

Cheltenham Borough Council Cabinet

Meeting date: 20 December 2022

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Rowena Hay (Leader of the Council), Councillor Peter Jeffries (Deputy Leader of the Council and Cabinet Member Finance, Assets and Regeneration), Councillor Victoria Atherstone (Cabinet Member Housing), Councillor Flo Clucas (Cabinet Member Safety & Communities), Councillor Mike Collins (Cabinet Member Cyber, Regeneration and Commercial Income), Councillor Iain Dobie (Cabinet Member Waste, Recycling & Street Services), Councillor Martin Horwood (Cabinet Member Customer & Regulatory Services), Councillor Alisha Lewis (Cabinet Member Climate Emergency) and Councillor Max Wilkinson (Cabinet Member Economic Development, Culture, Tourism and Wellbeing)

Important notice – filming, recording and broadcasting of Council meetings

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Contact: democraticservices@cheltenham.gov.uk

Phone: 01242 264 246

Agenda

SECTION 1 : PROCEDURAL MATTERS

1 Apologies

2 Declarations of interest

3 Public and Member Questions and Petitions

These must be received no later than 12 noon on Tuesday 13 December 2022

4 Minutes of the last meeting

(Pages 5 - 12)

Minutes of the meeting held on 6 December 2022

SECTION 2 : THE COUNCIL

There are no matters referred to the Cabinet by the Council on this occasion

SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE

There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion

SECTION 4 : OTHER COMMITTEES

There are no matters referred to the Cabinet by other Committees on this occasion

SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS

5 Housing Revenue Account - Revised Forecast 2022-23 and Interim Budget Proposals 2023-24 for consultation

Report of the Cabinet Member for Finance and Assets –**TO FOLLOW**

6 General Fund Revenue and Capital - Interim Budget Proposals 2023-24 for consultation

Report of the Cabinet Member for Finance and Assets - **TO FOLLOW**

7 Infrastructure Funding Statement 2022

(Pages 13 - 44)

Report of the Cabinet Member for Customer and Regulatory Services

8 Community Infrastructure Levy Neighbourhood Panel

(Pages 45 - 58)

Report of the Cabinet Member for Customer and Regulatory Services

9 Construction & Lease of Storage Unit at Burrows Playing Field (Pages 59 - 72)

Report of the Cabinet Member for Finance and Assets

10 Household Recycling Centre Service Changes (Pages 73 - 98)

Report of the Cabinet Member for Waste, Recycling and Street Services

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

12 Local Government Act 1972 - Exempt Business

The Cabinet is recommended to approve the following resolution:-

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1, 2 and 3, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual.

Paragraph 2; Information which is likely to reveal the identity of an individual

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

13 Exempt Minutes

(Pages 99 - 102)

Exempt Minutes of the meeting held on 6 December 2022

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Cabinet

**Tuesday, 6th December, 2022
6.00 - 7.40 pm**

Attendees

Councillors: Rowena Hay (Leader of the Council), Peter Jeffries (Deputy Leader and Cabinet Member Finance & Assets), Victoria Atherstone (Cabinet Member Housing), Mike Collins (Cabinet Member Cyber, Regeneration and Commercial Income), Iain Dobie (Cabinet Member Waste, Recycling & Street Services) and Alisha Lewis (Cabinet Member Climate Emergency)

Also in attendance: Gareth Edmundson

Minutes

1. APOLOGIES

Apologies were received from Councillors Clucas, Horwood and Wilkinson.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 8 November were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

1. Question from Councillor Wendy Flynn to the Leader of the Council, Councillor Rowena Hay

Why are only Cabinet and Full Council meetings available to watch on YouTube after the event and not all public meetings of this Council?

Response from the Leader

Thank you, Councillor Flynn, for raising this. It had been brought to my attention prior our new Monitoring Officer joining us, and following her arrival it is on a future agenda.

In accordance with our webcasting policy at Appendix K in the constitution, all council meetings are streamed live to YouTube. To date, the Democratic Services team has been following advice issued when the council was required to conduct virtual meetings during the Covid pandemic, which recommended removal of the recordings from the public domain immediately after each meeting – with the exception of Cabinet and Council. This practice has resulted in the recordings being deleted from YouTube once the minutes of the meeting have been approved.

