



Notice of a meeting of Cabinet

Tuesday, 21 December 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

Agenda

		SECTION 1 : PROCEDURAL MATTERS	
1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		MINUTES OF THE LAST MEETING Minutes of 30 th November meeting.	(Pages 3 - 8)
4.		PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on Tuesday 14 th December.	
		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.		FEES AND CHARGES - ENVIRONMENTAL SERVICES Report of the Cabinet Member Waste, Recycling and Street Services	(Pages 9 - 16)

6.		CLARENCE FOUNTAIN Report of the Cabinet Member Climate Emergency	(Pages 17 - 36)
7.		GAMBLING ACT 2005 STATEMENT OF PRINCIPLES Report of the Cabinet Member Customer & Regulatory Services	(Pages 37 - 78)
8.		INFRASTRUCTURE FUNDING STATEMENT (IFS) REQUIREMENTS Report of the Cabinet Member Customer and Regulatory Services	(Pages 79 - 110)
9.		INTERIM BUDGET PROPOSALS FOR GENERAL FUND Report of the Cabinet Member Finance and Assets to follow	
10.		INTERIM BUDGET PROPOSALS FOR HRA Report of the Cabinet Member Finance and Assets to follow	
		SECTION 6 : BRIEFING SESSION • Leader and Cabinet Members	
11.		BRIEFING FROM CABINET MEMBERS	
		SECTION 7 : DECISIONS OF CABINET MEMBERS Member decisions taken since the last Cabinet meeting	
		SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION	

Contact Officer: Harry Mayo, Democracy Officer, 01242 264211
Email: democratic.services@cheltenham.gov.uk

Cabinet

Tuesday, 30th November, 2021

6.00 - 6.35 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), 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)
Also in attendance:	Gareth Edmundson, Sarah Farooqi, Harry Mayo, Bev Thomas and Claire Pockett

Minutes

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

The Cabinet Member Safety and Communities declared a non-pecuniary interest in the St Peters Playing Field report as Chair of the Big Local, which was a partner in the scheme. The Deputy Monitoring Officer confirmed that she could remain in the meeting and vote on the item.

The Cabinet Member Climate Emergency declared a possible interest as a sponsor of a player at Cheltenham Town Ladies Football Club, who intended to use the ground in the future. The Deputy Monitoring Officer confirmed that he could remain in the meeting and vote on the item.

3. MINUTES OF THE LAST MEETING

The minutes of the 9th November meeting were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

There were none.

5. ALTERNATIVE FUELS TO REDUCE CARBON EMISSIONS ACROSS THE ENVIRONMENTAL SERVICES FLEET

The Cabinet Member Waste, Recycling and Street Services presented the report, describing it as a good news story for the council and summarising the key background details. The council had declared a climate emergency in 2019

and was serious about achieving net zero by 2030. This required tangible action as soon as possible, and the recent COP26 summit had reinforced the need for global action.

The council was responsible for the procurement of vehicles used by Ubico in delivering waste and recycling services. These vehicles emitted a total of 1,394 tons of CO₂, the largest individual contribution at the council, despite the majority of them using the latest Euro 6 engine technology delivering the most stringent limits on harmful emissions when burning traditional mineral B7 diesel.

The council had already installed electric charging points at the Swindon Road depot, and ordered two electric vehicles, which would be operational as replacements for two diesel vehicles in early 2022. He noted that not all the fleet could move across to electric immediately, due to the high cost of installing the electric charging infrastructure and the available supply of electricity locally, particularly for the heavy goods vehicles.

He added that they were moving to certified palm oil-free hydrotreated vegetable oil, enabling a rapid move away from burning traditional mineral B7 diesel for many vehicles. This would deliver up to a net 91% reduction on well-to-wheel greenhouse gas emissions, and up to a 48% reduction in particulate emissions. It would function as an interim solution to help reach net zero by 2030, while more environmentally friendly technology was further developed. He stressed that the report aligned with the council's commitments to deliver rapid reductions in CO₂, improve air quality and deliver net zero by 2030.

The Cabinet Member Climate Emergency echoed these points, noting that the declaration of a climate emergency in 2019 had set off a chain of actions at all levels of the council. It was important to get our own house in order first, and the Ubico fleet was a big part of this. Reducing emissions was an obvious and urgent step that formed just one step of a wider movement towards electric vehicles and other environmentally beneficial technologies. He was excited to see the effect it had on the town's carbon footprint going forward, and stressed the need for actions rather than words.

The Cabinet Member Housing thanked both Cabinet Members and the officers involved for producing a fascinating report with detailed information on a challenging topic. Moving towards net zero would certainly require investment but it was hugely important work.

The Cabinet Member Customer and Regulatory Services added that there would likely have been some scepticism when the council declared a climate emergency that it was just empty words, but this was clear action towards that goal. The flexible approach would allow them to exercise due diligence regarding things like biofuels as more information became available about their impact, and more technologies became available.

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

RESOLVED THAT:

1. The introduction of hydro treated vegetable oil (HVO) fuel be approved, procured from sustainable sources that is certified palm oil free, for use

in the Cheltenham Borough Council fleet operated by Ubico, where appropriate to replace diesel as set out in the report, as soon as possible to reduce carbon emissions and improve air quality;

2. The purchase and installation of a new fuel tank installed at the Swindon Road depot to facilitate the change to HVO be approved, at an estimated cost of £55,000, to be funded from the climate change capital budget;
3. The increase in revenue costs associated with the move to HVO from diesel be recommended to be approved by Council as part of the budget setting process;
4. The continued procurement of internal combustion engine vehicles and plant where no suitable alternative fuel vehicle or plant (electric or otherwise) is available on the market or within available resources with a view to such vehicles operating on HVO fuel where appropriate and as set out in the report (see list of vehicles required within this financial year 2.17) be approved;
5. The council's management of the capital replacement plan for both Ubico operated fleet and plant, and the Council's own fleet, directly support our climate change ambitions of net zero by 2030 by moving to alternative fuels or away from internal combustion engines for all our fleet and plant as quickly as practicable where alternatives are available and within available resources.

6. ST PETERS PLAYING FIELD - GRANT OF NEW LEASE TO CHELTENHAM SARACENS AFC

The Cabinet Member Finance and Assets presented the report, which related to the disposal of land at St Peters Playing Field. He emphasised the key reasons for granting the lease: not only would it enable the Saracens to apply for financial support, but it would also encourage regeneration of the property. He also stressed the importance of the club as a community organisation that played a valuable role in the town alongside its partners.

The Cabinet Member Housing thanked the Cabinet Member and officers for their work on the report, and highlighted the social value of sport as a way to provide positive role models and a genuine community hub.

The Cabinet Member Culture, Wellbeing and Business added that this area of St Peters was in need of regeneration, and the club needed a proper home of its own. The lease would enable it to be a huge asset to both the club and the wider community.

The Cabinet Member Safety and Communities stressed the importance of bringing the community together by providing a hub for people to congregate around. It would keep young people out of harm's way and help them to build friendships while growing as people. She praised the work of the Big Local in making this happen.

The Cabinet Member Finance and Assets thanked colleagues for their contributions, emphasising that it was part of the council's commitment to support its communities. Looked forward to seeing the effects of this in the future.

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

RESOLVED THAT:

1. The Saracens' proposals for the improvement of the sports and community facilities at St Peters Recreation Ground be approved;
2. Officers be authorised to advertise the proposed disposal of public open space at St Peters Recreation Ground and instructs the officers to report back to the Cabinet with any objections that may be received;
3. The surrender and grant of a new lease to the Saracens for 25 years at £4,000 per annum as set out in Appendix 2 be approved, provided that no objections are received to the proposal to dispose of public open space.

7. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Cyber and Strategic Transport reported that Cheltenham was currently being represented at the Slush 2021 tech startup convention in Helsinki. This was a key part of promoting the town as the cyber centre of the UK, and the Golden Valley project.

The Cabinet Member Safety and Communities reported on the status of defibrillators around the town. Five were now available in the Town Centre and would be operative just before Christmas, with five more possible locations being explored. She thanked colleagues in the Chamber of Commerce, the BID and Spirax-Sarco for their help. She added that following on from her Safety of Women and Girls at Night update at the 9th November meeting, she would soon meet with the university and students' union to find out their views on how things could be improved. Finally, she reported that the No Child Left Behind awards had received over 30 nominations, and the shortlist was being put together. The young people active in NCLB would decide who won.

The Cabinet Member Customer and Regulatory Services updated members on the status of the proposal for a ride-hailing app that could connect disabled users with the 70 wheelchair accessible vehicles (WAVs) in the town. The development of the app was going well, and it was expected to launch in January. He added that consultation had opened on the licensing policy revision making it compulsory to use technology aimed at increasing accessibility.

The Cabinet Member Waste, Recycling and Street Services reported on the success of the Pod Back scheme aimed at recycling aluminium and plastic coffee pods. More than half a million pods had been recycled in the town, which was an amazing feat. The pods were being recycled in this country and not going into the waste system. The money generated from this would be allocated towards ecological projects which he hoped to announce soon. He thanked the people of Cheltenham for making the scheme so successful.

The Cabinet Member Culture, Wellbeing and Business congratulated the Cheltenham Trust for putting on an excellent event with Father Christmas in the Pittville Pump Rooms. It was great to see families and children having fun and a packed Christmas market.

The Cabinet Member Finance and Assets updated members on two urgent waivers, one relating to the reception of the Municipal Offices and the other to the courtyard roof of the Wilson Art Gallery.

The Cabinet Member Climate Emergency thanked those who ran the COP26 climate vigil on the Promenade, noting that they had produced a tapestry with all the people who visited them during it which would be presented to the council in due course. He added that the first meeting of the Gloucestershire Climate Leadership Group had taken place, bringing together the county council, private enterprise, the police and the health service. There was lots to build on in the future, and it was important to all work together towards carbon neutrality.

The Cabinet Member Housing added that the CBC-CBH partnership had moved into the private rented sector, with this going live on Friday 26th November. There had already been 200 enquiries for 13 units in the first two weeks, and officers were looking at further opportunities. He added that he and the Cabinet Member Safety and Communities had been to see the official handover of seven affordable homes on Brockhampton Lane. Two of these were shared ownership properties while five were affordable rent.

Cabinet Member Decisions

The Cabinet Member Housing reported that he had taken a decision on 29th November to update the British Forces Afghan Relocation and Assistance scheme. The scheme originally accounted for seven families in Cheltenham, but he was pleased to announce that up to fifteen families could now be accommodated. This was partly due to the positive response from private landlords in the town, but also because other authorities in the county had not been able to fulfil their obligations. Four families had already moved into CBH properties and were settling into life in Cheltenham.

Chairman

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Cheltenham Borough Council Cabinet – 21 December 2021 Garden Waste Charges

Accountable member	Councillor Iain Dobie, Cabinet Member Waste, Recycling and Street Services
Accountable officer	Karen Watson, Environmental Partnerships Manager
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>Since February 2011, the charge for collecting garden waste has increased on only four occasions: from £36/year to £37/year in February 2014; from £37/year to £38/year in February 2015; from £38/year to £42/year in February 2017, and from £42/year to £45/year in February 2019.</p> <p>It is proposed that from February 2022, the Authority's garden waste collection charge will be increased from £45/year to £47/year per bin with no discount and including an inflationary increase of 4.2% rounded up to £2 to reflect the increased cost of running the service such as the cost of fuel, consumables and staffing. There will be no change to the number of collections per household per year.</p>
Recommendations	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Approves an increase in the garden waste collection charge from £45/year to £47/year per bin, in line with the current rate of inflation at 4.2%; 2. Approves the prompt payment discount for households renewing their subscription ahead of their annual renewal date and the spring offer discount be discontinued with effect from 1 February 2022; 3. Delegates authority to the Managing Director – Place and Growth, in consultation with the Cabinet Member for Waste, Recycling and Street Services to implement the decision.

Financial implications	<p>As detailed within the report.</p> <p>Contact officer: Paul Jones, Executive Director Finance and Assets paul.jones@cheltenham.gov.uk, 01242 264365</p>
Legal implications	<p>The Council is permitted to charge for the collection (but not disposal) of garden waste by paragraph 4(2) of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012. Section 45(3)(b) of the Environmental Protection Act 1990 further provides that any charge must be “reasonable” and thus any increase should not be contrary to this requirement. The Act does not define “reasonable” but the usual meaning is that the charges should be comparable with those levied by other authorities and service providers.</p> <p>Under Section 45(3)(a) of the Environmental Protection Act 1990 the duty to collect garden waste and ability to charge for such collection is dependent on the Council being specifically requested to collect the waste. Accordingly, the renewal process which involves customers actively seeking a new subscription rather than automatically renewing for another year at the increased charge is appropriate.</p> <p>Contact officer: One Legal, legal.services@onelegal.org.uk 01684 272017</p>
HR implications (including learning and organisational development)	<p>None as a direct result of this report.</p> <p>Contact officer: Clare Jones, Clare.Jones@cheltenham.gov.uk</p>
Key risks	<p>Please refer to Appendix 1 of this report</p>
Corporate and community plan Implications	<p>The garden waste collection service supports key priority 3 in the council's corporate plan 2019-2023 – achieving a cleaner and greener sustainable environment for residents, businesses and visitors.</p>
Environmental and climate change implications	<p>The Authority's garden waste collection service supports the environment by diverting organic waste from landfill, thereby saving the cost of landfill tax and the associated production of methane and leachate. Residents who choose not to participate in the scheme can use the county council site at Wingmoor Farm. The change from diesel to HVO in the future will reduce carbon emissions helping the council reach net zero by 2030.</p> <p>Contact Officer: Laura Tapping, laura.tapping@cheltenham.gov.uk</p>
Property/Asset Implications	<p>None as a direct result of this report.</p> <p>Contact officer: Gemma Bell; gemma.bell@cheltenham.gov.uk</p>

