Peter Jeffries (Deputy Leader and Cabinet Member Finance & Assets), Victoria Atherstone (Cabinet Member Culture, Wellbeing & Business), Iain Dobie (Cabinet Member Waste & Recycling & Street Services), Martin Horwood (Cabinet Member Customer & Regulatory Services) and Andrew McKinlay (Cabinet Member Cyber & Strategic Transport)
Also in attendance:	Gareth Edmundson, Sarah Farooqi, David Jackson

Minutes

1. APOLOGIES

Apologies were received from Cllrs. Clucas, Collins and Wilkinson.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting on 13th July were approved and signed as a correct record.

RESOLVED THAT:

1. The minutes of the 13th July meeting be approved.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

There were none.

5. COMMON LICENSING STANDARDS FOR LICENSING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS IN GLOUCESTERSHIRE

The Cabinet Member Customer and Regulatory Services presented the report, describing it as a positive and sensible move to seek common licensing standards across the county in line with government guidelines, unless there is a very good reason not to. Anyone hailing a cab in Cheltenham, especially at busy times like race week, was likely to use one licensed in Tewkesbury or Gloucester. The alignment of common standards would help drivers and passengers to know where they stood and keep people safe.

The Cabinet Member Cyber and Strategic Transport praised the report as a common-sense step forward with positive practical implications for Cheltenham. The authority prided itself on high standards of licensing and enforcement, which was not necessarily the case at other councils. He noted that there were more private hire vehicles licensed in Tewkesbury operating in Cheltenham

than in Tewkesbury, suggesting it was easier to pass licensing tests in Tewkesbury. These shared standards would help to raise the bar across the county.

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

RESOLVED THAT:

1. The consultation feedback be noted;
2. The Common Licensing Standards for Taxi and Private Hire Licensing attached at Appendix 2 of this report be adopted;
3. Authority be delegated to the Licensing Team Leader to put in place the practical measures to implement the common licensing standards policy.

6. FOOD SAFETY SERVICE PLAN

The Cabinet Member Customer and Regulatory Services presented the report, noting that it was an annual statutory obligation rather than a sudden area of concern. He praised the resilience of the Food Safety team during the pandemic, and thanked the businesses who had co-operated with officers and shown a real commitment to high standards of food safety and environmental health. Cheltenham's wide variety of restaurants and hotels were a big part of its appeal, and the increase in registered food businesses from 969 a year ago to 1,025 today was a sign that the economic recovery was in progress.

The Leader added that it was important to have such a plan, and it was hugely encouraging to see an increase in the number of food businesses in the last year.

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

RESOLVED THAT:

1. The appended service plan for 2021-22 be approved.

7. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Culture, Wellbeing and Business reported that there would soon be a new sports bar at the Prince of Wales Stadium, and thanked the officers involved in doing this. She also thanked those involved in bringing big screen entertainment to Imperial Gardens, which had been hugely enjoyable for everyone who came to watch classic movies, theatre, the Proms, Olympics and Paralympics. The event had been family friendly and saw between 150 and 350 visitors daily.

The Cabinet Member Waste, Recycling and Street Services reported that next week would be Recycle Week, so he was happy to say that the Pod Back scheme for recycling coffee pods was progressing well, with Karen Watson (Head of Environmental Partnerships) leading on this. He added that weedkiller usage was being reduced in favour of weed rippers in order to promote biodiversity, and that Ubico's progress across the town could be followed by residents on the CBC website.

The Cabinet Member Customer and Regulatory Services reported that he had had a productive meeting with the Gloucestershire Rape and Sexual Abuse

Centre (GRASAC), prompted by a recent council survey on women's safety. It was good to see these conversations happening, and he had particularly raised the issue of how women's safety varied throughout the year, for example during race week. Sexual Entertainment Venues (SEVs) were a relevant topic, as they were still subject to a loophole allowing unlicensed SEVs to remain open. At the meeting, he had agreed to write to government to ask for this loophole to be closed, and would also look at codes of practice regarding attaching conditions to alcohol licensing. It was important to reflect a positive image of the town, and the safety of residents and visitors was integral to this.

The Cabinet Member Finance and Assets noted that the Budget Monitoring report had been delayed to October Cabinet, and acknowledged the economic difficulties still faced by businesses and individuals as the pandemic continued. It was important to keep a close eye on the council's economic recovery, a key part of which would be the revised capital budget.

The Leader added that she had attended the iESE Awards along with the Chief Executive, Laura Carter and Katie Sandey (Communications), where CBC had received a gold award for its use of communications during the pandemic. The council had also won a Transformation Award for its allocation of relief funding to businesses, for which she thanked the officers involved.

Cabinet Member Decisions

The Cabinet Member Finance and Assets reported that he had made five decisions since the last meeting. These related to tender acceptance for replacement fire doors within CBC's housing stock, an amendment to the Discretionary Test and Trace Support Payment Scheme, a contract award for electrical works, the provision of specialist services for Fire Risk Assessments and cyclical redecoration works to CBC-owned residential properties.

In the absence of the Cabinet Member Safety and Communities, the Leader reported that she had made a decision regarding the allocation of HAF funding, which would deliver a programme of summer holiday activities and food provision for children who received benefits-related free school meals.

In the absence of the Cabinet Member Climate Emergency, the Leader reported that he had made a decision to support the Honeybourne Line Missing Link project being delivered and fully funded by Great Western Railway (GWR).

In the absence of the Cabinet Member Housing, the Leader reported that he had made a decision to commit to accommodating approximately seven households across the borough from the British Forces Afghan Relocation and Assistance scheme during 2021/22.

The Cabinet Member Culture, Wellbeing and Business reported that she had extended the grant agreement for Welcome Grant Funding agreed on 8th December 2020 as part of the European Regional Development Fund (ERDF) Reopening High Streets Safely Fund. This decision increased the amount of funding to the maximum sum of £207,155.

The Cabinet Member Cyber and Strategic Transport reported that he had made a decision to employ Nick Sturge of Omnigenix on a short-term contract to support the Cyber Central Project of the Golden Valley Programme in leading

the Cyber Eco-System work stream and engagement with academia and talent development.

The Leader reported that she had made a decision to allocate a series of executive functions to the Head of Property, Finance and Assets, or in their absence the Executive Director Finance and Assets.

8. URGENT ITEM - CHRISTMAS ICE RINK

The Leader explained that a notice of intention to take an urgent key decision regarding the Christmas Ice Rink had been published on 8th September. The decision could not reasonably be deferred as the supplier required confirmation of order and deposit payment as soon as possible or Cheltenham risked losing the event. The Vice-Chair of O&S had agreed to waive the call-in period so it could be implemented as soon as possible.

The Cabinet Member Culture, Wellbeing and Business presented the report and thanked officers for putting it together at short notice. She explained that before the pandemic, the Business Improvement District (BID) had a plan in place for the ice rink, including planning consents and financial modelling. The original planning consent was for the rink to be situated in the north west quadrant of Imperial Gardens and to last for 45 days over the Christmas period, but it fell victim to Covid and the cancellation of live events. With restrictions now eased, the ice rink can come back to bolster the festive period, which is vitally important both for resident and businesses. The BID was no longer in a position to commit to it due to the timing of its recent renewal ballot, so this report set out conditions for the business case and financial conditions for the council to take on the contract and provide full financial underwriting for the event.