The Monitoring Officer is now reviewing this practice and will be recommending updates to the webcasting policy to the next meeting of the Constitution Working Group with a view to the proposed changes coming to Council in 2023

2. Question from Councillor Wendy Flynn to Cabinet Member for Economic Development, Culture, Tourism and Wellbeing, Councillor Max Wilkinson

In the face of both a Cost of Living Crisis and a Climate Emergency, this winter a number of towns and cities in the UK and Europe (including countries much colder than ours) have ditched seasonal ice rinks in favour of roller rinks. There's an absurdity on councils constructing temporary, energy-guzzling ice rinks outside at a time when global warming means increasingly milder winters. As a roller rink would be cheaper for people to access, have a much, much smaller environmental impact, and yet be just as much fun, will the cabinet member commit to pursuing a festive public roller rink for next year instead of an ice rink?

Response from Cabinet Member

Thank you to Cllr Flynn for raising this issue. Carbon footprint reduction is an important part of this council's goals and monitoring is part of that work. After assessing the 2021 winter ice rink, we put in place plans to substantially reduce emissions from future ice rinks, including the initiation of a project to install electricity connections on site. While a roller rink lacks the festive links of an ice rink, we always welcome suggestions and if Cllr Flynn would like to provide more details we will consider this as part of the procurement for the 2023 Christmas festivities and future activities. However, this council's plan remains to host an ice rink next year.

5. HOUSEHOLD SUPPORT FUND PROGRAMME 2022

On behalf of the Cabinet Member Safety and Communities the Leader introduced this report. She explained that the authority had been allocated funding from the Household Support Fund Programme via the County Council. The first tranche of funding of £150 k was used between 1 April-30 September and the second tranche, amounting to £123k, covers the period 1 October to 31 March 2023. The fund is to provide support to vulnerable households in most need of support to assist with the increasingly high cost of living in line with eligible expenditure. She highlighted that CBC's partners are a highly established network of providers and all of them have a high priority in promoting equity and tackling discrimination. Within the scheme there is flexibility to identify which vulnerable households are in most need of support and to apply discretion in relation to the allocation of monies.

The grant must however be allocated against a specific framework :

- At least one third must be ring-fenced to support households with children
- At least one third must be ring-fenced to support pensioners

- At least one third must be ring-fenced to support those in genuine need and not necessarily in receipt of DWP benefit

The report outlined the provider selected, the activity that has to be funded through the scheme and the amount of money being allocated to that organisation. In addition to demonstrating the amount of money spent on each activity there is also the amount spent on the administration. She emphasised that Cabinet was confident that the partners will be able to deliver the plan.

In her absence, the Cabinet Member Safety and Communities was thanked for her report. Cheltenham was an affluent town but had extreme pockets of poverty.

RESOLVED (unanimously) THAT:

- 1. The award of the first tranche of grant funding as set out as set out in para 2.8 be approved;**
- 2. The award of the second tranche of grant funding as set out in para 2.11 and 2.12 be approved.**

6. 2022 INDEPENDENT RESIDENT SATISFACTION SURVEY RESULTS

The Leader introduced the report and explained that residents' surveys are frequently carried out by local councils in order to collect statistically robust views from a representative sample of residents. CBC last undertook a survey in 2019 and the same questions were raised this year in order to benchmark against it. A representative 1,100 sample size was used which will provide accuracy of +/-2.9 % at the 95 % confidence interval.

The Leader gave the following highlights:

- Overall, resident satisfaction with their local area as a place to live is at 90 %, which represented a 6 % increase from 2019 and was 9 % higher than the national Local Government Association (LGA) Polling Survey.
- Satisfaction with the way the council operates has increased to 59%, an increase of 4% since 2019 and is now broadly in line with the LGA Polling Survey and if highways issues had been taken out CBC would have come out above
- Satisfaction with parks and gardens is 90 %
- Overall statements about Cheltenham as a place to live has come out above, with the largest increase recorded relating to Cheltenham having a positive future
- Regarding town centre amenities the largest increase (+21%) in overall satisfaction was for events

Cabinet recognised the focus on high street regeneration which provides job opportunities but it was clear from the survey that the commitment to building more affordable housing should remain. Finally, the Leader highlighted the importance of the ethos of partnership working in the borough. The results of the survey would be shared with partners, particularly Gloucestershire County Council and the Police.