1. Background

- 1.1 The Authority's discretionary, non statutory, garden waste collection service began in February 2011. Since 31 March 2013 the number of garden waste bins collected under the scheme has seen a gross increase of around 1,500 bins per year. Retention rates have remained high at around 95%, reflecting general satisfaction with the service and the net take up of the service has been between 800-1000 bins per year in the earlier years, reducing to 530 in 2017/2018 but recovering more recently to 713 in 2019/20 and, following COVID-19, 1,627 in 20/21. The actual total number of bins collected has increased from 12,781 as at 31st March 2013 to 20,272 as at September 2021.
- 1.2 Since February 2011, the charge for collecting garden waste has increased on only three occasions; from £36 a year to £37 a year in February 2014, from £37 a year to £38 a year in February 2015, from £38 a year to £42 a year in February 2017, and from £42/year to £45/year in February 2019.
- 1.3 Customers subscribing to the service sign up to an annual agreement for the provision of garden waste collections. The annual charge is advertised on the website and from the beginning of January each year all existing customers receive a letter or an email one month prior to their renewal date advising them of the annual charge to renew their subscription and giving them an opportunity to opt in or out of the service. The renewal year for garden waste collections is 1 February to 31 January, not 1 April to 31st March.
- 1.4 Since the start of the service, the Authority has offered a discount for existing customers who renew their subscription ahead of their annual renewal date (a 'prompt payment' discount) as well as a 'spring offer' discount for new bin applications, if customers subscribe between the period 1st February to 31st May. However, now the service is in its 10th year of operation it is considered appropriate to discontinue this discount, something most other authorities do not offer, in order to simplify payment administration.
- 1.5 It is proposed that from February 2022, the Authority's garden waste collection charge will be increased from £45/year to £47/year per bin with no discount and including an inflationary increase of 4.2% rounded up to £2 to reflect the increased cost of running the service such as the cost of fuel, consumables and staffing. There will be no change to the number of collections per household per year.
- 1.6 Whilst it is appreciated that those on low incomes will find the price increase more difficult, the increase is in line with inflation and residents can opt to share the cost of a subscription with a neighbour. The Authority has explored the feasibility of offering discounts to those residents with low incomes or in receipt of benefits, unfortunately this is not possible to introduce fairly due to the variable nature of benefits.
- 1.7 A small number of customers who live in a qualifying road who are not able to have a brown bin collection because they have no space to store a brown bin or there are access issues are able to purchase paper sacks. The delivery charge and the cost of the paper sacks is recommended to increase by 4.2% in line with inflation and this will be agreed within the Authority's budget setting process.
- 1.8 Gloucestershire County Council and Cheltenham Borough Council continue to promote home composting for residents and our website provides useful information along with links to Gloucestershire County Council's home composting promotions and incentives.

2. Reasons for recommendations

- 2.1 The Authority has not increased the cost of garden waste subscriptions since February 2019 and in response to rising service costs such as an increase in fuel costs and general inflation it is necessary to increase the price of garden waste subscriptions to help fund the cost of collection whilst also reflecting the impact of inflation on the service. It is estimated that the impact of increasing charges will increase income by approximately £93,000 per year, assuming the number of customers who cancel subscriptions are offset by the number of new subscriptions, which will contribute to the additional costs associated with collection services.
- 2.2 The proposed increase in charges for the garden waste collection service, if approved, will bring this Authority closer in line with our neighbouring Authority, Tewkesbury Borough Council, which currently charges £49 per year for their garden waste collection service.
- 2.3 The Authority is looking to move away from using diesel in its fleet of vehicles, including those delivering this service, to Hydro treated Vegetable Oil as part of its ambition to reduce its carbon emissions and reach net zero by 2030. This will cost the authority approximately 15-20% more than using diesel and estimated at £50,000 per year. The proposed increase in the garden waste charges will help offset these additional costs and other inflationary pressures facing the authority.

3. Alternative options considered

- 3.1 The Authority could decide not to increase the charges for the garden waste collection service to reflect inflation. This has been rejected on the basis that there is a requirement to support the funding of the existing collection service and there was no increase in charges to cover inflation last year during COVID-19 so this will be the first inflationary increase in 3 years .
- 3.2 The Authority could keep the early bird/spring discount currently offered of £3 however this causes confusion for some customers and adds to our costs requiring staff to reconcile payments and contact customers where errors have been made in the manual completion of the on line payment form. This would be resolved by stopping the discount and having a flat rate charge, like most other authorities, enabling the payment form to auto populate with the correct charge for residents. To reduce confusion for residents and additional staff time costs this is not recommended.
- 3.3 The Authority could decide to price match our nearest neighbouring authority, Tewkesbury Borough Council, who currently charge £49/year however this is considered too great a price increase for residents in the current economic climate and has been rejected in favour of the lower full price increase without discount of £45/year to £47/year as recommended in this report.

4. Consultation and feedback

- 4.1 In advance of the October 2017 service change, the Authority undertook a consultation exercise with Cheltenham residents to understand which type of waste and recycling service they would prefer to receive. As part of the consultation exercise the Authority also asked how residents would prefer to pay for their new waste and recycling service. Of the four options provided: closing the Household Recycling Centre; increasing charges for garden waste collection; closing the recycling banks; or increasing the Authority's other fees and charges, a significant proportion of residents who took part in the consultation (i.e. 1913 out of 3092 – 62%) chose increasing the garden waste charges as their first or second preferred option. Whilst this does show a preference for increasing garden waste collection charges over some of the other options given, it should be noted that it is not known whether those who took part in this consultation were also users of the garden waste collection service.
- 4.2 A further consultation exercise was carried out between 19 December 2018 - 6 January 2019 when charges were last changed. This consultation sought views from residents on how they

used the service as well as a reduction in the number of garden waste collections by 2 per year per customer over the Christmas/New Year period to minimise any service disruption due to severe weather (snow). The change in the number of collections per year was implemented in 2019 and there is no proposal to further reduce the number of collections, this will remain the same as it is now with no further change.

- 4.3** The results of the 19 December 2018 – 6 January 2019 public consultation carried out which had approximately 4,300 respondents, indicates that there are fairly high rates of public satisfaction with kerbside collections provided by the council: 69.5% of residents said they were either satisfied or very satisfied and a further 16.9% of residents saying they were neither satisfied or dissatisfied.
- 4.4** In response to questions specifically about garden waste charges 64.6% of respondents said they knew about the £3 early bird discount and 45.7% of respondents, who were advised that the price increase proposed for 2019 would mean they would pay £1.75 per collection, said they would either be prepared to pay more for their garden waste collection or they didn't know. The price increase on 1 February 2019, the last time the service increased the price, meant that residents paid £1.75 per collection, the price still being charged.
- 4.5** The proposed increase from £45/year to £47/year, removing the discounts previously applied of £3, would mean residents signing up to the garden waste service will pay £1.96 per collection. 19.5% of respondents to the 19 December – 6 January 2019 consultation said they would pay up to either £2 or £2.50 per collection and the proposed increase for 1 February 2022 with no early bird discount falls within this price range.

5. Performance management –monitoring and review

- 5.1** Performance in terms of take-up and income generated will continue to be monitored monthly/quarterly as part of the CBC-Ubico performance monitoring arrangements. Outcomes will be used to inform the thinking on any possible changes to the charges in the future.

Report author	Contact officer: Karen Watson, Environmental Partnerships Manager Karen.watson@cheltenham.gov.uk, 01242 264397
Appendices	1. Risk Assessment
Background information	

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 proposed increase in charges for the garden waste collection service is not agreed, then the Authority may be unable to meet its requirement to generate an additional £93,000/year to support service provision and cover the cost of inflation	Tim Atkins	10/11/2021	5	2	10	Reduce	Cabinet approves the proposed increase in charge for the garden waste collection service	30/11/2021	Karen Watson	
	If the guidance around the Environment Act 2021 sets lower charges for garden waste, or removes charges for garden waste collections in 2023/24, this may negatively impact our income stream in future years	Tim Atkins	10/11/2021	5	3	15	Accept	Work should continue to maximise service efficiency and reduce costs	2022/2023	Karen Watson	
	If the charge for the garden waste collection service is increased then take up of the service may reduce, resulting in less income for the Authority.	Tim Atkins	10/11/2021	2	2	4	Accept	A reduction in the demand for the service is difficult to model however fairly stable customer numbers should minimise this risk.	30/11/2021	Karen Watson	
Explanatory notes											

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

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

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

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

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Cheltenham Borough Council Cabinet – 21st December 2021 Clarence Fountain

Accountable member	Cabinet Member Climate Emergency, Councillor Max Wilkinson
Accountable officer	Chief Executive, Gareth Edmundson
Ward(s) affected	
Key Decision	Yes
Executive summary	<p>Clarence Fountain has been a popular and well used focal point for Cheltenham's town centre for decades.</p> <p>The trial partial closure of the road adjacent to the Fountain ran until December 2019. During this time, temporary seating and artificial grass was installed.</p> <p>Gloucestershire County Council decided to re-open Clarence Junction to all traffic and subsequently carried out traffic calming works to the road. Following the completion of those works, Cheltenham Borough Council has worked to develop more permanent improvements to the plinth surrounding the fountain.</p> <p>While the temporary measures have successfully created a new space for people to rest and socialise, Cheltenham Borough Council has always intended to create and deliver a more permanent, attractive and green space for everyone to enjoy at the heart of the town centre. This ambition is in line with the Borough Council's Connecting Cheltenham report.</p> <p>The Borough Council's proposed upgrades will include the addition of perennial planting and trees to create a 'pocket park' which will encourage biodiversity and improve air quality. The design also includes improved seating, space for wheelchairs and a more attractive and durable resin bound finish which will accommodate the ongoing high footfall of this popular town-centre location.</p> <p>The report recommends the appointment of Cotswold Estates and Gardens to deliver the works and the allocation of £95K from recovery funds.</p>
Recommendations	<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> 1. Approves the final concept design for Clarence Fountain as described in the report and included in Appendix 2; 2. Waive CBC contract rules as described in the report and approve the appointment of Cotswolds Estate & Gardens Ltd to construct the approved design. A breakdown of the estimated costs for the works can be found in Appendix 3 (Exempt); 3. Delegates responsibility for agreeing a construction contract

with Cotswold Estate & Gardens Ltd to the Head of Property, Finance and Assets in consultation with the Townscape Manager, Project Manager and the Borough Solicitor;

4. Approves the allocation of up to £95k to deliver the scheme.

Financial implications	<p>In the 2020/21 outturn report approved by Council in July 2021, a proportion of the reported underspend was set aside in a Green Economic Recovery and Investment fund. Authority was delegated to the Executive Director of Finance and Assets in consultation with the Lead Member for Finance and Assets to ensure it is spent in line with this proposal.</p> <p>The investment for Clarence Fountain falls within Green Economic Recovery. The estimated cost including any contingency is able to be covered by the remaining budget available from this fund.</p> <p>Ongoing costs of the cleaning and maintenance of the area are expected to be covered within existing budgets, by Ubico and Property Services respectively.</p> <p>Contact Officer: Gemma Bell – Head of Property, Finance and Assets (Deputy S151 Officer), gemma.bell@cheltenham.gov.uk</p>
Legal implications	<p>Procurements of goods, services and works above £25,000 require a full competitive tender unless there is justification not to do so in accordance with Contract Rule 6.1. The report refers to Contract Rules 6.1.1. and 6.1.3, the relevant section of which is as follows;</p> <p><i>6.1.1 Where the supplies, works or services are of a unique or specialised nature or are identical or similar to or compatible with an existing provision so as to render only one or two sources of supply appropriate</i></p> <p><i>6.1.3. The price of services or supplies to be purchased is controlled by trade organisations, or if for other reasons there would be no genuine competition;</i></p> <p>Cheltenham Borough Council will need to enter into a contract with the chosen contractor which One Legal can assist with.</p> <p>Additional legal comments are detailed in Appendix 1 (Exempt).</p> <p>Contact Officer: One Legal, legalservices@onelegal.org.uk</p>
HR implications (including learning and organisational development)	<p>There are no HR implications.</p> <p>Contact officer: Julie McCarthy, HR Manager, julie.mccarthy@publicagroup.uk, 01242 264355</p>
Key risks	<p>See Appendix 1 (Exempt).</p>
Corporate and community plan Implications	<p>Contributes to the Corporate Plan 2019-2023 revitalisation and improvement of our vibrant town centre</p>

Environmental and climate change implications	The environmental and climate benefits of the design are set out fully in section 3 of the report
Property/Asset Implications	<p>Clarence Fountain is a high profile public realm asset and these improvements will further enhance its strategic alignment to Cheltenham Borough Council's Corporate Priorities.</p> <p>The materials and design are not expected to have a significant resource or budgetary impact on Property Services and any maintenance will be undertaken without impacting our current plans.</p> <p>Contact Officer: Gemma Bell – Head of Property, Finance and Assets (Deputy s151 Officer)</p> <p>Email: gemma.bell@cheltenham.gov.uk</p>

1. Background

- 1.1 Clarence Fountain, known to many local residents as Boots Corner, has been a focal point of Cheltenham's Town Centre for decades.
- 1.2 In 2018, a trial road closure of the junction to all traffic (apart from, bicycles buses and taxis) was implemented. The trial aimed to reduce air pollution, improve pedestrian safety and encourage more walking and cycling. All of these elements aimed to make a positive contribution to Cheltenham's Climate Change ambitions. To coincide with the partial road closure, temporary works were undertaken to the fountain and surrounding plinth. The works included;

- Timber-slat benches added
- Artificial grass applied to the plinth
- Cycle stands
- Removal of old street furniture

Four timber planters were also placed on redundant road space, however some of these were subsequently removed by Gloucestershire County Council (GCC) as part of resurfacing works.