She added that a revised application had been submitted to to move the ice rink to the site adjacent to the south-west quadrant, bordered by the Promenade and Queens Hotel. This was due to the new plaza, part of the Quadrangle redevelopment at the rear of the Town Hall, making the original site too small. This application would be determined at the October Planning Committee.

The council's recovery strategy and Economic Recovery Task Force supported the reopening, reinvention and revitalisation of the Town Centre, and this would add to the wide range of experiences available in the town centre to encourage footfall. She added that the expected advertising and ticket revenue of the rink would help it to break even at just 46.5% capacity, with a potential capacity of 60% resulting in a net profit of £85,353. The environmental impact of generators required to keep the ice cold would be kept to a minimum, while the covered structure would help to keep temperature fluctuations to a minimum. £80,302 would be paid as a non-refundable deposit before the planning permission was granted. Local businesses (including StayLets, the Queens Hotel and TURF Cheltenham) had voiced their support.

The Cabinet Member Finance and Assets added that this was a good use of money that would draw people to the Town Centre and increase economic activity.

The Leader added that while the BID was not in a position to underwrite this project, it would be heavily involved and remained a valuable partner on the Christmas market and more. The Christmas period was more important than

ever after what had happened at the last minute last year, and residents would welcome the rink.

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

RESOLVED THAT:

1. The Authority's contract rules be waived pursuant to contract rule 6.1.1 for the appointment of 11th Hour Events Limited to supply and deliver the Christmas ice rink in 2021 on Imperial Gardens;
2. The Authority appoint 11th Hour Events Limited to supply and deliver the ice rink on behalf of the Authority, in advance of planning permission being considered by the Planning Committee on 14th October 2021, and that the costs and risks set out in this report be noted;
3. A total potential financial commitment of £335,575 plus VAT be approved;
4. Authority be delegated to the Director of Planning, Place & Growth to agree the terms of the contract and the entrance fees;
5. £80,302.50 plus VAT be paid as a non-refundable deposit to secure the contractor before planning permission is determined and the contract entered into.

9. HEALTH AND SAFETY SERVICE PLAN

The Health and Safety Service Plan briefing note was taken as read. The Leader added that in the past, this would have come as a full report, but this was now a three-yearly process with an annual update.

10. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS

Members resolved to move into exempt session.

RESOLVED THAT:

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

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

11. EXEMPT MINUTES

The exempt minutes of the 13th July meeting were approved and signed as a correct record.

RESOLVED THAT:

1. The exempt minutes of the 13th July meeting be approved.

Chairman

**Cheltenham Borough Council
Cabinet – 12th October 2021
Advice and Inclusion Contract**

Accountable member	Councillor Mike Collins, Cabinet Member - Housing
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	All
Key Decision	No
Executive summary	<p>The council’s Advice and Inclusion Contract (the contract) provides independent advice and assistance on debt, financial inclusion, benefits and housing rights advice for residents of Cheltenham. Whilst the service is not a statutory requirement, it does form a key part of the council’s housing and homelessness strategy in tackling and preventing homelessness, and in supporting vulnerable people.</p> <p>The contract was last tendered in 2017 and awarded to CCP (Caring for Communities and People). It expires at the end of March 2022. The purpose of this report is to seek approval from Cabinet to retender the contract.</p>
Recommendations	<ol style="list-style-type: none"> 1. To retender the Advice and Inclusion Contract for a term of 3 years from April 1st 2022, with the option of extending the term for a further 2 years, subject to satisfactory performance and available finance. 2. To authorise the Lead Commissioner – Housing Services, in consultation with Cabinet Member – Housing, to award the contract to the successful tenderer, following evaluation of bids. 3. To authorise the Lead Commissioner – Housing Services, in consultation with Cabinet Member – Housing, to extend the contract for a further 2 years following the end of the first 3 years of the service contract, subject to satisfactory performance and available finance.

Financial implications

The council's budget for this contract remains at £108,200 a year. This includes a £26,300/year contribution from the Housing Revenue Account. Should the financial requirements for the delivery of this contract exceed the current available budget, then relevant approvals will be sought in order to make up the difference. Any risk relating to this is being mitigated, as detailed in the risk register at appendix 1.

Re-tendering of the Advice & Inclusion Contract will be a financial commitment for a period of 3 years, plus a further 2 years, subject to satisfactory performance of the Provider(s) and available finance.

Contact officer: Andrew Taylor, Finance Business Partner

Andrew.taylor@cheltenham.gov.uk, 01242 264186

<p>Legal implications</p>	<p>The existing Advice & Inclusion Contract does not need to be formally terminated as it will expire on 31st March 2022. Any new contract awarded will go through a tendering process, within the timelines specified in this Report.</p> <p>The value of the contract means that the tendering process is subject to the Public Contracts Regulations 2015. However, the nature of the services places the contract within the regulations’ “light touch” regime: The council is required to advertise via a notice in the Find a Tender Service website and Contract Finder but has considerable leeway in the process it uses to award the contract. The council need not use one of the formal procedures described in the regulations as long as it utilises a method that conforms to the wider obligations of equality of treatment of bidders and transparency in the process.</p> <p>Statutory guidance relating to local authorities’ Best Value Duty requires the Council to undertake the consultation of “representatives of a wide range of local persons” at “all stages of the commissioning cycle, including when considering the decommissioning of services.”</p> <p>In designing and commissioning the service the Council has to pay due regard to its public sector equality duty, as contained in Section 149 of the Equality Act 2010:</p> <p>The council should consider the relevance of the duty to the service and then retain evidence in order to show that it has done so.</p> <p>Contact officer: One Legal legalservices@onelegal.org.uk</p>

<p>HR implications (including learning and organisational development)</p>	<p>No direct impact on CBC as a direct result of this report.</p> <p>In the event that the contract is awarded to a new provider, this will qualify as a service provision change under the “Transfer of Undertakings (Protection of Employment) Regulations 2006” (as amended by the “Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014”). Accordingly the staff employed by the current provider will transfer on their terms and conditions at the date of transfer to the new provider.</p> <p>Contact officer: Clare Jones, HR Business Partner</p> <p>Clare.jones@publicagroup.uk 01242 264364</p>
<p>Key risks</p>	<p>The risks are set out in the risk matrix, Appendix 1</p>
<p>Corporate and community plan Implications</p>	<p>The retendering of this contract will support 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>
<p>Environmental and climate change implications</p>	<p>None as a direct result of this report.</p>
<p>Property/Asset Implications</p>	<p>None as a direct result of this report.</p>

1. Background

1.1 Cheltenham Borough Council currently has an Advice and Inclusion Contract with CCP to deliver Debt and Debt Prevention Advice, Benefits Advice, and Housing Rights Advice to residents within Cheltenham. A summary of each of the different areas of advice is provided below:

1.1.1 Debt Advice and Advocacy

- The debt advice service provides advice and assistance on all matters relating to debt, where housing-related debt forms part of the overall debt. Services include: negotiating with creditors, arranging for debt to be set aside, and representation in court proceedings and tribunals. Clients' incomes are also maximised through Benefit Take-Up advice, and, where appropriate, additional financial assistance is sought from charities and other relevant organisations to help further reduce any unmanageable debt.