Members welcomed the report and commented that councillors received a range of views and opinions when talking to residents. This statistical data highlighted the positives.

RESOLVED (unanimously) THAT:

- 1. The 2022 Resident Satisfaction Survey results, and the baseline they provide for the new Corporate Plan priorities, be acknowledged;**
- 2. The survey be repeated in three years' time to measure the impact of the Council's corporate plan on resident satisfaction levels;**
- 3. The results be used to inform Council service plans to address areas in need of performance improvement and/or further investigation;**
- 4. The results from the survey be communicated to the Council's partners that have lead responsibilities for areas where further improvement has been identified**

7. USE OF THE GREEN INVESTMENT FUND TO UPGRADE THE COUNCIL'S BUILDING MANAGEMENT SYSTEM

The Cabinet Member Climate Emergency introduced the report and wished to thank the climate team for their work on this. Using the green investment fund to upgrade the council's building management system was a good first place to start-investing in sustainable solutions now would save in the future.

The building management project would support all CBC buildings including the Pump Room, the Municipal Offices and the Wilson and would ensure that energy use is positively managed and maintained with the focus on not heating and powering buildings when they are not in use. The system could be accessed remotely using live technology and a step forward in moving towards more climate sustainable energy sources and also saving substantial money.

Members welcomed the report and the use of this advanced technology to make a positive impact for the environment and reducing associated energy usage costs of our buildings.

RESOLVED (unanimously) THAT:

- 1. A capital investment of £151,000 from the Green Investment Fund, to install and/or upgrade the building management systems and monitoring arrangements across the council's operational property estate, be approved;**
- 2. Authority be delegated to the Director of Climate Change, in consultation with the Director of Finance and Assets (Deputy s151 Officer), to procure and award the contract for the installation of the equipment and monitor the implementation.**

8. TREASURY MID-TERM REPORT - POSITION AT 30 SEPTEMBER 2022

The Cabinet Member for Finance and Assets introduced the report which would be considered by Council on Monday 12 December. He highlighted the work of the treasury management team in the face of the current economic turbulence and resultant inflationary pressures.

Members welcomed the updates which included proactive support to charities and social housing providers, such as Cheltenham Borough Homes.

RESOLVED (unanimously) THAT:

- 1. Following the recommendation of Treasury Management Panel, the contents of this summary report of the treasury management activity during the first six months of 2022/23 be noted and recommended onto Council.**

9. COUNTER FRAUD AND ANTI-CORRUPTION POLICY

The Cabinet Member for Finance and Assets introduced the report and explained that CBC is a member of the counter fraud partnership. The Counter Fraud and Enforcement Unit (CFEU) has developed a Fraud Risk Strategy for implementation across the Counter Fraud Partnership.

The Strategy, attached at Appendix 2, has been developed to comply with Government Functional Standards relating to counter fraud activities.

The Strategy sets out the definitions and motivations for fraud and the principles of risk management. Risk management and being 'risk aware' are vital to ensure the effective operation of this strategy within our council.

He highlighted that dealing with and handling public money comes with a level of trust, with the risk of fraud and corruption ever present, it is incumbent upon the council to take actions to mitigate against all risks. By being risk aware the council is in a better position to avoid threats, develop processes that reduce the loss or impact, and increase its ability to recover.

RESOLVED (unanimously) THAT:

- 1. The Policy attached to this report be approved and adopted;**
- 2. The Director of Finance and Assets (Deputy S151 Officer) be authorised to approve future minor amendments to the Policy, in consultation with the Counter Fraud and Enforcement Unit, One Legal and the Cabinet Member Finance and Assets.**

10. BRIEFING FROM CABINET MEMBERS

The Cabinet Member for Climate Emergency referred to the recent funding award for a viability study into heat networks in the town centre and Golden Valley. This was an exciting opportunity and would inform national policy. She also reported that the climate team had been invited to speak to the national

public sector team about CBC's climate assessment tool, which reflected that CBC was leading the way.