- 1.3 In 2019, GCC, which is responsible for transport and highways, took a formal decision to end the trial closure of the road and re-open the town centre to all traffic. GCC has since completed further permanent works to the roads in the area, narrowing the carriageway and calming traffic. This enabled Cheltenham Borough Council to proceed with improvement works in the area.
- 1.4 Clarence Fountain has always been a popular and well-used space. Although the area is compact and sits in between two roads, it is a key intersection at the heart of Cheltenham's retail and leisure offer. This results in the area being the ideal place for individuals and families to stop, sit and take a break. However, prior to the temporary works, it lacked formal and accessible areas to stop and rest. The provision of benches proves there is demand for permanent installations.
- 1.5 The benches and artificial grass have made the fountain and plinth more accommodating for town centre visitors. However, these measures were only ever intended to be temporary pending a final decision by Gloucestershire County Council on the future of the junction.
- 1.6 While the existing materials, such as artificial grass, are practical and hard wearing, it has always been Cheltenham Borough Council's intention to replace these temporary surfaces with more permanent improvements to deliver a better design that is greener, inclusive and more visually appealing.
- 1.7 Since GCC's decision and subsequent completion of further road works, Cheltenham Borough Council has been working to progress designs that seeks to improve this important and well-used space in the centre of Cheltenham.

2. Feedback

- 2.1 The area of Clarence Fountain has prompted residents, visitors and a range of organisations and groups to offer views on how the area should be improved.
- 2.2 The current temporary measures have prompted both positive and negative feedback. Opinions have focussed on the positive elements such as the seating, which has made the area more welcoming and useable. However, elements such as the artificial grass have received some negative reactions, with some residents commenting that this makes the area unattractive as well as highlighting that artificial grass is an unsustainable and environmentally damaging material.
- 2.3 As part of the development of a new design, Cheltenham Borough Council has considered all

these views to develop a more attractive and permanent feature that makes a positive contribution to the street scene.

3. The recommended design concept

3.1 The design of Clarence Fountain and surrounding plinth has been driven by the following design principles:

- Enhancing the space as an attractive place to sit, relax and play
- Cheltenham's commitment to improving air quality, biodiversity and wider climate change ambitions
- Accessibility and inclusivity
- Durable and attractive finishes
- Contributing to Cheltenham's wider place-making outcomes

Urban Greening & Materials

3.2 The proposal aims to create a 'pocket park' in the area surrounding Clarence Fountain, which goes beyond just improving the visual impact. The addition of soft landscaping elements aims to create a better overall user experience by helping improve the air quality, making the space a better place to walk and rest and creating a healthier environment. This greening will help make this part of the wider public realm network.

3.3 Once established, the trees will provide seasonal weather protection, and a welcomed source of shade and surface cooling in the increasingly hotter summers. The proposal includes a mix of sustainable perennial plants, ones that flower reliably every year, whilst utilising different plant forms and structures to ensure visual appeal year round

3.4 The intention is to use materials with specific finishes that enable the area to be easily maintained thus not significantly adding to the current Ubico regime. Considerations include a metal 'skirt' to the plinth, providing weather resilience and a robust façade. The planters will be powder coated to match the plinth 'skirt'. The plinth surface will be resin bound and include metal powder-coated sheets as cladding, since these are durable, robust and easy to maintain.

Multi-functionality

3.5 Clarence Fountain, as it is currently used, is a multifunctional space: it's a meeting spot, a seating and eating area, and children like to play on the plinth. The proposal aims to enhance this quality, therefore the design combines different elements and areas that can be the setting to a variety of experiences.

3.6 For example, the difference in scale and feel, which can cater for smaller or bigger groups, or the raised seating areas with protective planting, create a more private feel to the busy street environment. The prefabricated circular planters, which also provide coffee cup perches, offer a barrier to the pedestrian traffic desire line and creates visual and sensory interest as well as being a great gathering spot.

Connecting Cheltenham

3.7 The provision of more seating, including accessible seating areas, is aligned with the Connecting Cheltenham report. The report cites the need for improved seating options as a key strand of work in the Borough's desire to boost walking as part of a shift to sustainable transport. The

Report states that Town Centre Public Realm should include “Seating designed to encourage people to 'stay'.”

Inclusivity

- 3.8** The main consideration during the design process was the end user, and how this space accommodates a wide variety of people every day. The design looked at ways to create an inclusive space for all to be able to use and enjoy regardless of age, gender and disability.
- 3.9** The design creates a welcoming space for all, with levels of flexibility that will enable different people to use it in different ways and to adapt to their needs while visiting the High Street and Promenade.
- 3.10** To achieve a more accommodating design, recessed seating areas have been incorporated so wheelchair and buggy users can equally enjoy the space. For older people, disabled people and vulnerable groups in general, the inclusion of seating in urban areas is an important place-making priority.
- 3.11** An illustration of the design concept can be found in **Appendix 2**.

4. Planning & Highways

- 4.1** As part of the development of the design, Cheltenham Borough Council has sought planning advice to confirm whether any permissions or approvals are required in advance of any works.
- 4.2** Planning officers have confirmed that the works can be carried out by CBC as they fall under the remit of part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore the planned works do not require planning permission.
- 4.3** Cheltenham Borough Council will liaise with GCC as the highways authority, and the appointed contractor to ensure that any necessary permissions are secured to allow the works to proceed safely.

5. Covid-19 Recovery

- 5.1** The experience of the Covid-19 pandemic further underlined the importance of our open spaces and their contribution to the wellbeing of our residents and visitors. In addition, the greater risk of infection from Covid-19 by spending more time indoors has led to some change of behaviour where many individuals now prefer to spend more time outdoors.
- 5.2** The pandemic has also placed further pressure on Cheltenham's high street retail and leisure businesses who have endured closures and severe restrictions while online counterparts have seen huge growth as more business has taken place online.
- 5.3** Cheltenham Borough Council has taken a leading role in trying to support the recovery of retail and leisure. The Cheltenham Economic Recovery Task Force has undertaken a range of work to support the revitalisation of the high street. Most recently, Cheltenham Borough Council has invested in bringing an ice rink to Cheltenham and the Business Improvement District (BID) has launched Christmas Markets to encourage more footfall to the town centre which will drive more spending in high street shops.
- 5.4** The quality of town centre places also plays an important part in ensuring that Cheltenham is an attractive place to visit. Clarence Fountain and junction is a highly visible and busy point connecting the Promenade to the High Street. Therefore, targeted investment to bring about permanent improvements to the space will be of significant and lasting benefit by providing a

high-quality outdoor space while continuing to enhance the retail and town centre environment.

6. Procurement & Construction Costs

- 6.1 Four key drivers informed the procurement approach to achieve value for money for Cheltenham Borough Council.
- a) Following the completion of recent resurfacing and traffic light works by GCC, the ambition to deliver improvements to Clarence Fountain in time for Spring/Summer 2022 when the area is busiest.
 - b) The specialist nature of some of the landscaping elements
 - c) The need to mitigate severe volatility in the current market for materials and supply chain
 - d) Preference for using local contractors
- 6.2 From conducting soft market engagement, interest from contractors who demonstrated both interest, availability and appropriate expertise and experience to help finalise the concept design was limited.
- 6.3 Input by the appointed contractor was also deemed an important part of the design and construction process to mitigate risks on the availability and costs of chosen materials. Therefore, following a market test it was deemed that a full tender process would not be advantageous, likely increase risk and not represent best value for money to Cheltenham Borough Council.
- 6.4 Identified contractors from initial market engagement and assessment were approached with the concept design and quotes were requested. Only one contractor responded with a detailed quote who had appropriate expertise.
- 6.5 It is therefore recommended that Cabinet agree to waive the requirement under Cheltenham Borough Council's Contract Rules to carry out a full tender, pursuant to Contract Rules 6.1.1 and 6.1.3 within due to the lack of evident competition for the works and services and the specialist nature of the works and services.
- 6.6 Cotswold Estates and Gardens Limited are a Gloucestershire-based company established in 1965, who have considerable experience in designing and delivering a diverse range of landscaping schemes across the county. As a local firm, they have assisted the finalisation of the design and have committed to being able (subject to appointment) to complete the necessary works in the first half of 2022. It is therefore recommended that Cabinet agree to appoint Cotswold Estates and Gardens Ltd to complete the works to the area of Clarence Fountain.
- 6.7 A full breakdown of the detailed costs can be found in **Appendix 3 (Exempt)**. While the quote is as accurate as possible at this point, the market for materials remains uncertain, therefore the costs will be finalised as part of the final contract agreement.
- 6.8 It is proposed that the finalised design, materials and specification will be included in a contract for works that will be agreed with the appointed contractor. This responsibility for agreeing the final contract will be delegated to the Head of Property Finance and Assets in consultation with the Townscape Manager, Project Manager and Cheltenham Borough Council's solicitor.
- 6.9 While appropriate checks to the proposed site have been completed, as with any construction project, risks will remain. These include the discovery of any previously unknown constraints to the site, or delays to securing relevant licences which are out of the direct control of CBC and the appointed contractor. These risks have been captured in more detail in Appendix 1 (Exempt).
- 6.10 To further mitigate risks, specialist consultants will be appointed as appropriate to manage the delivery of the scheme and to satisfy regulations relating to Construction (Design and Management) Regulations (CDM).

- 6.11** Due to uncertainty surrounding the current supply chain and existing project risks, a 15-20% contingency has been included within the project budget. However, robust change control measures will be implemented and recorded to manage and limit any required additional spend. Any surplus funds will be returned if unused at the conclusion of the project.

7. Outline programme

7.1 The outline projected programme is as follows:

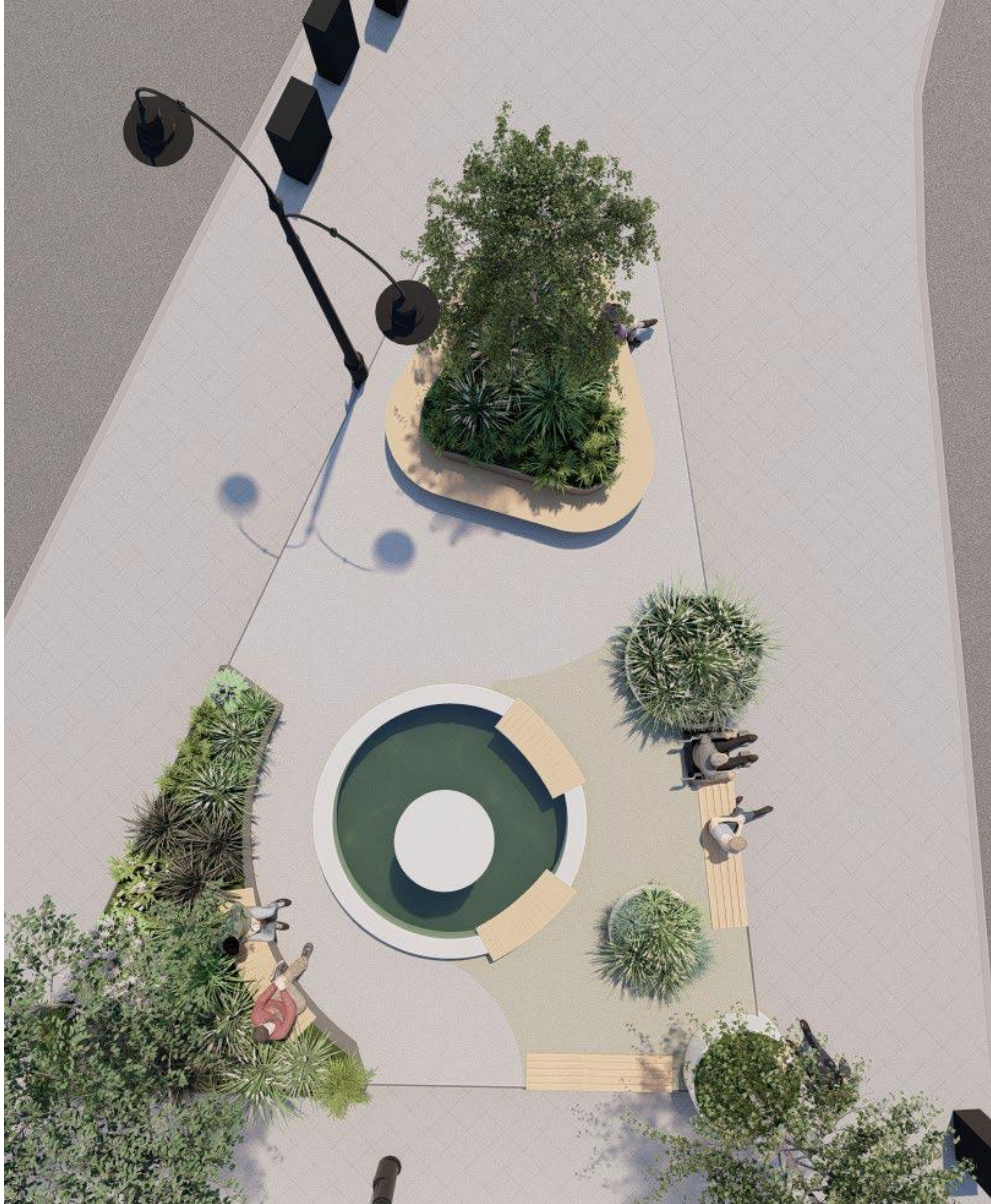
- **December 2021** – Cabinet approval
- **January 2022** – Contract close with appointed contractor and construction project team in place.
- **February 2022** – Start on site – completion of final preliminaries and due diligence e.g. Ground Penetration Radar (GPR) survey
- **February – March 2022** – Construction phase
- **April – May 2022** Completion and planting (dependent on planting selected)

7.2 This outline timeline is subject to a number of risks and interdependencies, some of which are outside of the direct control of Cheltenham Borough Council. These are fully detailed in the risk register found in in **Appendix 1 (exempt)**.

Report author	Contact officer: Gareth Edmundson, Gareth.edmundson@cheltenham.gov.uk Emma Morgan emma.morgan@cheltenham.gov.uk
Appendices	1. Risk assessment 2. Concept design – [stage 3 report] 3. Costs breakdown Appendices 1 and 3 not for publication by virtue of paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972.
Background information	N/A

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Cheltenham Borough Council
Council – 21 December 2021
Gambling Act 2005 Statement of Principles

Accountable member	Councillor Martin Horwood, Cabinet Member Customer & Regulatory Services
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The Gambling Act 2005 requires that the authority produce, consult on and publish a statement of the principles that they propose to apply when exercising their functions under the Act.</p> <p>The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.</p> <p>Cheltenham Borough Council published its existing Statement of Principles in 2019.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the proposed changes to the Statement of Principles, highlighted in Appendix 2; 2. Note the consultation feedback; 3. Recommend the adoption of the Statement of Principles to full Council on 21st February 2022.