1.1.2 Financial Inclusion

- The financial inclusion service provides advice and assistance to households in developing their knowledge and skills in order to improve their financial capability, including effective budgeting. This work often overlaps with clients seeking debt and benefits advice, and help with digital inclusion (e.g. in helping a client to access basic online financial services).

1.1.3 Benefit Take-up Advice & Representation/Advocacy

- This service provides advice and assistance for clients seeking help with their benefits. It involves liaising with relevant agencies in respect of benefit claims, and in particular, representing clients in tribunals and/or assisting them through appeals processes.

1.1.4 Housing Rights and Homelessness Prevention

- The housing rights service provides advice and assistance to enable households to better understand their legal rights and to protect these rights from being potentially abused. The service will represent clients who are at risk of homelessness as a result of actions being taken by relevant bodies and individuals, such as private landlords (e.g. illegal evictions, harassment), social landlords (e.g. decisions to serve notice) and mortgage providers. This early intervention work can have the effect of delaying and indeed preventing homelessness.

1.1.5 In summary, the following outcomes are expected to be delivered under this contract:

- The prevention of homelessness;
- Reduction in unmanageable debt;
- The prevention of future unmanageable debt arising;
- Maximisation of incomes through the take up of benefits;
- Ensuring that residents (and in particular vulnerable residents) are adequately assisted in securing their rights in respect of the services provided under this contract.

- 1.2 The current contract is due to expire on 31st March 2022. It is proposed that it is retendered on broadly the same terms as provided under the existing contract, for the reasons specified below.

2. Reasons for the decision

- 2.1 The Advice and Inclusion service plays a key role in supporting the council's Housing, Homelessness & Rough Sleeping Strategy 2018-23. It has a focus on preventing homelessness, both directly, through protecting the rights of individuals in their homes and challenging actions by private and social housing landlords; and also indirectly, through its emphasis on helping people to manage their debt and on preventing future unmanageable debt from arising.
- 2.2 A key element of the Advice & Inclusion Service is its role in supporting vulnerable people. The service places particular emphasis on ensuring that our more vulnerable residents receive appropriate assistance so that their rights are protected. In turn, this commitment reflects the council's Place Vision, which is for Cheltenham to be a place where all people and communities thrive.
- 2.3 In the aftermath of Covid, there is some uncertainty at present over what impact the government's lifting of its eviction ban and the ending of its furlough scheme will have on jobs and homelessness. At a time when incomes may reduce, unmanageable debt may rise and when homelessness may increase, it seems appropriate that Advice & Inclusion services continue.

3. Alternative options considered

- 3.1 Not to retender this advice service. Whilst there is no statutory requirement for the council to fund this service, the reasons for doing so are detailed in section 2 above.
- 3.2 To reduce the range of advice services proposed within the contract. This option has been rejected on the basis that debt, financial exclusion, poor digital capability and housing can often be inextricably linked. Providing a holistic assessment of a household's overall debt, benefits and housing needs will ensure that risks of homelessness are minimised, as vulnerable clients in particular can often become 'lost' when being referred from one agency to another.
- 3.3 To provide the service in-house. This was rejected on the basis of the significant potential for Added Value gained through contracting this service out to an external provider. In addition, the Advice & Inclusion service offers a degree of independence from the council, thereby providing the opportunity for residents to seek help in challenging (where appropriate) any adverse decisions taken by Cheltenham's Housing Options Service and by Cheltenham Borough Homes in its management of our council-owned properties. This extra layer of scrutiny and potential challenge can only serve to keep driving high standards in the delivery of our services.

4. How this initiative contributes to the corporate plan

- 4.1 The retendering of this contract will support 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' for the reasons specified in section 2 above.

5. Consultation and feedback

- 5.1 Consultation has been undertaken with local advice providers to consider gaps and to test whether the council has got its priorities right in terms of its proposed service provision in the context of the local market. All support the proposals, and all agree these priorities are appropriate to help address local needs.

- 5.2** In addition, consultation has been undertaken with Cheltenham’s Housing Options Service, who are also supportive of the proposals.
- 5.3** Finally, wider consultation has been undertaken with the council’s Communities Partnership and the Housing & Support Forum. Again, there was unanimous support of proposals from those who fed back. There was a recommendation that the council reconsiders ‘drop-in’ arrangements in light of how services have moved more towards appointment-based delivery following the covid pandemic. Accordingly, we have updated the specification to allow for greater flexibility for the provision of appointment-based services, whilst still keeping open the potential requirement for drop-in services, should the demand for such services require this.

6. Performance Management – Monitoring and Review

- 6.1** Performance will be monitored on a quarterly basis throughout the period of the contract against a detailed specification and KPIs.

Report author	Contact officer: Martin Stacy, Martin.stacy@cheltenham.gov.uk, 01242 264216
Appendices	1. Risk Assessment
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the proposal to re-tender the Advice & Inclusion Contract, along with a new service specification, is not agreed, then this is likely to lead to more residents, particularly vulnerable households, being incapable of managing their financial affairs adequately, falling into debt and/or becoming homeless. This is also likely to put significantly increased pressures on Cheltenham Borough's Housing Options Team and other services. In particular, it is likely to lead to the increased use of inappropriate temporary accommodation, such as Bed & Breakfast, at additional cost to the council.	Martin Stacy	13.8.21	3	4	12	Reduce	Cabinet agrees to retender the Advice & Inclusion Contract.	31.3.22	Martin Stacy	
	If there is no provider willing or able to offer the service as detailed within the service specification for the estimated value of the contract, then local needs will not be supported.	Martin Stacy	13.8.21	3	1	3	Accept	pre-market engagement (aka soft marketing testing) has been undertaken with a number of local advice providers, all of whom support the proposed	31.3.22	Martin Stacy	

								service specification. The proposed service specification is not substantially different from the existing specification currently being delivered by CCP on behalf of the council.			
	If the successful bidder's proposed contract price exceeds the current available budget, then further approvals may be needed to finance the difference, should there remain an appetite to commission this service	Martin Stacy	13.8.21	1	4	4	Reduce	Some local advice providers have been advised of the likely contract price and to date no concerns have been raised. If required, consider the use of other potential funding streams to protect any impact on the General Fund.	December 2021	Martin Stacy	

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Cheltenham Borough Council
Cabinet
12th October 2021
Social Housing Decarbonisation Fund Wave 1:
Agreement to submit a grant bid