The Cabinet Member Waste, Recycling and Street Services remarked that the two questions on the residents' satisfaction survey with the highest scores related to household recycling and the way the council was rolling out new services in this respect. He highlighted that the council was continuing to work innovatively with the FlexCollect system now being piloted in one part of the town. CBC was therefore at the forefront of recycling soft plastics and he was confident that this would be expanded in the borough along with the potential recycling of other materials.

11. DECISIONS OF CABINET MEMBERS

The Cabinet Member for Cyber, Regeneration and Commercial Income took a decision on 10 November 2022 to award a contract to Nick Sturge (Omnigenix) to support the Golden Valley Project

The Cabinet Member Economic Development, Culture, Tourism and Wellbeing took a decision on 16 November to make part of the current contract for services between Cheltenham Borough Council and the Cheltenham Trust known as the specification publicly available.

12. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS RESOLVED THAT

"in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1, 2 and 3 Part (1) Schedule (12A) Local Government Act 1972, namely:

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13. COMPULSORY PURCHASE RESOLUTION - 168 ARLE ROAD

The Cabinet Member Housing introduced the report and thanked officers for their support in bringing this report to Cabinet.

Members noted the comments received from Cllr Dr David Willingham as ward Member.

RESOLVED unanimously THAT:

1. The recommendations be approved.

14. A PROPERTY MATTER (1)

The Cabinet Member Finance and Assets introduced the report and Members were given the opportunity to address the meeting.

RESOLVED (unanimously) THAT:

1. The recommendations be approved.

15. A PROPERTY MATTER (2)

The Cabinet Member Finance and Assets introduced the report and Members were given the opportunity to address the meeting.

RESOLVED (unanimously) THAT:

1. The recommendations be approved.

Chair

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Cheltenham Borough Council

Cabinet – 20 December 2022

Infrastructure Funding Statement (IFS) Requirements

Accountable member:

Cabinet Member Customer and Regulatory Services, Cllr Martin Horwood

Accountable officer:

Head of Planning, Liam Jones

Accountable scrutiny committee:

Overview & scrutiny Committee

Ward(s) affected:

All

Key/Significant Decision:

No

Executive summary:

All Councils who charge Community Infrastructure Levy (CIL) and/or secure developer contributions by way of Section 106 (S106) agreements have a statutory obligation to prepare the following:

- Annual Infrastructure Funding Statement (IFS) (provided at Appendix 2) and
- CIL Rates Summary Statement (provided at Appendix 3).

Recommendations:

It is recommended that Cabinet:

1. **Approve the publication of the Infrastructure Funding Statement (IFS) relating to the financial year ending 31st March 2022 by 31st December 2022;**
 2. **Note that the Annual CIL Rate Summary Statement will be published alongside it by the 31st December 2022;**
 3. **Note that the Cheltenham Neighbourhood Panel for the allocation of the unparished borough neighbourhood element of CIL will be in place by the end of this financial year; and**
 4. **Note a further report will be presented by spring 2023 that presents the Memorandum of Understanding for the allocation of the CIL Strategic 'Infrastructure Fund'.**
-

1. Implications

1.1. Financial implications

Once a development has commenced, the Council are legally entitled to Community Infrastructure Levy (CIL) monies from the developer. As a result, the Statement of Accounts is prepared on an accruals basis and the figures reported is the CIL due for all developments started on 31 March of each year, regardless of when they are actually due.

The numbers contained in this report are prepared on a cash basis – so show actual cash received and payments made against the CIL monies in the year to 31 March 2022. The cash figures have been reconciled to the CIL capital grant balance reported in the Council's Statement of Accounts for 2021/22.

Signed off by: Accountant Business Partner, andrew.taylor@cheltenham.gov.uk

1.2. Legal implications

'Statutory obligation as a result of the Community Infrastructure Levy (Amendment) (England) Regulations 2019'

Signed off by: Solicitor, One Legal, legalservices@onelegal.org.uk

1.3. HR implications

'There are no HR implications'

Signed off by: HR Business Partner, Publica, clare.jones@publicagroup.uk

1.4. Environmental and climate change implications

'None directly, this is a report predominantly on income and expenditure of CIL/S107. However, the effective use of CIL/S106 receipts has the potential to have a positive environmental impact.'