Financial implications	<p>There are no financial implications arising from this report.</p> <p>Contact officer: Andrew Taylor, Andrew.Taylor@cheltenham.gov.uk</p>
Legal implications	<p>Section 349 of the Gambling Act 2005 requires the Licensing Authority to produce a Statement of Gambling Principles every three years which it will apply in exercising its functions under the Act during that period.</p> <p>Contact officer: Vikki.fennell@teWKesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>No specific HR implications as a result of this report.</p> <p>Contact officer: Clare Jones – HR Business Partner, clare.jones@publicagroup.uk</p>
Key risks	As identified in Appendix 1
Corporate and community plan Implications	<p>Cheltenham has a strong and sustainable economy</p> <p>Communities feel safe and are safe.</p>
Environmental and climate change implications	None
Property/Asset Implications	None

1. Background

- 1.1 Cheltenham Borough Council (“the authority”) is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 1.2 The authority must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.
- 1.3 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect:
 - 1.3.1 on the Authority’s website, and
 - 1.3.2 for public inspection in one or more public libraries, or other premises in the Borough, such as the Council Offices.
- 1.4 The Commission has published guidance to licensing authorities and the authority has a statutory obligation to have regard to this guidance.
- 1.5 The revised draft ‘Statement of Principles’ attached at **Appendix 2** takes account of changes made to the Commission’s guidance since the authority’s last Statement of Principles was published.
- 1.6 A review has been undertaken in accordance with the statutory requirements. Given that there have been no substantial changes to legislation and national guidance, the proposed changes to the Gambling Policy Statement are minimal.
- 1.7 In May 2021, the statutory guidance was updated, although the Commission commented that it did not consider that licensing authorities would have to make any significant changes (if any) to their Statement of Policy in relation to the new statutory guidance, given that the changes were minimal and of no significant importance.
- 1.8 As such, and aside from minor updates, the only section of the Statement of Principles that has seen any substantial updates is Section 5 that deals with local risk assessments for premises. This section has been updated to strengthen and clarify the local expectations relating to risk assessments.

Proposed Changes

- 1.9 Proposed changes to the policy are (apart from a general reorganisation):
 - 1.9.1 Local Risk Assessments – Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.
 - 1.9.2 Changes to Section 5, seek to strengthen local risk assessments, by clarifying what this authority will expect the local risk assessment to consider as a minimum.
 - 1.9.3 Updates to gaming machine stakes and prizes (Appendix E)
 - 1.9.4 Other minor updates, as outlined in the draft statement of licensing policy.
- 1.10 The work to create local area profiles is still ongoing. This work requires input from GCC Public Health, but due to the Covid pandemic, this work has not yet started. The Statement of Policy notes (Section 4) that this work is yet to be completed, but this will not be done prior to the

adoption of this iteration of the policy review.

- 1.11 For the sake of ease, tracked changes have been preserved on the revised policy statement to allow Members easy access to these changes.

2. Gambling Act 2005

- 2.1 The Gambling Act 2005 is the primary legislation regulating all forms of gambling activity in the UK. Under the Act, gambling is defined as:

- gaming (within the meaning of section 6);
- betting (within the meaning of section 9); and
- participating in a lottery (within the meaning of section 14).

- 2.2 The Act sets out a number of licensing objectives that the authority is bound by when discharging any of its functions under the Act:

- a. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b. ensuring that gambling is conducted in a fair and open way; and
- c. protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 2.3 Section 153 of the 2005 Act ("Principles to be applied") states that:

In exercising their functions under this Part *a licensing authority shall aim to permit the use of premises for gambling* in so far as the authority think it—

- a. in accordance with any relevant code of practice under section 24,
- b. in accordance with any relevant guidance issued by the Commission under section 25,
- c. reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- d. in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

3. Reasons for recommendations

- 3.1 To ensure the authority can effectively meet its obligations under the Gambling Act 2005 in relation to reviewing the Statement of Principles.

4. Alternative options considered

- 4.1 The authority can readopt its existing policy without making any changes.

5. Consultation and feedback

- 5.1 When reviewing its Statement of Principles, the council is required to consult with:

- the chief officer of police for the authority's area,
- one or more persons who appear to the authority to represent the interests of persons carrying

on gambling businesses in the authority's area, and

- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

5.2 Consultation has now been undertaken in accordance with the statutory requirements. One response was received attached at **Appendix 3**. The draft policy document has been updated in accordance with the comments received on page 6 of **Appendix 2**.

5.3 The Licensing Committee did not make any comments.

Report author	Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk , 01242 264217
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Draft Statement of Principles 3. Consultation responses
Background information	<ol style="list-style-type: none"> 1. Draft Statement of Principles – Adopted 2012 2. Gambling Act 2005 3. Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006) 4. Guidance to Licensing Authorities 4th Edition (October 2012)

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>Failure to publish a revised Statement of Principles within the required timescale would leave Cheltenham Borough Council in breach of its statutory obligations.</p> <p>This could lead to legal challenges, costs to the council and adversely affect the council's reputation.</p>	Licensing Team Leader	October 21	2	4	8	Accept	Adopt the revised statement of policy.	Feb 22		
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											



CHEL TENHAM

BOROUGH COUNCIL

STATEMENT OF PRINCIPLES GAMBLING ACT 2005



All enquiries should be directed to:

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Municipal Offices
Promenade
CHELTENHAM
GL50 9SA
Tel: 01242 262626
E-mail: licensing@cheltenham.gov.uk
Website: www.cheltenham.gov.uk

This Policy was approved on xxx

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PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Act 2005 (“the Act”), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 It should be noted that the Gambling Commission (“Commission”) has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 Cheltenham Borough Council (“The authority”) is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Commission;
 - in accordance with any relevant guidance issued by the Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Authority’s Statement of Licensing Policy.

2. Introduction

- 2.1 The authority is required by the Act to publish a Statement of Principles (“Statement”) which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then republished.
- 2.2 The authority will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided at Appendix A. The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to The authority to represent the interests of persons carrying on gambling businesses in The authority’s area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of The authority’s functions under the Act.
- 2.3 The authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.
- 2.4 The Statement was considered for approval at a meeting of the Full Council on xxx and will be published via our website www.cheltenham.gov.uk/licensing on or by xxx. **The authority**

Should you have any comments regarding this Statement please send them via email or in writing to the Licensing Section:

Address: Licensing Section, Municipal Offices, Promenade, Cheltenham, GL50 9SA

Email: licensing@cheltenham.gov.uk

- 2.5 It should be noted that this Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3. Area Profile

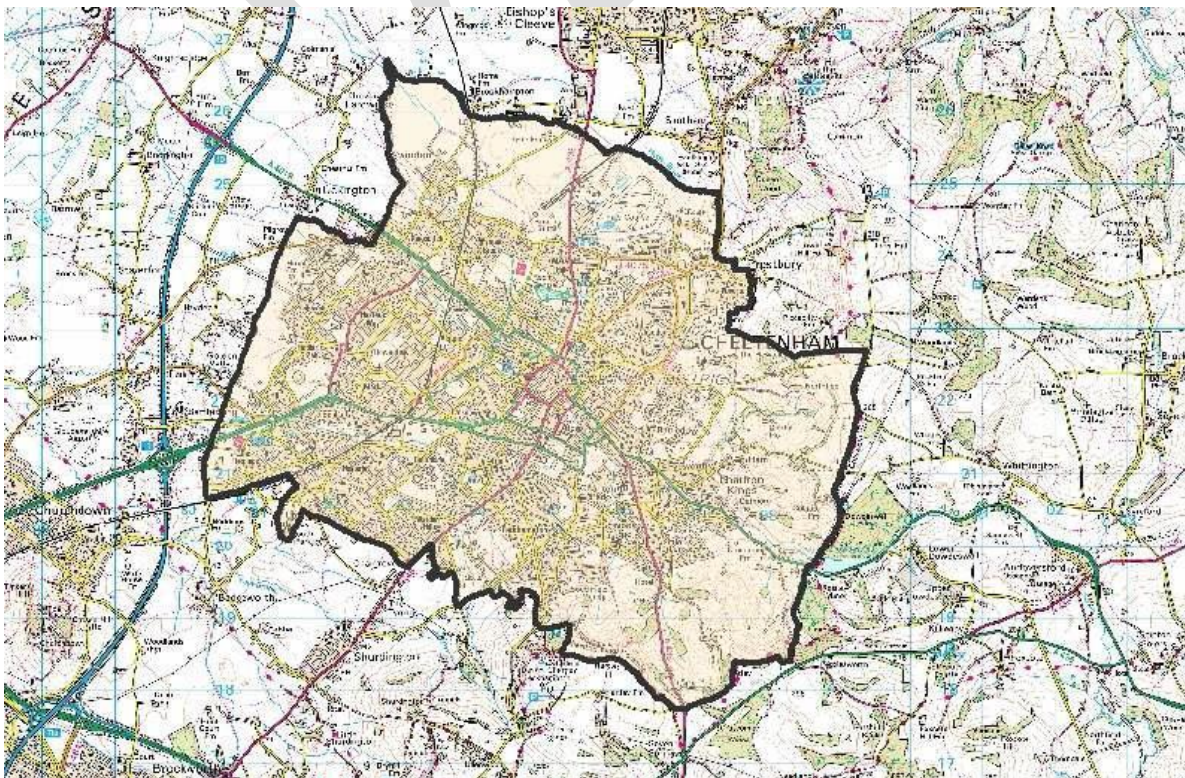
The Area

Until the late 1700s, Cheltenham was a small market town that became a fashionable resort after spa waters were discovered. Over the years it has attracted major employers and has gained a reputation for being an international festival town. This, together with its architectural heritage, educational facilities and quality environment, makes Cheltenham an attractive place to live, work and play.

The borough, which includes 5 parishes, has a population of approximately 116,500 who live in 20 wards. The borough is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares of which 17% is designated as green belt and 22% as an area of outstanding natural beauty.

Demography

The population of approximately 116,500 will continue to rise over the next 20 years.



At the time of writing in 2021, the borough had 11 licensed betting premises, 1 track licence and 2 licensed Adult Gaming Centres.

4. Local Area Profile

4.1 The authority has not undertaken a local area profile at this stage. The authority does however recognise that gambling related health harm is often unknown and complex. The authority also notes that nationally 2.7% of the UK's population are recognised as problem gamblers. This Statement recognises that further work is necessary to understand the local picture of gambling-related harm in the borough.

4.2 Accordingly, it is the intention of the authority to engage with the County Council public health team in developing a local area profile, to assist applicants and licensees with their local area risk assessments.

5. Local Risk Assessments

5.1 The Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.

5.2 Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

5.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstances, including those identified in this policy statement; and
- where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

5.4 This authority will expect the local risk assessment to consider as a minimum:

5.4.1 the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;

5.4.2 the demographics of the area in relation to vulnerable groups;

5.4.3 whether the premises is in an area subject to high levels of crime and/or disorder.

5.4.4 how vulnerable people, including people with gambling dependencies are protected.

5.5 This authority will also expect local risk assessments to include, specifically, any relevant information about:

5.5.1 Self exclusion details

5.5.2 Attempts to gamble by under 18s

5.5.3 Outcome(s) of test purchase results

5.5.4 ASB issues on incident logs

5.5.5 Police reports and call outs

5.5.6 Sharing information with nearby agencies e.g. treatment centres

5.5.7 Any protections in place when footfall is the highest

5.5.8 Details of any best practise schemes such as Betwatch or similar

5.6 The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions took effect from 6 April 2016.

5.7 Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will

set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions are required.

6. Declaration

- 6.1 In producing this Statement, the authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Commission, and any responses from those consulted on the Statement.

7. Responsible Authorities

- 7.1 Responsible Authorities are public bodies that must be notified of applications and who are entitled to make representations to the authority, if they are relevant to the licensing objectives.

- 7.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 7.3 In accordance with the suggestion in the Guidance the Licensing Authority has designated the Gloucestershire Safeguarding Children Partnership (GSCP), comprising of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary. The GSCP Executive will review and delegate its duties as Responsible Authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document. The contact details of all Responsible Authorities are attached as Appendix B.

8. Interested Parties

- 8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

- 8.2 "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of The authority which issues the licence or to which the application is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b)."

- 8.3 The authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- 8.4 Each case will be decided upon its merits. The authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Commission's guidance for local authorities.

- 8.5 It will also consider the Commission's guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 8.6 Interested parties can be persons who are democratically elected, such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required, as long as the councillor or MP represents the ward likely to be affected.
- 8.7 Likewise, Parish Councils likely to be affected will be considered to be interested parties.
- 8.8 Other than these however, the authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 8.9 If individuals wish to approach Councillors to ask them to represent their views, care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. For more information, please refer to the adopted Licensing Committee's adopted "Probity in licensing".

9. Exchange of Information

- 9.1 The authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the General Data Protection Regulation and The Data Protection Act 2018 will not be contravened. The authority will also have regard to any relevant guidance, regulations and the Act.
- 9.2 Should any protocols be established regarding information exchange with other bodies they will be made available upon request.
- 9.3 In fulfilling its functions and obligations under the Act, the authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the authority will conform to the requirements of data protection and freedom of information legislation, in accordance with the authority's relevant policies.
- 9.4 Any matters of non-compliance with the Act will, where appropriate, be reported to the Commission.
- 9.5 The authority will share information with other responsible authorities and the Commission where there is evidence of non-compliance with other legislation and regulatory regimes, relevant to the operation of the applicant's business.

10. Enforcement

- 10.1 Licensing authorities are also required to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified
- 10.2 This Council's principles are that:

It will be guided by the Commission's guidance for local authorities and will endeavour to be:

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

10.3 As per the Commission's guidance for local authorities, the authority will endeavour to avoid duplication with other regulatory regimes, so far as is reasonably practicable.