Accountable member	<p>Councillor Mike Collins – Cabinet Member for Housing</p> <p>Councillor Max Wilkinson – Cabinet Member Climate Emergency</p>
Accountable officer	Martin Stacy, Lead Commissioner – Housing Services
Ward(s) affected	Any
Key/Significant Decision	Yes
Executive summary	<p>Cheltenham Borough Council (CBC) has set a challenging target for Cheltenham to be net carbon zero by 2030. As a result, Cheltenham Borough Homes (CBH) is developing a CBH Climate Action Plan to assist in achieving CBCs targets. This will include plans for CBC’s existing social housing portfolio, taking account of associated Housing Revenue Account (HRA) budgetary requirements.</p> <p>Under the Government’s £3.8bn Decarbonisation fund, the Department for Business, Energy and Industrial Strategy (BEIS) released a competition for £160m grant funding through the Social Housing Decarbonisation Fund (SHDF) Wave 1. The grant funding intensity is to up to two thirds (2/3) of project costs.</p> <p>The grant funding is aimed at ‘fabric first measures’, such as improved insulation to reduce the energy demand of homes with eligible homes being currently SAP D, E, F or G, with measures to improve the home to at least SAP C. Whilst other measures may be considered, they must not result in increased energy costs for the resident.</p> <p>A number of Gloucestershire local authorities and Registered (social housing) Providers propose to submit a consortium bid under the SHDF Wave 1, for which CBC wish to be a partner organisation. Stroud District Council will be the lead local authority for the bid; and an expression of interest was submitted to BEIS on 10th September by Stroud District Council listing the following parties to the consortium:</p> <ul style="list-style-type: none"> • CBC (and CBH, as managing agents) • Stroud District Council • Two Rivers Housing

- Gloucester City Homes – who have requested to be added after the expression of interest was submitted

It is intended that the bid includes 'fabric first' works to around 50-60 CBC homes at a total budget cost in the region of £1.26m. The measures proposed include:

- Upgrading loft insulation to 400mm;
- Installation of external wall or cavity insulation;
- Improved glazing;
- Ventilation; and
- Ground source heat pump installation

The anticipated grant level is estimated to be up to around 780k, with CBC funding up to around £480k through the HRA.

Please note that as a number of acronyms are used throughout this report, a glossary of these key terms are provided at Appendix 2.

Recommendations

That Cabinet

- 1. Agrees to inclusion of CBC in the consortium bid to be submitted by Stroud District Council for grant funding under the SHDF Wave 1;**
- 2. Delegates authority to Lead Commissioner – Housing Services, in consultation with Cabinet Members for Housing and for Climate Emergency, to accept the said grant funding offer, if the bid is successful, and to enter into any agreements or documentation as necessary;**
- 3. Delegates authority to Lead Commissioner – Housing Services to enter into a partnership agreement with Stroud District Council, if the bid is successful.**

Financial implications	<p>The anticipated grant level is estimated to be up to around £780k, with CBC funding the difference (up to around £480k) through the HRA. There is currently £200k of funding from the 2021/22 HRA capital budget programme specifically allocated to support carbon reduction measures. The remaining sum (currently estimated to be around £280k) is currently unallocated and will need to be included either by viring budget from elsewhere in the 2021/22 HRA Capital budget or included as part of the HRA capital budget programme for 2022/23. The HRA Capital programme budget will require approval by Council, ahead of the new financial year. It is anticipated this will be done as part of the Council's approval of the HRA budgets for 2022/23.</p> <p>The anticipated grant level is the total value of the maximum grant per property and if the number of properties included is reduced, the grant available will also reduce. Cost estimates are based on current prices and could increase due to current market pressures associated with Brexit, Covid-19 etc. If costs do increase then the level of funding required from the HRA may need to increase to cover the price rises.</p> <p>Contact officer: Gemma Bell</p> <p>Gemma.bell@cheltenham.gov.uk 01242 264124</p>
Legal implications	<p>The Lead authority for this project is Stroud District Council. If successful, Stroud District Council will be required to enter a Memorandum of Understanding with BEIS and will be paid by the government upon provision of required documentation, with payments subject to Subsidy Controls (previously known as State Aid). Stroud District Council will be responsible for distributing to the partners the relevant grant allocation. CBC will be required to enter into a Partnership Agreement with Stroud District Council which will set out the roles and responsibilities of the respective parties to the agreement.</p> <p>Contact: One Legal</p> <p>Legal.services@onelegal.org.uk 01684 272691</p>
HR implications (including learning and organisational development)	<p>None as a direct consequence of this report.</p>
Key risks	<p>Please refer to the Risk Register at Appendix 1 of this report.</p>
Corporate and community plan Implications	<p>This initiative will support one of CBC's key priorities within our corporate plan, which is to achieve a cleaner and greener sustainable environment, as well as improved health outcomes as a result of better insulated homes.</p>
Environmental and climate change implications	<p>It is intended that this project will improve the energy efficiency of our council homes and will assist in reducing carbon emissions from these properties, supporting the target for Cheltenham to be carbon neutral by 2030.</p>

Property/Asset Implications	As detailed at sections 1.5 to 1.8 of this report. Contact officer: gemma.bell@cheltenham.gov.uk
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1. Background

- 1.1 CBC has set a challenging target for Cheltenham to be net carbon zero by 2030. As a result, CBH are developing a Climate Action Plan (for the managed CBC homes, CBH business and CBH owned homes) to assist CBC in achieving its net carbon zero target. This will include plans for the existing social housing portfolio, taking account of associated HRA budgetary requirements. Around 4,500 homes will need to be improved over the next 9 years to meet the net zero carbon target.
- 1.2 The SHDF Wave 1 is a £160 million grant programme under the government's £3.8bn funding commitment to support social landlords to tackle climate change. This funding follows on from last year's SHDF Demonstrator Funding initiative (which CBC was successful in securing grant funding to undertake 'deep retrofit' works to two of our homes, following a consortium bid with Stroud DC and Two Rivers Housing).
- 1.3 The minimum bid requirement for Wave 1 is £1m and a consortium bid is again proposed. To this end, we have been working with Stroud District Council who would again act as the Lead Authority. In addition to CBC/CBH, Two Rivers Housing and Gloucester City Homes have expressed an interest in being part of the consortium bid. Stroud District Council registered an expression of interest on behalf of the consortium on 10th September.
- 1.4 The closing date for bids is 15th October 2021. This is very tight given the amount of work required to identify properties, eligible measures and costs, and to prepare the bid submission. If successful, the works must be delivered by January 2023.
- 1.5 This round of grant funding expects bidders to focus on the following:
 - 1.5.1 Delivering at 'lowest regret' (i.e. minimising the potential for measures to have to be replaced at a later date due to poor installation or improved technologies becoming available);
 - 1.5.2 Tackling the worst performing homes; and
 - 1.5.3 Taking a 'fabric first' approach (i.e. heat loss prevention measures), focussing on measures of low complexity and delivering high volumes.
- 1.6 Essentially, the criteria for the bid are that homes must be poor performing (SAP D, E, F & G) and that measures proposed should improve the energy performance of homes to at least SAP C with a heat demand no greater than 90kWh/m². If any low carbon heating is included, then this (without other measures) must not result in an increase in the energy costs for the resident.
- 1.7 All works must be undertaken to PAS2035, being the mandatory standard specification for energy retrofit of domestic buildings receiving public funding.
- 1.8 There is no income related eligibility for social housing tenants, and works to leasehold properties can be included where this is required as 'infill', for instance to provide complete external wall insulation to a block. This eligibility for leaseholders is means-tested, with 100% of costs grant funded for leaseholders with an annual income of less than £30,000. Leaseholders with an income above this will be required to contribute 1/3 of costs, up to a maximum of £3,300. Any difference will have to be made up by the HRA, however this will assist in CBC achieving the wider goal of Cheltenham becoming carbon neutral. It is anticipated that some leasehold properties will be included within this programme. Any proposed works that include leaseholders will be subject to the usual consultation requirements.
- 1.9 In order to identify homes to be included within the bid, it is necessary to first identify those with a SAP D, E, F or G that can be improved to at least a SAP C through the eligible measures. Modelling this scenario has identified 50-60 homes (allowing for an element of refusal) that meet the eligibility requirements for measures including loft, cavity and external wall insulation. In

addition, it is anticipated that the bid will include measures for a ground source heat pump installation, which will be installed as a pilot to better understand this form of low carbon heating. Alongside improvements to insulation and to meet PAS 2035 requirements, it is important to improve ventilation to combat issues related to condensation. Proposals will therefore also include measures for improved ventilation.