Signed off by: Director of Climate Change & Place, mike.redman@cheltenham.gov.uk

1.5. Property/asset implications

'No comment'

Signed off by: Head of Finance, gemma.bell@cheltenham.gov.uk

1.6. Corporate policy framework implications

'The Council has a statutory function as Local Planning Authority and the statutory obligations relevant to this report link directly to that function.'

Signed off by: Head of communities, wellbeing & partnerships,
richard.gibson@cheltenham.gov.uk

2. Promoting equality and reducing discrimination

'None directly'

3. Performance management – monitoring and review

CIL and Section 106 monies received are reviewed regularly and annually through the reports subject to this paper.

4. Background

- 4.1. Producing an Infrastructure Funding Statement (IFS) annually is a legal requirement for Councils who charge Community Infrastructure Levy (CIL) and/or secure developer contributions by way of Section 106 (S106) agreements¹. This is the Borough Council's third annual IFS, which we are preparing ready for submission and publication on our website by the 31st *December 2022*.
- 4.2. The IFS (included at Appendix 2) must include reports on the previous financial year, ending on the 31st March 2022, for both CIL and S106 Planning Contributions as well as an Infrastructure List.
- 4.3. An Annual CIL Rate Summary Statement (included at Appendix 3), applying the national CIL index and setting out the charges for the following calendar year, must also be published in

¹ Regulation 121A requires us, as a 'contribution receiving authority' to publish an IFS annually "no later than the 31st December" that sets out details about 'planning obligation' and 'CIL' income and expenditure, actual and anticipated for the last 'reported year' ending on the 31st March, and an 'Infrastructure List'

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December² and our intention is to publish this alongside the IFS as we have done in previous years.

- 4.4. We are required to submit the IFS in the format as presented in the technical appendices to this report. The template provided by Government asks a series of purely factual questions on income and expenditure of CIL and S106 (collectively known as ‘planning obligations’ or ‘developer contributions’). In the report to Cabinet last year, a commitment was given to produce a more ‘user friendly’ summary to help those interested in the data to understand better the flow of CIL and S106 funding. We have therefore produced a summary of all income and expenditure, included as Appendix 4 from which an ‘infographic’ is being produced, which will form the public facing element to our IFS this year with the statutory template attached as an appendix.
- 4.5. The ‘Infrastructure List’³ is 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. In last year’s Cabinet report we explained that the current Infrastructure List does not fully represent our priorities as a council. This is now being addressed and is discussed further in this section and in section 6 of this report.
- 4.6. The current Infrastructure List is shared by the three Joint Core Strategy (JCS) councils, Gloucester, Tewkesbury and Cheltenham, reflecting their co-operation on the JCS and its successor, the Joint Strategic Plan (JSP). In June 2022 Cheltenham Borough Council agreed its approach to governance arrangements for CIL in accordance with National Planning Policy Guidance that committed the council to agree a Memorandum of Understanding that will specify the proportion, or amount, of CIL each council will contribute and the strategic infrastructure projects the pooled fund will be spent on. If that Memorandum of Understanding specifies that 100% of Strategic CIL is to be pooled, then the Cheltenham Infrastructure List and the Shared Infrastructure List will be the same. If the proportion or amount is less than 100%, then the Cheltenham Infrastructure List will comprise whatever Shared Infrastructure List is agreed in addition to any proposed infrastructure spending from strategic CIL monies retained by Cheltenham.
- 4.7. Work being undertaken to review the CIL Charging Schedules of the Borough Council and that of our partners Gloucester and Tewkesbury has provided an update to the Infrastructure Delivery Plans (IDPs) of the approved Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (JCS) and District Level Plans. This update informs a review of the existing Infrastructure List and the removal of schemes, which:
- no longer require CIL funding as they have been completed;
 - sufficient funds have been secured; or
 - an alternative solution has been found to the problem.
- 4.8. The remaining list has been reviewed by the County Council who have provided an update including, in some cases, the merging and renaming of existing schemes but they have not indicated any order of priority for the remaining schemes.