The authority has adopted and implemented an inspection programme based on:

- The Licensing Objectives;
- Relevant Codes of Practice;
- Guidance issued by the Commission, in particular at Part 36; and
- The matters set out in this Statement of Principles.

10.4 The main enforcement and compliance role for the authority in terms of the Act, will be to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the authority, but should be notified to the Commission.

10.5 Bearing in mind the principle of transparency, the authority's enforcement/compliance protocols/written agreements are available upon request to the Licensing **Section**.

11. Council Functions

11.1 The authority has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities.

11.2 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular, the authority will be responsible for:

- The licensing of premises where Activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits to Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.

- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Commission regarding details of licences issued (see section above on 'Information Exchange').
- Maintain registers of the permits and licences that are issued under these functions.

11.3 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Commission via operating licences.

A table outlining how the authority will delegate its functions under this Act is attached at Appendix C.

PART B

PREMISES LICENCES : CONSIDERATION OF APPLICATIONS

1. General Principles

- 1.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 The authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Commission;
 - in accordance with any relevant guidance issued by the Commission;
 - reasonably consistent with the licensing objectives, and
 - in accordance with the Authority's Statement of Licensing Policy
- 1.3 It is appreciated that as per the Commission's guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion.

Meaning of "premises" – In the Act, "premises" is defined as including "any place".

- 1.4 Section 152 therefore prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall, to obtain discrete premises licences where appropriate safeguards are in place.
- 1.5 The authority will however pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.
- 1.6 The authority takes particular note of the Commission's guidance which states that:

"Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice, that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling, where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable, so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises, or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a 'street' (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not);
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons; and
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street, or from another premises with a betting premises licence.
- There must be no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

1.7 Part 7 of the Commission's guidance contains further guidance on this issue, which this authority will also take into account in its decision making.

1.8 **Premises "ready for gambling"** - The guidance states that a licence to use premises for gambling should only be issued in relation to premises that The authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required, before the premises are brought into use.

- 1.9 If the construction of premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, an application for a provisional statement should be made instead.
- 1.10 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at premises, the authority will determine applications on their merits, applying a two stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling.
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.11 Applicants should note that the authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.12 **Location** – Demand-related objections and issues cannot be considered with regard to the location of premises, but the considerations in terms of the licensing objectives can.
- 1.13 As per the Commission's guidance, the authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.
- 1.14 **Planning** – The authority has a duty to only take into consideration relevant matters, i.e. those related to gambling and the licensing objectives. An example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulation approval for their proposal.
- 1.15 It notes in particular from the Commission's guidance:
- When dealing with a premises licence application for finished buildings, the authority should not take into account whether those buildings have or will comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and do not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

Duplication with other regulatory regimes, policies and strategies –

- 1.16 By consulting widely prior to this Statement being published, the authority will take due account of local policies covering crime prevention, culture, transport, planning and tourism, as part of an integrated approach by the authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.
- 1.17 When considering any application, the authority will avoid duplication with other regulatory regimes as far as reasonably practicable. Therefore, the authority will not attach conditions to a licence, unless they are considered necessary, reasonable and proportionate to the use of premises for gambling, consistent with the licensing objectives.
- 1.18 **Licensing Objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the authority has considered the Commission's guidance and some comments are made below:
- 1.19 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - The authority is aware that the Commission will be taking a leading role in preventing gambling from being a source of crime. The Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, the authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The authority is aware of the difference between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.
- 1.20 **Ensuring that gambling is conducted in a fair and open way** - The authority has noted that the Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regards to tracks which is explained in more detail in the 'tracks' section below - page 15.
- 1.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The authority has noted the Commission's guidance that states this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at, or particularly attractive to children). The authority will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrance/machines, segregation of areas etc.
- 1.22 The authority will also make itself aware of the Codes of Practice which the Commission issues as regards this licensing objective.
- 1.23 As regards the term "vulnerable persons", it is noted that the Commission is not seeking to offer a definition, but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs".
- 1.24 The authority will consider this licensing objective on a case by case basis. A list of organisations set up to give help and advice about problem gambling is attached at Appendix D.

1.25 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

1.26 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures The authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

1.27 The authority will consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's guidance.

1.28 The authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective in preventing access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff of the licence holder; and
- at the entrance to and inside any such areas, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

1.29 These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.30 The authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's guidance, the authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.31 It is noted that there are conditions which the authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

1.32 **Door Supervisors** - The Commission advises in its guidance that if a Council is concerned that a premises may attract disorder, or be subject to attempts at unauthorised access (for example by children and young persons), it may require that the entrances to the premises are controlled by a door supervisor and is entitled to impose a premises licence condition to this effect.

1.33 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

Sharing local Risk Assessments

1.34 The new code provision of 10.1.2 under the revised Licence Condition Codes of Practice from the Commission came into force in April 2016. Under this provision it states:

1.35 *Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licenced premises, or otherwise on request.*

1.36 In accordance with the new LCCP requirement, the authority will expect licensees to submit their local risk assessment when making an application in accordance with the code of practice's requirements.

2. Adult Gaming Centres

2.1 The authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy The authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 The authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

2.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

3.1 The authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy The authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes

- Provision of information leaflets/helpline numbers for organisations such as GamCare

- Measures/training for staff on how to deal with suspected truant school children on the premises

3.2 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3.3 The authority will, as per the Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

4. Casinos

4.1 *No Casinos resolution* - The authority has not passed a 'no casino' resolution under Section 166 of the Act 2005, but is aware that it has the power to do so. Should The authority decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision will be made by Full Council.

5. Bingo Premises

5.1 The authority notes that the Commission's guidance states:

5.2 "Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. "

5.3 A holder of a Bingo Premises Licence may make available for use, a number of Category B machines not exceeding 20% of the total number of gaming machines which are available for use.

5.4 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

6. Betting Premises

6.1 *Betting machines* - The authority will, in accordance with the Commission's guidance take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

- 7.1 The authority is aware that tracks may be subject to one, or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's guidance, The authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 The authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 The authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 7.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 7.5 *Gaming machines* – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.6 *Betting machines* – The authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 7.7 The Act requires applicants to submit plans of the premises with their application, in order to ensure that the authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the authority to plan future premises inspection activity.
- 7.8 Plans for tracks do not need to be to a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 7.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 7.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through 'occasional use notices' where the boundary premises do not need to be defined.

- 7.11 This Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

- 8.1 The authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than ‘an ancillary amusement’ at the fair is met.
- 8.2 This Council will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

- 9.1 Developers may wish to apply to the authority for provisional statements before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 Section 204 of the Act provides for a person to make an application to the authority for a provisional statement in respect of premises that they:
- expect to be constructed;
 - expect to be altered; or
 - expect to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold, or have applied for, an operating licence from the Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Council notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below and whether it is:

- in accordance with any relevant Code of Practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Principles.

10.2 The request for the review will also be subject to consideration by the authority as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

The authority can also initiate a review of a particular premises licence, or a particular class of premises licence, on the basis of any other reason which it thinks is appropriate.

10.3 Once a valid application for a review has been received by the authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the authority, which will publish notice of the application within 7 days of receipt.

10.4 The authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.5 The purpose of the review will be to determine whether the authority should take any action in relation to the licence. If action is justified, the options available to the authority are:

- (a) add, remove or amend a licence condition imposed by The authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

10.6 In determining what action, if any, should be taken following a review, the authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

10.7 In particular the authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises.

This is to prevent people from applying for licences in a speculative manner without intending to use them.

10.8 Once the review has been completed, the authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Review and Customs.

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PART C

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 1.1 Where a premises does not have a premises licence, but the owner wishes to provide gaming machines, they may apply to the authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 1.2 It should be noted that a Council cannot attach conditions to this type of permit.
- 1.3 The authority will expect the applicant to show that there are policies and procedures in place to protect children from harm.
- 1.4 Harm in this context is not limited to harm from gambling, but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. The authority will also expect, as per Commission guidance, that applicants demonstrate:
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the authority. The authority can remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to The authority, that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Act has been committed on the premises.

Permit: 3 or more machines

- 2.2 If a premises owner wishes to have more than 2 machines, they need to apply for a permit and the Council must consider that application based upon the licensing

objectives, any guidance issued by the Commission issued under Section 25 of the Act 2005, and “*such matters as they think relevant*”.

- 2.3 The authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and it will expect the applicant to satisfy The authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.5 It should be noted that the authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

3. Prize Gaming Permits

- 3.1 The Act states that a Council may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” and “may, in particular, specify matters that the authority propose to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Council expects that an applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law;
 - clear policies that outline the steps to be taken to protect children from harm.
- 3.3 In making its decision on an application for this permit the authority does not need to have regard to the licensing objectives but must have regard to any Commission guidance.
- 3.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if a non-monetary prize); and
- ☐ participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines permits

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.2 Commission guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".
- 4.3 The Commission guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Commission's guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

5. Temporary Use Notices

- 5.1 Temporary Use Notices ("TUN") allow the use of premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a

TUN, according to the Commission, would include hotels, conference centres and sporting venues.

- 5.2 The authority can only grant a TUN to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by TUN, and at the time of writing this Statement the relevant regulations (SI no.3157: The Act 2005 (Temporary Use Notices) Regulations 2007) state that TUNs can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards TUNs. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Commission guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”.
- 5.5 In considering whether a place falls within the definition of “a set of premises”, the authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.6 This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission’s guidance.

6. Occasional Use Notices

- 6.1 The authority has very little discretion as regards these notices, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.
- 6.2 The authority will notify the Commission of any notices made under this provision and share with them any relevant information.

APPENDIX A

CONSULTEES

Current Licence Holders
Responsible Authorities
The People of Cheltenham
Cheltenham Borough Council Members
Parish Councils
Director of Public Health

Casino Operators' Association
British Amusement Catering Trade Association (BACTA)
British Casino Association (BCA)
Association of British Bookmakers Ltd (ABB)
The Bingo Association
Lotteries Council
Hospice Lotteries Association

Citizens Advice Bureau
Chamber of Commerce
Cheltenham Business Partnership Improvement District

GamCare, 2&3 Baden Place, Crosby Row, London, SE1 1YW
Gamblers Anonymous, PO Box 5382, London, W1A 6SA

Independent Betting Arbitration Service, PO Box 44781, London, SW1W 0WR

APPENDIX B

CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

COUNCIL LICENSING

Licensing Section
Cheltenham Borough Council
Promenade
Cheltenham
GL50 9SA

Telephone: 01242262626
Email: licensing@cheltenham.gov.uk

LOCAL PLANNING AUTHORITY

Planning Enforcement
Built Environment Division
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Telephone: 01242 264138
Email: builtenvironment@cheltenham.gov.uk

THE GAMBLING COMMISSION

Victoria Square House
Victoria Square
BIRMINGHAM
B2 4BP

Telephone: 0121 230 6500
Email: info@gamblingcommission.gov.uk

GLOUCESTERSHIRE CONSTABULARY

Licensing Unit
Community Engagement Dept.
Police HQ
No1 Waterwells
Quedgeley
Gloucester
GL2 2AN

Telephone: 01452 754482
Email: Licensing@Gloucestershire.pnn.police.uk

The main Police switchboard number is 101.

GLOUCESTERSHIRE FIRE AND RESCUE

Chief Fire Officer
Fire Service Headquarters

Statement of Principles - Gambling Act 2005 (2021)

Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Telephone: 01452 753333
Email: fire@glosfire.gov.uk

GLOUCESTERSHIRE ACPC

Safeguarding Children's Partnership

Room 128
1st Floor, Block 4
Gloucestershire County Council
Shire Hall
Westgate Street
Gloucester GL1 2TG

Email: gsce@gloucestershire.gov.uk

HM REVENUE & CUSTOMS

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
United Kingdom

Telephone 0300 322 7072 Option 7
Email nrubetting&gaming@hmrc.gsi.gov.uk

APPENDIX C

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by lead Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn

Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX D

LIST OF ORGANISATIONS THAT GIVE HELP AND ADVICE ABOUT PROBLEM GAMBLING

The following organisations are working to tackle problem gambling and may be able to help individuals and/or organisations.

Responsibility in Gambling Trust (RIGT)

10 Brick Street
London
W1J 7HQ
Tel: 207 518 0023
Fax: 207 518 0174
Email: enquiries@rigt.org.uk

Citizens Advice

Gloucester and District Citizens Advice Bureau
75 - 81 Eastgate Street
Gloucester
GL1 1PN
Tel: 01452 527202

Gam Anon

PO Box 5382
London
W1A 6SA
National Help Line: 08700 50 88 80
Midlands 0121 233 1335

Gamblers Anonymous (UK)

Birmingham 0121 233 1335

Gam Care

2nd Floor
7-11 St John's Hill
London
SW11 1TR
Tel: 020 7801 7000
Fax: 020 7801 7033
Email: info@gamcare.org.uk

Gordon House Association

43-47 Maughan Street
Dudley
West Midlands
DY1 2BA
Tel: 01384 241 292
Email: help@gordonhouse.org.uk

NCH Children's Charity

85 Highbury Park
London
N5 1UD
Tel: 020 7704 9037
Fax: 020 7704 7134

NHC South West

Horner Court
Statement of Principles - Gambling Act 2005 (2021)

637 Gloucester Road
Horfield
Bristol
BA7 0BJ
Tel: 01179 354 440
Fax: 01179 512 470

National Debt Line
Tel: 0808 808 4000

DRAFT

APPENDIX E

Machine category	Maximum stake (from April 2019)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£2	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

APPENDIX F

The authority requires applicants to provide a risk assessment when applying for a premises licence, or when applying for a variation to an existing licence. The authority would expect relevant matters to include the following:

- institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, leisure centres, community centres and entertainment venues such as bowling allies, cinemas etc;
- locations where children may congregate including bus stops, cafés shops, including those aimed at children such as toy shops and any other place where children are attracted;
- areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc;
- the demographics of the area in relation to vulnerable groups;
- the proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, homeless hostels and addiction and mental health support services, or any place where people who have an alcohol or drug dependency may congregate;
- the ethnic profile of residents in the area;
- the proximity of places of worship such as churches, mosques, temples or any other place of worship, or meeting place of any faith group;
- whether the premises is situated in an area of deprivation;
- information held by the licensee regarding self-exclusions and incidences of underage gambling;
- gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- the proximity of pawn brokers or pay day loan shops;
- the proximity of other gambling outlets;
- the proximity of banks, public houses etc;
- whether the premises is in an area known to have high levels of crime and/or disorder;
- the proximity or areas used by street drinkers/rough sleepers and drug dealing activities;
- policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies, are protected. this could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;
- the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;
- the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available on request to a delegated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the police and the licensing authority must be notified as soon as is reasonable practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;
- keeping details of people who have self-excluded;
- keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.