- 1.10 Development of the bid proposal involves a detailed assessment of the eligible measures, homes and level of improvement that can be achieved. Further analysis will be required and it is possible that the ultimate number of homes could reduce slightly.
- 1.11 The bid will include provision for administration and ancillary costs, these being legitimate cost elements. If successful, this funding will therefore support the increased resource that will be required to deliver the programme.

2. Reasons for recommendations

- 2.1 CBH is currently developing a Climate Action Plan to align itself with the target set by CBC for Cheltenham to be carbon neutral by 2030. This will require significant investment through the HRA in the existing housing portfolio. This project will enable improvements to be made to a significant number of homes, making them more energy efficient, reducing carbon emissions and reducing running costs for residents.
- 2.2 Furthermore, the HRA capital budget for 2021/22 and proposals for 2022/3 will include provision for improving the energy efficiency of homes. This grant funding will therefore support this work and reduce the financial costs to the HRA.

3. Alternative options considered

- 3.1 Not submit a bid for grant funding. This would deny CBC the opportunity of reducing the financial costs on the HRA for improving homes in line with the target for Cheltenham to become carbon neutral.

4. How this initiative contributes to the corporate plan

- 4.1 This initiative supports one of our key priorities within our corporate plan, which is to achieve a cleaner and greener sustainable environment. CBC has also set a challenging target for Cheltenham to be net carbon zero by 2030.

5. Consultation and feedback

- 5.1 This initiative is supported by key officers within CBC and CBH.

6. Performance Management – monitoring and review

- 6.1 If successful, Stroud District Council, as the lead authority, will provide regular progress updates to BEIS for the grant funding to be paid.
- 6.2 Regular updates on programme delivery will also be provided to CBC's Lead Commissioner – Housing Services as part of the CBC-CBH quarterly senior officer liaison meetings.

<p>Report author</p>	<p>Contact officer: Vicky Day – CBH Head of Technical & Investment Vicky.day@CBH.org 01242 387642</p> <p>Martin Stacy – CBC Lead Commissioner, Housing Services Martin.stacy@cheltenham.gov.uk 01242 264216</p>
<p>Appendices</p>	<ol style="list-style-type: none"> 1. Risk Assessment 2. Glossary of Terms

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 there is a breach in the State aid restrictions, then either the grant funding will not be made to the council, or if payments have already been made, then the council will be required to return the grant funding (with interest).	Martin Stacy	13.9.21	2	3	6	Reduce	An assessment of implications of State Aide Restrictions will be made. CBH will seek approval from Council to include a contingency in the HRA budget, in the event that grant funding is claimed back/subsequently withheld.		Vicky Day	
2	If CBH are unable to procure the works and deliver them by the deadline of January 2023, then the grant funding may be withdrawn	Vicky Day	13.9.21	2	3	6	Reduce	A project plan will be produced and will be monitored closely to ensure actions to mitigate delays are taken in a timely way. Procurement options will be an early consideration		Vicky Day	
3	If there is no budget (over and above the grant funding) to deliver the pilot, then the initiative will not proceed, and any grant funding received will have to be returned with interest.	Paul Jones	13.9.21	2	6	12	Reduce	Budget approval exists for £200k of required funding and the 2021/22 budget proposals included for funding in 2022/23 we will seek approval from Council via next HRA budget round for	February 2022	Vicky Day	

								2022/23			
								Due to timescale to mobilise works it is likely that the majority of costs will be incurred in 2022/23 and therefore a rollover of budget from 2021/22 will be required.			
4.	If the number of homes or measures varies to those included in the grant bid, once detailed analysis has been undertaken, the amount of grant funding and HRA match funding will vary.	Vicky Day	17.9.21	2	4	8	Reduce	Detailed budget management and reporting will be a feature of the project, the programme will be managed to ensure that costs do not exceed the initial bid process without approval	Dec 2022	Vicky Day	
5.	If the number of parties to the consortium reduces then a grant bid could become ineligible.	Vicky Day	13.9.21	2	2	4	Reduce	Discussions with other parties are ongoing and it is considered unlikely that any drop out will impact on the ability to submit a bid, unless Stroud District Council were to pull out, though this is very unlikely	October 2021	Vicky Day	
6.	If leaseholders affected by proposed improvements refuse to allow works to progress then this could delay delivery beyond the grant deadline for the grant.	Vicky Day	17.9.21	4	2	8	Reduce	Early engagement with leaseholders to reduce risk of delays. Leaseholders will benefit from either 100% grant funding or if required to contribute then costs would be capped at £3,300, the	Jan 2023	Vicky Day	

								benefits from reduced energy costs and increased asset value would outweigh this so it is considered very unlikely that refusal would be an issue.			
7	If costs increase then the additional costs will be borne by the HRA	Vicky Day	24.9.21	3	3	9	Reduce	Where possible existing contractual arrangements will be utilised which reduces the risk of material or labour price increases.	Jan 2023	Vicky Day	

Glossary

BEIS	<p>The Department for Business, Energy and Industrial Strategy.</p> <p>This is the Government department for economic growth, and is responsible for UK government policy on areas including:</p> <ul style="list-style-type: none"> • Business • Industrial Strategy • Science, research and innovation • Energy and clean growth • Climate change
PAS2035	<p>This is a government backed specification, which sets out the required standards that must be followed when energy retrofitting domestic homes, if an organisation is seeking public funds to finance (or part finance) the works.</p>
SAP	<p>The Standard Assessment Procedure is the methodology used by the Government to assess and compare the energy and environmental performance of dwellings. Its purpose is to provide accurate and reliable assessments of dwelling energy performances.</p> <p>An 'A' represents the highest energy performance levels and 'G' the lowest. The SAP points ratings are as follows:</p> <ul style="list-style-type: none"> • A - 92-100 SAP points • B - 81-91 SAP points • C - 69-80 SAP points • D - 55-68 SAP points • E - 39-54 SAP points • F - 21-38 SAP points • G - 1-20 SAP points

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Cheltenham Borough Council**Cabinet – 12th October 2021****Grant to Cheltenham Business Improvement District – Christmas Lights**