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Response from Gloucestershire Safeguarding Children Partnership

Good afternoon louis

I'm responding to this consultation on your statement of principles

As discussed there is no such Board in existence as the GSCB. It has been disbanded and replaced under Working Together 2018 legislation with a Gloucestershire Safeguarding Children Partnership. We would need to remove all reference to the GSCB.

For the purposes of the policy I would recommend that the district name the Gloucestershire Safeguarding Children Partnership (GSCP) as a Responsible Authority regards the safeguarding of children. The GSCP Executive would consider that its represented already as both the Constabulary and Public Health are a Responsible Authority. The GSCP would then set out in their 'Published Arrangements' its arrangements under the Licensing Act and Gambling Act. I'm in the process of updating the paper I sent you to add the Public Health details too.

You may want to adopt the wording I've suggested below as this may suffice once the discussion has been had and requires the GSCP Executive to review those arrangements periodically. This then would allow for any possible change to the suggested approach

Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- **The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and**
- **The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.**

In accordance with the suggestion in the Guidance the Licensing Authority has designated the Gloucestershire Safeguarding Children Partnership (GSCP), comprising of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary. The GSCP Executive will review and delegate its duties as Responsible Authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

On that basis we may need to discuss the contact details on the statement the Business Unit is not a suitable location to be listed which Cheltenham don't and with the above there is no need for any other contact other than the police and Public Health, I noticed however you don't have the public Health contact details in your appendix. If in the body of your policy you have the above wording and in our Published Arrangements we set out who the GSCP nominate the duty to, tallying with the list of Nominated Authorities in your contacts list that should square the circle.

I have this sent to FOD and Cotswolds and Stroud too and am already discussing with the constabulary.

Happy to discuss further

Hope this helps?

I followed the link to the Taxi licensing consultation, is it not up yet ? if not could you tell me when it is?

Thanks

Regards

Gloucestershire Safeguarding Children Partnership

Cheltenham Borough Council

Cabinet – 21st December 2021

Infrastructure Funding Statement (IFS) Requirements

Accountable member	Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood
Accountable officer	Tracey Crews, Director of Planning
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	This report provides an update on the preparation of the Infrastructure Funding Statement (IFS) for 2021 (Appendix 2) and this year's CIL Rates Summary Statement (Appendix 3). This report is a purely factual record of the income and expenditure of CIL and S106 (collectively known as 'planning obligations' or 'developer contributions').
Recommendations	<ol style="list-style-type: none"> 1. Approve the publication of the Infrastructure Funding Statement (IFS) relating to the financial year ending 31st March 2021; 2. Note that the Annual CIL Rate Summary Statement will be published alongside it by the 31st December 2021.

Financial implications	None arising from this report. Contact officer: Accountant Business Partner andrew.taylor@cheltenham.gov.uk .
Legal implications	Statutory obligation as a result of the Community Infrastructure Levy (Amendment) (England) Regulations 2019. Contact officer: Solicitor, One Legal Cheryl.lester@tewkesbury.gov.uk .
HR implications (including learning and organisational development)	None arising from this report Contact officer: HR Business Partner, Publica georgie.tewdell@publicagroup.uk .
Key risks	See Appendix 1.
Corporate and community plan Implications	None Directly.
Environmental and climate change implications	None Directly.
Property/Asset Implications	Non arising from this report Contact officer: gemma.bell@cheltenham.gov.uk

1. BACKGROUND

- 1.1** Infrastructure Funding Statements (IFS) are a legal requirement for Councils who charge Community Infrastructure Levy (CIL) and/or secure developer contributions by way of Section 106 (S106) agreement. Councils are required to produce an IFS annually. This is the Borough Council's second annual IFS, which we are preparing ready for submission¹ and publication on our website by the 31st December 2021².
- 1.2** The IFS (included at Appendix 2) must include reports on the previous financial year, ending on the 31st March, for both CIL and S106 Planning Contributions.
- 1.3** An Annual CIL Rate Summary Statement (included at Appendix 3), applying the national CIL index³ and setting out the charges for the following calendar year, must also be published in

¹ Department for Levelling Up Housing and Communities (DLUHC), formerly Ministry of Housing, Communities and Local Government (MHCLG)

² Community Infrastructure Levy Regulations 2010 (as amended) Regulation 121A

³ Published by the Royal Institute of Chartered Surveyors (RICS) on the 1st November each year

December⁴.

- 1.4** Government sets the templates for the technical appendices that support this report. We are required to submit in the format as presented. The information contained in the IFS is purely a factual record of the income and expenditure of CIL and S106 (collectively known as 'planning obligations' or 'developer contributions'). We appreciate, this is not a particularly user friendly format and for future years will look to develop a supporting format that more visually helps readers to understand the flow of CIL and S106.
- 1.5** A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (The 'Infrastructure List') was approved for publication by the Cabinet in December last year. Whilst the list, made up of projects identified as 'critical' in the JCS Infrastructure Delivery Plan (IDP) remains, comments on funding, deliverability and progress as a result of this year's review are now incorporated to provide an update on progress.
- 1.6** Work is underway to review the CIL Charging Schedules of the Borough Council alongside its Joint Core Strategy (JCS) partners. This review, in order to justify the charges levied on developers, will include an 'Infrastructure Needs Assessment (INA)' on the delivery of the JCS and Cheltenham Plan through the remaining half of the plan period, to 2031. The INA will provide an update to the Infrastructure Delivery Plans (IDPs) of the JCS and District Level Plans. This Council aims to ensure that this reflects the priorities of tackling climate change, facilitating modal shift away from the private car and changing patterns of work in the aftermath of the pandemic. The updated IDPs will then feed into a further review of the Infrastructure List with a view to approval by Cabinet in Cheltenham and Gloucester and Council in Tewkesbury in 2022. Publication of the IFS is just one strand of transparency in the collection and expenditure of CIL and S106.
- 1.7** The Council is currently reviewing the governance arrangements for CIL and a further report will be presented to Cabinet/Council early in 2022. Local decision making is important, particularly in defining the spend at the local level outside areas that are parished. Elected members are key stakeholders in providing that connection between communities and the council. In reviewing the future governance options, we will aim for both local engagement and maximum transparency.

2. INFRASTRUCTURE FUNDING STATEMENT (Appendix 2)

IFS – CIL Report

- 2.1** Full details of CIL income and expenditure are presented in the IFS at Appendix 2.
- 2.2** In summary for the 'reporting year' (1st April 2020 to 31st March 2021):
 - CIL Receipts = £212,051.82
 - CIL Expenditure = £9,848.02
 - CIL Passed to Parish Councils = £11,566.20 (£2,908.20 of which raised in previous year)
- 2.3** At the end of the 'reporting year' (31st March 2021):

⁴ Regulation 121C(1) requires it to be published "no earlier than 2nd December and no later than 31st December"

- CIL Receipts Retained by the Borough Council = £260,166.60; made up of the following:
 - £268.63 Neighbourhood Funding⁵ collected by the Borough Council between the 1st October and the 31st March of the reported year to be paid to Parish Councils on the 28th April of the next reported year (2021/22);
 - £30,312.85 Regulation 59F Neighbourhood Fund for unparished area made up of £22,881.14 from receipts in the reporting year and £7,431.71 from the previous year; and
 - £229,585.12 'Infrastructure Funding' made up of £169,641.45 from receipts in the reporting year and £59,943.67 from the previous year, for infrastructure required to deliver planned development.

2.4 The council can claim up to 5% of the CIL levy to support administration. The JCS councils currently pool their administration funding; this supports the employment of a CIL Manager and CIL Officer, together with the required computer and systems software, and membership costs such as RICS, BCIS Subscription etc. Current funding does not cover all costs incurred by the administration of CIL and the addition is funded through the JCS councils shared commitment and funding of the JCS.

IFS – S106 Report

- 2.5** At the start of April 2020, there was a balance of £2,349,367.55. During the 'reporting year' we received £39,637.20 and spent £883,549.45. At the end of March 2021, there was a closing balance of £1,505,455.30.
- 2.6** The S106 report also provides details of the 62 affordable homes secured in agreements entered into during the reporting year.
- 2.7** The council's constitution clearly sets out the parameters for decision-making. Negotiation of S106 is a key element of the development management process when it is considered that a development will have significant impacts on the local area that cannot be moderated by means of conditions attached to a planning decision. The councils constitution (at Part 3) provides the responsibility for the determination of planning applications (of which S106 negotiation forms part) to the Director of Planning, except as specifically allocated to Planning Committee (under Part 3C)
<https://democracy.cheltenham.gov.uk/ieListDocuments.aspx?CId=279&MId=1960&Info=1&bcr=1>.
- 2.8** Decision making of planning decisions outside those undertaken by Planning Committee, including S106 agreements, are currently delegated to the Interim Head of Planning. In negotiating S106, the relevant specialisms are engaged, such as the Housing Strategy Manager and the Green Spaces Manager.

3. INFRASTRUCTURE LIST

- 3.1** The current 'Infrastructure List' identifying projects considered critical to the delivery of the Joint

⁵ Regulation 59A Neighbourhood

Core Strategy (JCS) was approved by Cabinet in 2020. Updates on funding, deliverability and progress of this list have therefore been incorporated into the approved Infrastructure List in this year's IFS.

- 3.2** This list is currently being reviewed as part of the review of the CIL Charging Schedules by the JCS authorities to ensure that it includes appropriate coverage of the Cheltenham Plan and corporate priorities on Climate Change, Modal Shift away from the private car and changes to working patterns in the aftermath of the pandemic, as referred to in paragraph 1.6 above.
- 3.3** In reviewing both shared JCS processes and CIL governance arrangements we will also review the process of creating and approving a shared Infrastructure List.
- 3.4** As a council we are very alert to the need to set all our future reviews regarding the Infrastructure List within our response to the climate change emergency, the need to make a step change in the context of sustainable transport and wider air quality management conversations and actions together with developing thinking around 15 minute cities/20 minute neighbourhoods. The original list was approved by Council as part of the package that made up the approval of the JCS and the subsequent approval of the Cheltenham CIL together with the 2020 IFS. The review of the JCS, now underway provides the appropriate context for a full review informed by updated evidence on infrastructure demands and delivery.
- 3.5** As part of the review of the Infrastructure List, greater engagement is also already underway with the Health Service, Police and Crime Commissioner, Environment Agency and Utility Providers which may result in a more diverse list. Decision making on a revised Infrastructure List will take place during 2022.

4. ANNUAL CIL RATES SUMMARY STATEMENT

- 4.1** The Annual CIL Rates Summary Statement (included as Appendix 3 in draft form) is based on the Royal Institute of Chartered Surveyors (RICS) CIL Index, published in November each year. Indexation allows the rates we charge to be adjusted to take account of inflation. Whilst the most common index is the Retail Prices Index (RPI), published by the Office for National Statistics, the CIL Regulations require us to use an index published by RICS.

5. NEXT STEPS

- 5.1** Publication of both reports on the Borough Council's website and submission and notification of the location of data to the Department for Levelling Up, Housing and Communities by end December 2021.
- 5.2** A future report to Cabinet/Council on CIL Governance in early 2022.
- 5.3** A review of the Infrastructure List, the process of creating a shared list and the evidence it is based on, reporting to Cabinet/Council during 2022.

Report author	Contact officer: Paul Hardiman, CIL Manager paul.hardiman@cheltenham.gov.uk
Appendices	<ul style="list-style-type: none"> 1. Risk Assessment 2. DRAFT Borough Council Infrastructure Funding Statement 2021 3. DRAFT Borough Council Annual CIL Rates Summary Statement 2021
Background information	None.

APPENDIX 1 – Key Risks

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
CIL	Failure to publish the required statements would be a breach of Government Regulations.	Director of Planning	12.11.21	1	1	1	Close	Cabinet report	31.12.21	CIL Manager	NA
CIL	Not having a clear CIL prioritisation of infrastructure projects may risk receipts not being targeted towards the most critical infrastructure needed to deliver development and fulfil our requirements in the delivery of the JCS and Cheltenham Plan.	Director of Planning	12.11.21	5	2	10	Reduce	Review of Infrastructure Delivery Plan as part of JCS review. Put in place clear and transparent governance	In line with JCS programme	CIL Manager	JCS risk register

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Cheltenham Borough Council

Annual Infrastructure Funding Statement

For

Community Infrastructure Levy and Section 106 Contributions

Reporting Period:

From 01 April 2020 to 31 March 2021

Prepared in accordance with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, Regulation 121A, Schedule 2, Section 1

Infrastructure Funding Statement

Introduction

Infrastructure Funding Statements are a legal requirement which Councils, such as Cheltenham, who charge Community Infrastructure Levy (CIL) and/or secure developer contributions by way of Section 106 (S106) agreement are required to produce annually.

CIL and S106 (collectively known as 'planning obligations' or 'developer contributions') income is used to help mitigate the impact on, and fund the provision of, infrastructure required as a result of development.

This is Cheltenham Borough Council's annual report for the year 1 April 2020 to 31 March 2021.

The infrastructure funding statement should, as a minimum, include the information set out in Regulation 121A, Schedule 2, Section 1 to the Community Infrastructure Levy Regulations 2010 (as inserted by the 2019 Amendment Regulations).

Schedule 2 sets out the requirements in three sections: The CIL Report; the Section 106 Report; and the Infrastructure List.

The CIL Report

This sets out the income and expenditure relating to the CIL for the reported year.

The Section 106 Report

This sets out progress on completing agreements, the provision of infrastructure and the collecting and spending of S106 funding over the reported year

In this statement the questions posed by Schedule 2 are highlighted using blue text.

The Infrastructure List

The Infrastructure List, adopted by all three JCS partner authorities in December 2020, has been updated alongside the preparation of this Infrastructure Funding Statement and is included as the third chapter to this report.

Infrastructure Funding Statement - Community Infrastructure Levy (CIL Report)

Cheltenham Borough Council's Community Infrastructure Levy (CIL) charges took effect on planning permissions granted on or after the 1 January 2019 and the Council is both a CIL Charging and a CIL Collecting Authority.

The first CIL payments were received in the reporting period from 01 April 2019 to 31 March 2020: £73,982.72

CIL payments received in the reporting period from 01 April 2020 to 31 March 2021 rose to: £212,051.82

Scheduled Instalments in the reporting period from 01 April 2021 to 31 March 2022 are currently standing at: £295,736.64

121A.— *Annual infrastructure funding statements*

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following—

(b) a report about CIL, in relation to the previous financial year ("the reported year"), which includes the matters specified in paragraph 1 of Schedule 2 ("CIL report")

"SCHEDULE 2

Matters to be included in the annual infrastructure funding statement

Regulation 121A

CIL Report – Cheltenham Borough Council

1. *The matters to be included in the CIL report are—*

(a) the total value of CIL set out in all demand notices issued in the reported year

The total value of demand notices issued in the reported period is **£375,968.58**. This value is of demand notices issued within the reported period that have not been suspended or superseded by new demand notices outside of the reported period. It should be noted that as a result of the Council's adopted Instalments Policy not all of the income identified on Demand Notices issued in a reported year will be received during that year.

(b) the total amount of CIL receipts for the reported year

The total amount of CIL collected within the reported period totals **£212,051.82**.

(c) the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated

The amount of CIL collected prior to the reported period totals **£73,982.72**. Of this total the following amount remains unallocated: **£67,375.38**

(d) the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year

The total amount of CIL collected before the reported year but allocated in the reported year is **£2,908.20**. This was for Regulation 59A Parish Neighbourhood Funding paid to Leckhampton with Warden Hill Parish Council on 01/06/2020 from a payment made prior to the reported year.

(e) the total amount of CIL expenditure for the reported year

- Regulation 59A Parish Neighbourhood Funding **£0.00**. The two Parish Councils who have received funding during the reported year, Leckhampton with Warden Hill Parish Council and Charlton Kings Parish Council, both report no spending of Regulation 59A CIL monies received in the reported year.
- Regulation 61 Funding towards Administrative Costs shared with Joint Core Strategy Partners **£9,958.79**
- Regulation 59(1) Borough Council Strategic Infrastructure Funding **£0.00**
- Regulation 59F Borough Council Neighbourhood Funding for Unparished Areas **£0.00**

(f) the total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year

The total amount of CIL allocated but not spent during the reported year was **£912.43**. This was made up of £268.63 Regulation 59A Parish Neighbourhood Funding paid to Prestbury Parish Council on 28/04/21 from a payment made during the reported year (2020/21) and £643.80 Regulation 61 Administration Funding carried forward into the next reported year (2021/22).

(g) in relation to CIL expenditure for the reported year, summary details of—

(i) the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item

None (with the exception of administrative costs under Regulation 61 and payments to Parish Councils made under Regulation 59A, income up to 31 March 2021 has been rolled forward in to the 2021/22 financial year)

(ii) the amount of CIL spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)

£0.00

(iii) the amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation

Regulation 61 Funding towards Administrative Costs shared with Joint Core Strategy Partners **£10,602.59** (5%) made up of £9,958.79 transferred to Tewkesbury Borough Council (Joint Core Strategy Partner) as spent and £643.80 carried forward by Cheltenham Borough Council into the next reported year (2021/22)

(h) in relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item

£11,834.83 (including Regulation 59A Parish Neighbourhood Funding of £2,908.20 received in the previous reported year and paid to Leckhampton with Warden Hill Parish Council on the 01/06/20, £8,658.00 received in the reported year and paid to Charlton Kings Parish Council on the 28/10/20 and £268.63 also received in the reported year and paid to Prestbury Parish Council in the following reported year (2021/22) on the 28/04/21 from Planning Reference 19/02484/FUL)

(i) the amount of CIL passed to—

(i) any parish council under regulation 59A or 59B

Parish	Amount	Date	Development	Expenditure	Supplier	Date	Balance C/F
Leckhampton with Warden Hill	£2,908.20	01/06/20	19/01340/FUL	£0.00	-	-	£2,908.20
Charlton Kings	£8,658.00	28/10/20	18/02609/FUL	£0.00	-	-	£8,658.00
				£0.00			

(ii) any person under regulation 59(4);

£0.00

(j) summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including—

(i) the total CIL receipts that regulations 59E and 59F applied to

£152,540.96 receipts (from development in areas without a Parish Council). 15% of this total added **£22,881.14** to the Regulation 59F Borough Council Neighbourhood Funding for Unparished Areas which with Regulation 59F funding of **£7,431.71** from previous year gives a total of **£30,312.85**

(ii) the items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item

Description: **None**

£0.00

(k) summary details of any notices served in accordance with regulation 59E, including—

(i) the total value of CIL receipts requested from each parish council

£0.00

(ii) any funds not yet recovered from each parish council at the end of the reported year

£0.00

(l) the total amount of—

(i) CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied

The amount of CIL collected that had not been passed to parish councils under Regulation 59A, spent under Regulations 59E and F or Regulation 61 during the reported year was **£169,641.45**

(ii) CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied

The amount of CIL collected in previous years, other than those to which Regulations 59E and 59F apply, that have not been allocated or spent is **£59,943.67**

(iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year

The amount of CIL collected in the reported year under Regulations 59E and 59F that has not been spent is **£22,881.15**

(iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year

The amount of CIL collected in previous years under Regulations 59E and 59F that has not been spent is **£7,431.71**

2. For the purposes of paragraph 1—

(a) CIL collected by an authority includes land payments made in respect of CIL charged by that authority;

(b) CIL collected by way of a land payment has not been spent if at the end of the reported year—

(i) development (within the meaning in TCPA 1990) consistent with a relevant purpose has not commenced on the acquired land; or

(ii) the acquired land (in whole or in part) has been used or disposed of for a purpose other than a relevant purpose; and the amount deemed to be CIL by virtue of regulation 73(9) has not been spent;

(c) CIL collected by an authority includes infrastructure payments made in respect of CIL charged by that authority;

(d) CIL collected by way of an infrastructure payment has not been spent if at the end of the reported year the infrastructure to be provided has not been provided;

(e) the value of acquired land is the value stated in the agreement made with the charging authority in respect of that land in accordance with regulation 73(6)(d);

(f) the value of a part of acquired land must be determined by applying the formula in regulation 73(10) as if references to N in that provision were references to the area of the part of the acquired land whose value is being determined;

(g) the value of an infrastructure payment is the CIL cash amount stated in the agreement made with the charging authority in respect of the infrastructure in accordance with regulation 73A(7)(e).

Infrastructure Funding Statement - S106 Report

121A. — Annual infrastructure funding statements

- (1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following—
- (c) a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ("section 106 report")

"SCHEDULE 2

Matters to be included in the annual infrastructure funding statement

Regulation 121A

Section 106 Report – Cheltenham Borough Council

3. The matters to be included in the section 106 report for each reported year are—

- (a) the total amount of money to be provided under any planning obligations which were entered into during the reported year:

Planning Reference	Location	Date	Amount
		TOTAL	£0.00

- (b) the total amount of money under any planning obligations which was received during the reported year

£39,637.00

- (c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority

£2,349,367.55

- (d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—

- (i) in relation to affordable housing, the total number of units which will be provided:

Planning Reference	Location	Date	Number (Dwellings)
19/02113/FUL	48, Swindon Road	29 June 2020	5
17/01411/OUT	Land at Old Gloucester Road	27 November 2020	34

15/01163/OUT	Pittville School, Albert Road	18 March 2021	23
TOTAL			62

(ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided

As a two –tier authority area Gloucestershire County Council will be publishing its own Infrastructure Funding Statement and will include details of planning obligations it has secured by way of S106, as well as S278 in its areas of competence.

(e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure

£0.00

(f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend)

£883,549.45

(g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item

ALLOCATED BUT NOT SPENT

Title	Description	Allocation	Reference	Received
				£0.00
TOTAL				£0.00

(h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—

(i) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item

SPENT

Title	Description	Parish/Supplier	From	Amount
Sport and Play facilities	Prestbury Parish Council MUGA	Prestbury Parish Council	10/01243/OUT	£196,296.45
Affordable Housing	Provision of Affordable Housing	Cheltenham Borough Council	13/00756/FUL (£177,500) & 12/00870/FUL (£19,500)	£197,000.00
Golden Valley Development	Consultancy & Professional Fees	Cheltenham Borough Council	12/01487/FUL & 12/01488/FUL	£490,253.00
TOTAL				£883,549.45

(ii) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)

£0

(iii) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations

£0

(i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance ("commuted sums"), also identify separately the total amount of commuted sums held

Rolled Forward TOTAL £1,505,455.30

Of which Commuted Sums TOTAL £95,139.66

4. The matters which may be included in the section 106 report for each reported year are—

- (a) summary details of any funding or provision of infrastructure which is to be provided through a highway agreement under section 278 of the Highways Act 1980 which was entered into during the reported year,*
- (b) summary details of any funding or provision of infrastructure under a highway agreement which was provided during the reported year.*

As a two –tier authority area Gloucestershire County Council will be publishing its own Infrastructure Funding Statement and will include details of planning obligations secured in its areas of competence as Local Highways and Passenger Transport Authority.

5. For the purposes of paragraph 3—

- (a) where the amount of money to be provided under any planning obligations is not known, an authority must provide an estimate;*
- (b) a non-monetary contribution includes any land or item of infrastructure provided pursuant to a planning obligation;*
- (c) where the amount of money spent in respect of monitoring in relation to delivery of planning obligations is not known, an authority must provide an estimate."*

Joint Core Strategy (JCS) Authorities of Gloucester City Council, Tewkesbury Borough Council and Cheltenham Borough Council Community Infrastructure Levy (CIL) **Infrastructure List** – December 2021

121A.— Annual infrastructure funding statements

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following—

(a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) ("the infrastructure list");

This document is produced in accordance with the Community Infrastructure Levy (CIL) Regulations (2010) (as amended). It specifies the projects and/or types of infrastructure which the JCS Authorities currently intend will be, or ‘**may**’ be, ‘**wholly or partly**’ funded by CIL to support the delivery of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy (JCS) 2011 to 2031 and the adopted and emerging District Level Plans which (together with the Minerals and Waste Local Plan and made Neighbourhood Development Plans) form the Local Plan(s) for the three Authorities.

Work is underway to review the CIL Charging Schedules of the Joint Core Strategy (JCS) partners. This review, in order to justify the charges levied on developers, will include an ‘Infrastructure Needs Assessment (INA)’ on the delivery of the JCS and District Level Plans through the remaining half of the plan period, to 2031. The INA will provide an update to the Infrastructure Delivery Plans (IDPs) of the JCS and District Level Plans and the Borough Council will ensure that this reflects the priorities of tackling climate change, facilitating modal shift away from the private car and changing patterns of work in the aftermath of the pandemic. The updated IDPs will then feed into a further review of the Infrastructure List with a view to approval by Cabinet in Cheltenham and Gloucester and Council in Tewkesbury in 2022.

The removal of the Regulation 123 'pooling restriction', by the 2019 Amendment Regulation, was intended to make it easier to deliver major infrastructure projects¹. It allows local authorities to combine CIL and 106 revenues towards the same infrastructure project or item.

The inclusion of a project within the Infrastructure List does not represent a commitment that the Councils will necessarily spend CIL monies on that item and for clarity, there is no priority implied by the order in which infrastructure projects/types appear in the List.

This Infrastructure List was first approved for publication by the three JCS partner authorities in December 2020 with projects, identified as ‘critical’, selected from those in the JCS Infrastructure Delivery Plan (IDP) 2014 as updated in the 2017 Addendum and the most up to date information from the annual review.

As set out at CIL Regulation 122, planning obligations such as a section 106 agreements, will continue to be sought alongside the CIL to secure all infrastructure which is “necessary to make

the development acceptable in planning terms, “is directly related to the development and is “fairly and reasonably related in scale and kind to the development”.

The JCS Councils will continue to review this list and provide updates on at least an annual basis, alongside the preparation of their Infrastructure Funding Statement(s). Updates from this year’s review have been added in blue text and where a scheme, through consultation with GCC Highways (October 2021), is no longer considered to require CIL funding their entry row is shaded in grey. Of the 25 ‘projects’ identified in the Infrastructure List adopted in December 2020, 17 projects remain that ‘may’, ‘wholly or partly’ need CIL funding.