Accountable member	Cabinet Member Culture, Wellbeing and Business – Cllr. Atherstone
Accountable officer	Director of Planning – Tracey Crews
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	
<p>The Christmas lights activation around the festive period is an important element of supporting the town centre economy. The prosperity of the town centre during this period is key for the range of businesses across the town and supporting the spirit of Christmas for our residents to enjoy. This is particularly important as we deal with the recovery arising from the Covid-19 pandemic.</p> <p>Creating an environment that attracts and increases the visitor economy together with encouraging residents to use the town centre for shopping, hospitality and wider entertainment is a key contributor to delivery of the Cheltenham Place Vision, Cheltenham Recovery Strategy, Cheltenham Economic Recovery Task Force Business Plan and Visitor Economy Strategy.</p>	
Recommendations	
Cabinet agrees:	
<ol style="list-style-type: none"> 1. To provide an annual grant of £47,000 to the Cheltenham Business Improvement District (BID) until January 2026 to contribute to the cost of the BID providing Christmas lights in Cheltenham town centre and a switch on event/activation; 2. That the Council meets the cost of the electricity consumption reasonably and properly incurred by the Lights and that this is sourced from a renewable supply; 3. To delegate authority to the Director of Planning to agree the terms of the grant agreement. 	

<p>Financial implications</p>	<p>Costs to be borne by ECD101 (Xmas In Cheltenham) R4000 where there is a budget of £50,500. Hence, this should be sufficient to cover the grant and the energy costs (which were estimated £3,100).</p> <p>Contact officer: Andrew.taylor@cheltenham.gov.uk,</p>
<p>Legal implications</p>	<p>The Council has powers under S145 Local Government Act 1972 to provide financial assistance to others for the purposes of providing entertainment.</p> <p>One Legal will prepare a grant agreement setting out the conditions to be agreed by the Director of Planning for the giving of the grant to the Cheltenham Business Improvement District.</p> <p>Contact officer: legalservices@onelegal.org.uk</p>
<p>HR implications (including learning and organisational development)</p>	<p>No implications arising from this report.</p> <p>Contact officer: Georgie.Tweddell@publicagroup.uk</p>
<p>Key risks</p>	<p>See Appendix 1.</p>
<p>Corporate and community plan Implications</p>	<p>The Councils Corporate Plan includes a key priority to continue the revitalisation and improvement of our vibrant town centre and public spaces. Continuing to support the delivery of the Christmas lights and associated Christmas activities in Cheltenham supports the vibrancy of our town centre for businesses, residents and visitors and helps shine a light on our commitment to delivering high quality environments to future investors.</p>
<p>Environmental and climate change implications</p>	<p>It is not possible to eliminate environmental and climate change implications with a project of this nature, however, the following considerations have been given to reduce them as far as possible.</p> <ul style="list-style-type: none"> • Use of an energy supply, which can be guaranteed to be green. (Subject to agreement between CBC and current and future suppliers). • Use of low energy LED lights throughout the display • length of time the lights will be on to limit impacts on nocturnal ecosystems. <p>See controls set out in the risk assessment.</p> <p>Contact officer: Alexandra.Wells@cheltenham.gov.uk</p>

<p>Property/Asset Implications</p>	<p>Christmas lights are an important part of the festive season and create a cheerful atmosphere in the town centre. Post pandemic, this is more important for the retail sector and the return of shoppers on the high street.</p> <p>Attachment of lights is, in the main, to infrastructure owned by the County Council (including lampposts and street trees) together with attachment to buildings generally in private ownership. It is the responsibility of the Cheltenham BID to ensure the relevant licences and agreements are in place. Where lights are attached to buildings in CBC ownership, such as the Municipal Offices, the appropriate agreements are in place.</p> <p>Contact officer: Simon.hodges@cheltenham.gov.uk</p>
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1. Background

- 1.1 In 2017 Cheltenham Borough Council entered into contract with the Cheltenham Business Improvement District (BID) to supply, erect, maintain and remove the Christmas lights; together with organising and running the Christmas Switch On Event. This contract aligned with a new approach to the procurement of Christmas lights. Before this time the Council had owned a range of displays, which had become challenging to maintain because of their age, were staid in respect of the display, which was static year on year and did not respond to the increasing demand from businesses and residents to improve the offer.
- 1.2 Through collaboration with the Cheltenham BID, it was agreed to trial a new approach which saw Cheltenham Borough Council contributing to wider funding that enabled the hiring of Christmas lights as opposed to having an owned display. This approach enabled greater flexibility in terms of wider areas of the town centre that could be added to or removed from, depending on the format of the display procured and provided the opportunity to refresh the lights on a regular basis.
- 1.3 Since 2017, there have been two full changes in light displays, with extensions of areas covered, including Pittville Street, Winchcombe Street, Cambray Place and The Strand. This year the area will be extended to cover the town centre sections of Bath Road, Bayshill Road, St Georges Place, St Georges Road and Royal Well, reflecting the wider geography now covered by the BID (see Appendix 2).
- 1.4 The trial has been successful and has added much needed vibrancy to the Cheltenham Christmas offer, supporting our visitor economy, businesses across the town centre and wider community enjoyment of the town centre and its Christmas sparkle.
- 1.5 Now that the BID has been successful for a second term, this now offers an opportunity to enter into a longer-term arrangement, giving certainty to the BID in respect of the value of contribution provided by the Council to enable them to better plan for and deliver their business plan.
- 1.6 Following engagement with One Legal the appropriate mechanism is via a grant to the Cheltenham BID on an annual basis for the period of the BID second term (ends March 2026).
- 1.7 In the review of the Christmas lights consideration has been given, in consultation with the Councils' climate change team, to wider environmental and climate change implications. This has included;
 - Review of LEDs which use around 75% less power,

- Building in testing of new technologies as part of future procurement
- Using green/ renewable electricity supply
- Give consideration to the length of time the lights will be on to limit impacts on nocturnal ecosystems

1.8 In response to the points above the BID have advised that the contract is currently at year 2 of a three year contract with Festive Lighting who have an environmental policy supporting their delivery that includes; “We will invest in the improved energy efficiency of products we use and investigate environmentally safe and sustainable energy sources.” As part of the tender process for 2023 – 2026 the BID will liaise with the CBC Climate Change team and will include in the tender specification the need to use the most energy efficient products without compromising the quality of the display.

1.9 The current display has a powder coating on the products, this allows for day-time interest and thereby enables a switch-on time later in the day which runs from 4pm – 12am

1.10 The electricity used, is currently being investigated by the Climate Change team who are confirming the status of the renewable source.

2. Conditions of grant

2.1 The Council will prepare a grant agreement to cover the period November 2021 – January 2026 that will contain conditions for payment of the Grant.

2.2 The BID will be expected, as a minimum, to match fund the financial contributions provided by the Council. It will also be responsible for arranging necessary permissions for the switch on event activation and siting and removal of the lights.

3. Reasons for recommendations

3.1 To maintain the effective collaboration with the Cheltenham BID to supply, erect, maintain and remove the Cheltenham town centre Christmas lights between November 2021 and January 2026, together with the delivery of high quality event activation that brings the town centre to life over the Christmas period for residents, visitors and businesses.