Scheme	Description	Purpose	Stage	Cost Est.	Secured	Sought S106/S278	Sought CIL	Funding & Progress Check
A40(T) Innsworth Gateway Project Roundabout	New signalised junction on A40 between Longford and Elmbridge Court roundabouts	To facilitate development in SA1 Innsworth & Twigworth	Under Construction	£3,000,000	£3,000,000	Yes	No	CIL not thought to be required: Fully funded by Developer
A4019/ B4634 Old Gloucester Rd	Revised A4019 traffic signals at site access junction (by Sainsburys) identified in the draft LTP3	To facilitate development in SA4 NW Cheltenham	Feasibility	£200,000 to £5,000,000 (LTP 2020 – 2041)	£0.00	TBC	TBC	CIL funding may be needed - Potential Shortfall of up to £5,000,000
New junction on A38	New priority junction on A38 giving priority to new highway link accessing to new junction on A40 (scheme 17)	To facilitate development in SA1 Innsworth & Twigworth	TBC	£3,000,000	£0.00	TBC	TBC	CIL funding may be needed - Potential Shortfall of up to £11,500,000 “A38 – A40 Link Road” included in LTP 2020–41, STP Table (a) as a ‘Long-term ambition’
A38-A40 highway link	New 50 mph highway link, joining upgraded junctions on A40 and A38 through development site	To facilitate development in SA1 Innsworth & Twigworth	TBC	£7,500,000	£0.00	TBC	TBC	“Highway Authority had no objections to no-through road from A40 to A38” at Public Inquiry (Hitchins) - Raises Question of Need & Deliverability New 50 mph highway link is an alternative scheme and would not be delivered as well

A38 Tewkesbury Road	A38 Tewkesbury Road to be downgraded between A40/A38 Longford signalised crossroads and new A38/Twigworth junction to 20mph, and encourage as a sustainable travel corridor. Access from A38 north is restricted to one lane entry to crossroads, A40 west to A38 north - right hand turn banned with alternative route via A40 / A38 Link Road.	Reducing forecast congestion - Demand reduction to ensure efficient operation of the highway network and encourage more sustainable modes of travel	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. The scheme on the A38 is still required as Highway widening in to increase capacity between Longford and Over Roundabouts and to include cycle access improvements (projects CSV9 and CSV71) The promotion of sustainable modes of travel to encourage a modal shift away from the private car to reduce the demand for increased highway capacity and enable the efficient operation of the highway network will remain along with the consideration of the incorporation of such schemes and measures into all projects
A38 Tewkesbury Road	Upgrade A38 Tewkesbury Rd / Down Hatherley Lane junction, to include a dedicated right turn from A38 south.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. Works likely to be required even in absence of A38-A40 highway link scheme. Existing traffic

								flows challenging for right hand turning
A417 Brockworth Bypass	Signalising the westbound and eastbound 'Off-slips'.	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. May form part of National Highways A417 Missing Link Project
A38 / A4173 St. Barnabas roundabout	Remove roundabout and signalising junction(with removal of Reservoir Rd approach arm) Part-funded by Gfirst LEP	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£5,000,000 - £20,000,000 (LTP 2020-2041)	£1,000,000	TBC	£19,000,000	CIL funding may be needed - Potential Shortfall of up to £19,000,000 Solution will be different to that described with changes including alternative highway works, cycling and walking improvements (Scheme CSV 15 in LTP 2020-41)
A430/A417 Castlemeads	Upgrade signals to MOVA or SCOOT operation to optimise signal timings	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£200,000 to £5,000,000 in LTP 2020-2041	£0.00	TBC	£5,000,000	CIL funding may be needed - Potential Shortfall of up to £5,000,000 – an increase as LTP identifies a range of costs rather than the £1,000,000 originally included. May not be a capital funding scheme, may be delivered as a maintenance / refurbishment scheme

A38 Coombe Hill	Optimise signals	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Design Stage	£1,000,000	£1,000,000	TBC	No	CIL not thought to be required: Developer Contributions and Part of GCC CSV1 Junction 10 M5 Scheme. Also to include cycle infrastructure
New junction west of M5 J10	New 50 mph dual carriageway two-lane link road, providing free-flow access from A4019 / M5J10 to West of Cheltenham site only.	To facilitate development in SA7 West Cheltenham	Design Stage	£22,500,000 as part of £250,000,000	Part of Homes England Housing Infrastructure Funding of £253,000,000	TBC	No	Consultation on design stage underway
West of M5 J10	Major/Minor Priority Junction on new 50 mph dual carriageway two-lane link road, with Minor junction arm for West of Cheltenham residential site access only.	To facilitate development in SA7 West Cheltenham and Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Design Stage	£3,000,000	Part of Homes England Housing Infrastructure Funding of £253,000,000	TBC	No	Consultation on design stage underway
West of M5 J10	Change to highway priorities west of M5J10, with a new Major/Minor Priority Junction, with A4019 (West) as Minor junction arm.	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£7,500,000	Part of Homes England Housing Infrastructure Funding of £253,000,000	TBC	No	Consultation on design stage underway

A4019 / A4013 Kingsditch	A4019 / A4013 Kingsditch (Centrum Park) Roundabout – replacing existing roundabout with traffic signals,	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Design Stage	Est. £5,000,000 (GCC Highways Consultation, October 2021)	£5,000,000	Yes – S278 works	No	CIL not thought to be required: Developer delivery through NW Cheltenham s278 works. Fully funded by Developer
West of B4634 Old Gloucester Road	New A4019 traffic signals site access junction, west of B4634 Old Gloucester Rd	Flow management to ensure the efficient operation of the highway network and facilitate development in JCS SA4 North West Cheltenham	Feasibility	£3,000,000	£0.00	Potentially s278 works	£3,000,000	CIL funding may be needed - Potential Shortfall of £3,000,000 estimated. New junction arm to the west, should ideally be delivered by Developer as provides main access to NW Cheltenham
A4019 / B4634 Gallagher Retail Park	Revised A4019 traffic signals site access junction at B4634 Old Gloucester Rd / Gallagher Retail Park	To facilitate development in JCS SA4 North West Cheltenham	Feasibility	£3,000,000	£3,000,000	Yes – S278 works	No	Funded as part of J10 works and NW Cheltenham s278. Duplicate of the Old Gloucester Road improvement.
A4019 Tewkesbury Road	Upgrade signals to SCOOT operation to optimise signal timings with bus priority along A4019 corridor junctions including: B4634 Old Gloucester Rd/A4019 Junction Hayden	Reducing forecast congestion - Demand reduction to ensure efficient operation of the highway network and encourage more sustainable modes of travel	Feasibility	£7,500,000	£0.00	TBC	£7,500,000	CIL funding may be needed - Potential Shortfall of £7,500,000 estimated.

	Road/A4019/Manor Road Junction A4019 / Elm Street Junction B4633 Gloucester Rd / A4019 /Townsend Street							
Withybridge Lane	Close access onto A4019	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Design Stage	£1,000,000	£1,000,000	No	No	CIL not thought to be required: Part of GCC CSV1 Junction 10 M5 Scheme. Fully funded however it remains the possibility that this is not closed (converting to left in/left out due to presence of A4019 central reserve)
A435 / Hyde Lane / Southam Lane Signalised Junction	Signalised Junction -Upgraded to provide additional straight ahead lanes on all junction approaches	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Procurement	£1,600,000 (GCC Highways Consultation, October 2021)	£1,600,000	Yes	No	CIL not thought to be required: GCC Capital Programme including future proofing for cycle route (active travel bid in for segregated cycle route from Racecourse)
A435/ Stoke Road and A435 / Finlay Way Roundabouts	Capacity Improvements by approach arm widening	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£1,000,000	Yes – s278	No	CIL not thought to be required: Funded and being delivered through s278 agreements
A435/GE Aviation Roundabout	Capacity Improvements by increasing the number of circulatory lanes to	Reducing forecast congestion - Capacity increase to ensure the efficient	Pre-design Stage	Est. £200,000 to £5,000,000 in LTP 2020-2041	£0.00	TBC	£5,000,000	CIL funding may be needed - Potential Shortfall of up to £5,000,000 – an increase as LTP identifies a range

	2, and the A435 south bound exit to two lanes	operation of the highway network						of costs rather than the £3,000,000 originally included. Unlikely to occur in form described as lower cost improvements sought. Cycle improvements proposed as part of £9m LCWIP scheme.
A435 / Racecourse Roundabout	Capacity Improvements by approach arm widening	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. Should also include reference to cycle improvements.
Leckhampton Lane	Upgrade A46 / Leckhampton Lane priority junction, to include a dedicated right turn from A46 south into Leckhampton Lane.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£0.00	TBC	£3,000,000	CIL funding may be needed - Potential Shortfall of £3,000,000 estimated. Likely to be higher cost and linked to Leckhampton development. Not enough highway land available for full scheme.
A46 / Moorend Park Road	A46 Shurdington Road northbound approach to Moorend Park Road – additional highway space for right turning traffic by providing a longer stacking lane.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£3,000,000	Yes - Secured as part of Farm Lane scheme.	No	CIL funding not thought to be required: committed scheme as part of Redrow scheme at Farm Lane. Potentially delivered via s278

London Road / Denmark Road Junction improvement	Project within the Countywide revenue highway project delivery priorities (2015-2031) for Bus Priority measures.	To facilitate development in Gloucester City Plan including SA03: Former Prospect House, 67-69 London Road, SA04: Former Wessex House, Great Western Road and SA08: King's Quarter	Feasibility	Est. £200,000 to £5,000,000 in LTP 2020-2041	£0.00	TBC	£5,000,000	CIL funding may be needed - Potential Shortfall of up to £5,000,000 as LTP identifies a range of costs
				Estimate	Secured			Shortfall
Projects (IFS20)	25		Total	£350,100,000.00	£272,600,000.00			£77,500,000.00
Funding Still Sought (IFS21)	17		Funding Still Sought	£68,000,000.00	£1,000,000.00			£67,000,000.00

The Gloucestershire Economic Growth Capital Investment Pipeline (CIP)) is shared across GFirst LEP, Gloucestershire County Council and the 6 District Councils in Gloucestershire, to maintain a viable pipeline of capital projects that have the potential to support significant economic growth, and are seeking public funding, where ever it may come from.

[GECIP Interactive Map](#)

ⁱ The government response to the CIL consultation recorded support for this change from 35 local authorities "because of the additional flexibility to fund and deliver infrastructure" these changes provide.

Cheltenham Borough Council's 'Annual CIL Rate Summary Statement'

December 2021

Annual CIL Rate Summary Report

121C.—(1) Each calendar year, no earlier than 2nd December and no later than 31st December, a charging authority must publish a statement ("annual CIL rate summary") in relation to the next calendar year (YN).

(2) Each annual CIL rate summary must—

(a) state the name of the charging authority (A) to which it relates;

Cheltenham Borough Council Annual CIL Rate Summary Report

Introduction

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require CIL Charging Authorities to:

"Each calendar year, no earlier than 2nd December and no later than 31st December ... publish a statement ("Annual CIL Rate Summary") in relation to the next calendar year".

Regulation 121C(1)

This 'Annual CIL Rate Summary' Statement sets out how 'indexation' will affect CIL charges within Tewkesbury Borough from 1st January 2022 to 31st December 2022.

Indexation

Indexation allows the rates we charge to be adjusted to take account of inflation.

Whilst the most common index is the Retail Prices Index (RPI), published by the Office for National Statistics, the CIL Regulations require us to use an index published by the Royal Institute of Chartered Surveyors (RICS).

The CIL Regulations require RICS to publish the CIL Index for 1st November each year, starting in 2019 and updated annually thereafter and for all Charging Authorities to apply this index.

Calculating CIL

CIL is calculated by multiplying the net increase in gross internal area (GIA)¹ by the relevant CIL rate (£/m²). The CIL rates must be index linked from the year that CIL was introduced to the year that a planning permission is granted.

Background

Prior to changes in the CIL Regulations in 2019 we were required to use the national 'All-In Tender Price Index', published by RICS' Build Cost Information Service (BCIS). Changes to the CIL Regulations that came into force on the 1st September 2019 now require us, from the Calendar year 2020, to use a new RICS 'CIL Index'.

Along with the other JCS Authorities Gloucester City Council began charging CIL on planning permissions granted after the 1st January 2019. As required at the time the Authorities applied the 'All-In Tender Price Index' published on the 1st November 2018 for the first calendar year of charging.

The index is now applied annually on the 1st January each year based on the RICS 'CIL Index' published on the 1st November in the previous year.

New Charges

From the 1st January 2022 to the 31st December 2022 rates have been adjusted in line with the RICS CIL Index published for the 1st November 2020 (25th October 2021).

The table below shows:

¹ The definition of gross internal area is not specified in the regulations; however, the generally accepted method of calculation is the RICS Code of Measuring Practice (6th edition, 2015)

- The original charges in Year 1 (2019) when we began charging and the index was 322;
- the increased charges in Year 2 (2020) as the index rose by 3.73% to 334;
- the reduced charges in Year 3 (2021) as the index fell by 0.3% to 333; and
- the charges in Year 4 (2022) as the index fell by 0.3% to 332.

Charging Schedule

Development Category	All-in TPI 01/11/18	Year 1 (2019)	CIL Index 01/11/19	Year 2 (2020)	CIL Index 01/11/20	Year 3 (2021)	CIL Index 01/11/21	Year 4 (2022)
Cheltenham Borough Council								
10 dwellings and under including extensions and annexes greater than 100 m ²	322	£148 per m ²	334	£153.52 per m ²	333	£153.06 per m ²	332	£152.60 per m ²
Between 11 and 449 dwellings	322	£200 per m ²	334	£207.46 per m ²	333	£206.83 per m ²	332	£206.21 per m ²
450 dwellings and over	322	£35 per m ²	334	£36.31 per m ²	333	£36.20 per m ²	332	£36.09 per m ²
JCS Strategic Allocations A5 and B1	322	£35 per m ²	334	£36.31 per m ²	333	£36.20 per m ²	332	£36.09 per m ²
Retirement Homes	322	£200 per m ²	334	£207.46 per m ²	333	£206.83 per m ²	332	£206.21 per m ²
Extra Care Homes	322	£100 per m ²	334	£103.73 per m ²	333	£103.42 per m ²	332	£103.11 per m ²

Publication

Regulation 121C(3) requires us to “publish each annual CIL rate summary” on our “website”. This statement will therefore be published on-line, alongside Tewkesbury Borough Council’s Infrastructure Funding Statement (IFS) no later than the 31st December 2021.

Contingency

If the RICS CIL Index is discontinued, we will revert to using the BCIS Index and, in the event that both are discontinued, we will use the Retail Price Index.

Further information and all CIL forms are available on the Planning Portal website at:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

If you have any questions regarding CIL please contact us at:

Cheltenham – cil@cheltenham.gov.uk

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