4. Alternative options considered

4.1 An alternative option would be to purchase lights and for the Council to supply and fit on an annual basis. Evidence clearly demonstrates that this is no longer an effective way of supporting the visitor economy nor meet the expectations of our residents, visitors and businesses. Light displays quickly date and require ongoing storage and maintenance in addition to the contracting required for installation and removal.

4.2 A further option would be for the Council to not offer a grant, but this may restrict access and collaboration to the funding of lights brought by the BID.

5. How this initiative contributes to the corporate plan

5.1 The Corporate Plan includes a key priority to continue the revitalisation and improvement of our vibrant town centre and public spaces. Continuing to support the delivery of the Christmas lights and the activities that support Christmas in Cheltenham supports vibrancy of our town centre for businesses, residents and visitors and helps shine a light on our commitment to delivering high quality environments to future investors.

5.2 Christmas 2021 will be a key event for businesses and residents as we move forward post Covid-19 pandemic. Continued investment in the Christmas lights and the event activation around them provides a positive contribution to our economic recovery as supported by the Cheltenham Recovery Strategy and Cheltenham Economic Recovery Task Force.

6. Consultation and feedback

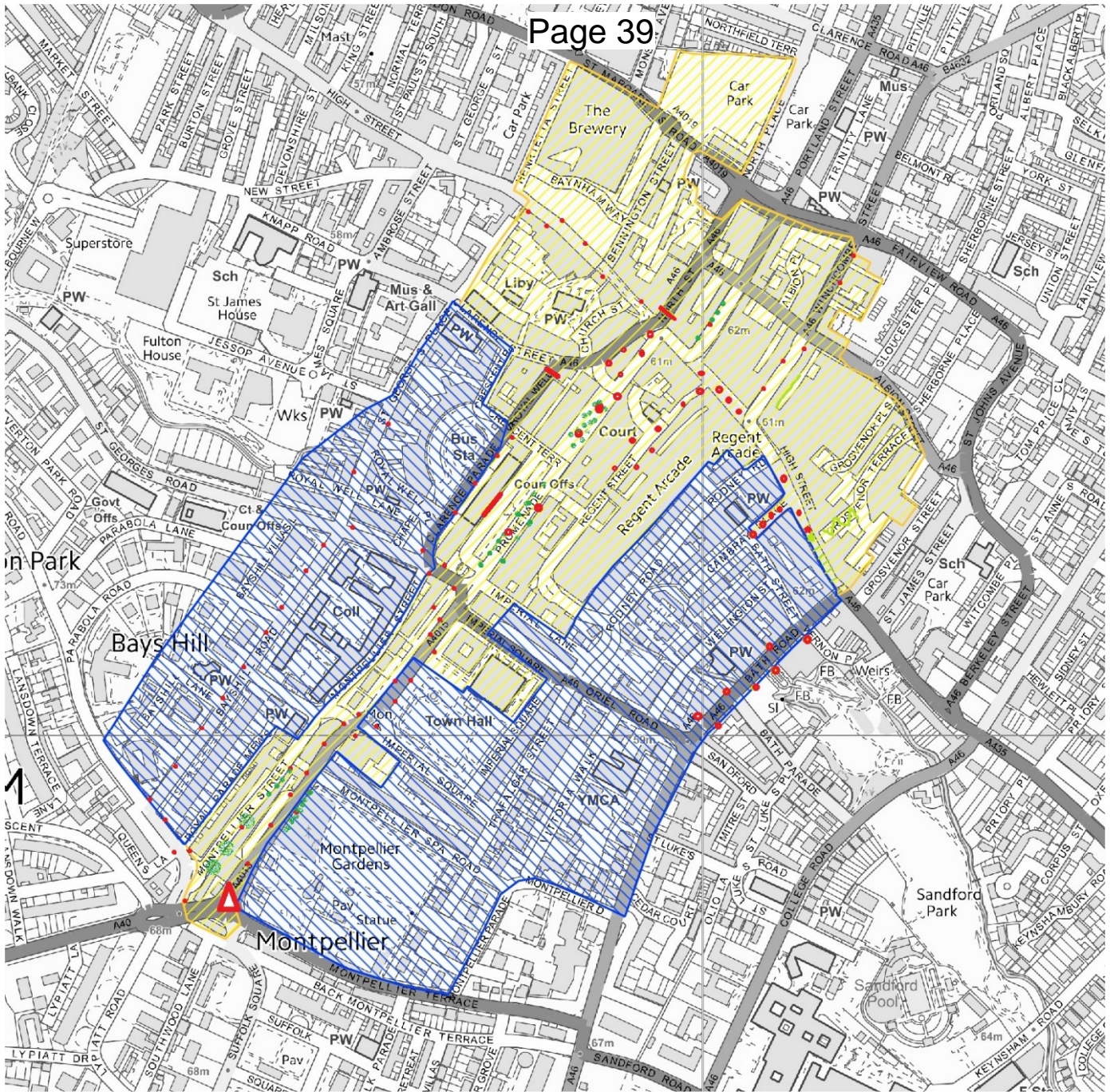
6.1 A full review has been undertaken of the collaboration with the Cheltenham BID that has facilitated successful delivery of Christmas lights and event activation for a number of years. Engagement with BID Board and Cabinet Member for culture, wellbeing and business, One Legal, Head of Assets and Finance and Climate Change team.







7. Performance management – monitoring and review

7.1 Should Cabinet support the offer of an annual grant to the BID, this will be monitored in line with the conditions of grant agreed.

Report author	Contact officer: tracey.crews@cheltenham.gov.uk
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Plan of town centre area covered by the Christmas lights
Background information	<ol style="list-style-type: none"> 1. https://www.cheltenham.gov.uk/downloads/file/7401/corporate_plan_2019-23 2. https://www.cheltenham.gov.uk/recovery-strategy 3. https://movingtocheltenham.com/certif

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
	Not providing a grant puts at risk the successful supply and installation of Christmas lights and wider activation for the town	Director of planning	15.9.21	3	2	6	Close	Continued collaboration with Cheltenham BID on effective Christmas lights delivery	12.10.21		N/A. linked to Cabinet decision
	By their very nature, the installation of a light display has a negative impact through using electricity on climate change impacting on the Councils climate change emergency declaration	Director of planning	15.9.21	2	2	4	Transfer to 3rd party Close	Work with BID to test environmental impacts with suppliers. Ensure electricity used is green supply	30.10.21	Climate Emergency Programme Officer Climate Emergency Programme Officer	N/A, managed by 3 rd party N/A if able to close risk
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											



Key			
	Power supplied by local business		Lights on lamp post
	Tree shaped installation		Lights in trees powered by single lamp post
	BID area 2016 – 2021		Extended BID area 2021 - 2026

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Cheltenham Borough Council

Cabinet – 12 October 2021

Agreement for Services between Cheltenham Borough Council and Publica Group (Support) Ltd: Extension of Term

Accountable member	Councillor Rowena Hay, Leader of the Council
Accountable officer	Darren Knight, Executive Director People & Change
Ward(s) affected	None
Key Decision	Yes
Executive summary	<p>Cheltenham Borough Council entered into a five year Agreement for Services with Publica Group (Support) Ltd on 1 November 2017 for the delivery of support services, namely ICT, HR & Payroll, Learning & Development and Finance & Procurement. The Agreement expires on 31 October 2022 and the council is required to give at least 12 months' written notice if it wishes to extend the term of the Agreement, ie by the end of October 2021.</p> <p>The council wishes to extend the term for delivery of services by Publica Group (Support) Ltd for a further four years; however, the list of services the council wishes Publica to deliver is subject to review.</p> <p>The pandemic has had a fundamental and lasting impact on the council and the borough and the council is currently engaged in a number of workstreams to ensure the council and the services it delivers are resilient and financially sustainable going forward. The outcomes of this work may influence and impact on the services the council receives from Publica in the future.</p> <p>The proposed approach, therefore, is to serve an extension notice for four years which notifies Publica Group (Support) Ltd that the council may seek to change or amend services within the current service agreement as part of the annual service review process.</p>
Recommendations	<p>That Cabinet:</p> <ul style="list-style-type: none"> (i) approves the extension of the existing Agreement for Services with Publica Group (Support) Ltd for a period of four years, and (ii) delegates authority to the Executive Director People & Change in consultation with the Leader to formally write to Publica Group (Support) Ltd to notify Publica Group (Support) Ltd of the contract extension by 29 October 2021 as outlined within this report
Financial implications	<p>There are no direct financial implications from extending the term of the contract. The contract fee is agreed on an annual basis and takes into account any changes to services. An in-year change to services would need to be agreed and budgeted for at the appropriate budget setting period.</p> <p>Contact officer: Jon Whitlock, finance business partner,</p>

	jon.whitlock@cheltenham.gov.uk, 01242 264354
Legal implications	<p>The council is bound by the terms of the Agreement for Services and is required to give 12 months' written notice if it wishes to extend the term of the contract. The Agreement includes provisions for making changes to the services.</p> <p>Contact officer: One Legal, legal.services@onelegal.org.uk, 01684 272691</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications from extending the term of the contract. In the event changes are made to service provision, the council will work with Publica Group (Support) Ltd and engage with employees and unions on any relevant employment matters such as the Transfer of Undertakings Protection of Employment regulations (TUPE).</p> <p>Contact officer: Julie McCarthy, HR manager – operations and service centre, Julie.mccarthy@publicagroup.uk, 01242 264355</p>
Key risks	<p>If the council does not serve notice by the end of October 2021 that it wishes to extend the term of the contract beyond 1 November 2022 then it will not be fulfilling the terms of the contract in order to continue to receive services from Publica Group (Support) Ltd and would put the future delivery of services at risk.</p>
Corporate and community plan Implications	<p>The services provided by Publica Group (Support) Ltd support teams across the council to deliver the priorities in the corporate plan.</p>
Environmental and climate change implications	<p>No direct implications arise from extending the contract term.</p>
Property/Asset Implications	<p>There are no direct property implications arising from extending the term of the contract; however, any changes made to services may require a change to the company annual fee payable to the council by Publica Group (Support) Ltd for use of council assets, premises licence etc.</p> <p>Contact officer: Simon Hodges, senior asset management surveyor, simon.hodges@cheltenham.gov.uk</p>

1. Background

- 1.1** Cheltenham Borough Council entered into a five year Agreement for Services with Publica Group (Support) Ltd on 1 November 2017 for the delivery of support services, namely ICT, HR & Payroll, Learning & Development and Finance & Procurement. The Agreement expires on 31 October 2022 and, in accordance with clause 29 of the Agreement, the council is required to give at least 12 months' written notice if it wishes to extend the term of the contract, ie by the end of October 2021. The council is able to extend the contract for two successive periods of four years.
- 1.2** During the 12 months to November 2022 the council will review the annual fee (payable by the council for the services) and company annual fee (payable to the council by Publica Group (Support) Ltd for use of council assets, premises licence etc) with Publica. The revised fee will take effect from the first working day of the extension period.

2. Service delivery from November 2022

- 2.1 The council wishes to extend the term for the delivery of services by Publica Group (Support) Ltd for a further four years, however the services the council wishes to receive from Publica is subject to review.

3. Proposed approach to extending term of contract

- 3.1 The pandemic has had a fundamental and lasting impact on Cheltenham Borough Council and has had far reaching implications for how residents, businesses and customers interact with and access services from the Council and its partner organisations. This is changing the way in which services are provided and may change the council's needs going forward.
- 3.2 The council is currently engaged in a number of workstreams to ensure the council and the services it delivers are resilient and financially sustainable going forward. Examples of these workstreams include:
- A transformation programme in partnership with Cheltenham Borough Homes
 - Development and implementation of a new operating model together with other modernisation activities
 - Accommodation strategy
- 3.3 The outcomes of these workstreams may influence and impact on services the council receives from Publica in future.
- 3.4 Publica Group (Support) Ltd is a teckal company and one of the benefits of the teckal model is that it enables the company owners (local authorities) to procure services from the company in a flexible way.
- 3.5 The Agreement with the company enables the council to make changes to the services (whether by way of the removal of services, the addition of new services, increasing or decreasing the services, specifying the order in which the services are to be performed or the locations where the services are to be provided) through the annual review process or in the event of an urgent matter on giving reasonable written notice for any reasons whatsoever.
- 3.6 This year the council is required to give notice of its intention to renew the Agreement at the same time as the usual annual review process takes place. The council's approach, therefore, is to serve an extension notice for four years by 29 October 2021 which notifies Publica Group (Support) Ltd that the council may seek to change or amend services from the current service agreement as part of the annual service review process in partnership with the company.
- 3.7 In the event a decision is taken to change service provision, for example the council may choose to remove or expand services provided by Publica, the council will work with Publica Group (Support) Ltd and engage with employees and unions on any relevant employment matters such as the Transfer of Undertakings Protection of Employment regulations (TUPE), contractual arrangements and changes to the annual fee arising from that decision, in accordance with the Agreement.
- 3.8 Approval from Cabinet will be sought as appropriate.

4. Alternative options considered

- 4.1 The council receives excellent service delivery from Publica Group (Support) Ltd in some areas, notably ICT, and therefore the option of terminating the contract with Publica Group (Support) Ltd was not considered a viable option. However, as outlined above, some service areas are currently under review. It is also worth noting that the option to remove services through the

procedure outlined in 3.5 above will remain open to the council throughout the extension period.

5. How this initiative contributes to the corporate plan

5.1 The services provided by Publica Group (Support) Ltd support teams across the council to deliver the corporate plan priorities.

6. Performance management – monitoring and review

6.1 The services provided by Publica Group (Support) Ltd are subject to regular monitoring and review.

Report author	Contact officer: Gill Morris, Client Officer, gill.morris@cheltenham.gov.uk, 01242 264229
Appendices	1. Risk Assessment
Background information	None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the council does not serve notice by the end of October 2021 that it wishes to extend the term of the contract beyond 1 November 2022 then it will not be fulfilling the terms of the contract in order to continue to receive services from Publica Group (Support) Ltd and would put the future delivery of services at risk	Darren Knight	12/10/21	2	2	4	Reduce	Serve notice to extend the contract in accordance with the contract terms	29/10/21	Gill Morris	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

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