² Regulation 121C (1) requires an Annual CIL Rate Summary Statement to be published “no earlier than 2nd December and no later than 31st December” each year updated in line with the CIL Index published by the Royal Institute of Chartered Surveyors (RICS) for the 1st November each year

³ approved for publication in December 2020 and an update approved last year (2021)

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- 4.9. In June 2022, we reported to the cabinet and council of Cheltenham Borough Council that the existing list did not, fully represent our priorities as a council, including tackling climate change, facilitating modal shift away from the private car and changing patterns of work in the aftermath of the pandemic. Nor did it include any infrastructure provision for education, non-car transport, healthcare, open spaces and facilities for sport and recreation or flood management which are all appropriate areas of spending for strategic CIL. Although in some cases these are still being facilitated through particular S106 agreements. We expect this to inform future infrastructure lists.
- 4.10. We also said that an open and transparent bidding process will be developed for any infrastructure stakeholder to propose relevant projects for the Infrastructure List that would aid delivery of development. This will be proposed to the three JCS/JSP authorities.
- 4.11. Whilst we accept the 'point in time' of the JCS, the JCS/JSP team is working on an IDP that will be fit for purpose to support the work which is now underway on the Joint Strategic Plan (JSP). This will also inform future infrastructure lists.
- 4.12. In governance arrangements also adopted in June 2022, we set out the process for the approval of the Cheltenham Infrastructure List itself as well as the Memorandum of Understanding referred to above. The Cheltenham Infrastructure List, including any Shared Infrastructure List, will be agreed by Cheltenham Borough Council cabinet and approved by a meeting of Cheltenham Borough Council. In these governance arrangements, we also committed to member engagement throughout the process.
- 4.13. Work to implement these governance processes is ongoing and will be presented back to Council by the end of the financial year in respect of the Strategic Infrastructure CIL Fund. Further detail on the Infrastructure List is provided in section 6 of this report.
- 4.14. Work setting up the Neighbourhood Panel to enable the spending of the Borough Council's Neighbourhood CIL Fund outside areas that are parished is underway and will be in place and ready to begin the process of disbursing funds by the end of this financial year.

5. INFRASTRUCTURE FUNDING STATEMENT (Appendix 2)

IFS – CIL report

- 5.1. Full details of CIL income and expenditure are presented in the IFS at Appendix 2.
- 5.2. In summary for the 'reporting year' (1st April 2021 to 31st March 2022):
- CIL Receipts = **£980,857.95**
 - CIL Expenditure by the borough council = **£9,958.79**
 - CIL Passed to Parish Councils = **£11,089.96** (**£268.63** of which raised in previous year)
- 5.3. At the end of the 'reporting year' (31st March 2022):

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- CIL Receipts Retained by the Borough Council = **£1,217,702.41**; made up of the following:
 - **£49,042.90** allocated to administration (5% of total CIL receipts),
 - **£86,127.58** Neighbourhood Funding (15%⁴ of total CIL receipts from parished areas⁵) collected by the Borough Council between the 1st October and the 31st March of the reported year due to Parish Councils and to be paid to them on the 28th April of the next reported year (2022/23);
 - **£77,304.28** Neighbourhood Funding for unparished areas (15% of total CIL receipts from unparished areas) made up of £48,922.83 from receipts in the reporting year and **£28,381.45** from the previous year to be prioritised for spending by the Neighbourhood Panel referred to in 4.13 above; and
 - **£1,005,227.65** Strategic Infrastructure spending (currently 80% of total CIL receipts⁶) made up of £785,943.31 from receipts in the reporting year and **£219,284.34** from the previous year, for infrastructure required to deliver planned development. We consulted the county council informally during 2021 on whether they were seeking to draw on these funds for any projects on the existing Infrastructure List, for which they are the delivery council as the highways authority, but it was agreed to wait until sufficient funds had accumulated so no request was received from GCC for such funds. This will also allow the review of the Infrastructure List referred to above.
- 5.4. 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. However, over time as the CIL pots grow, this will not be the case and Cheltenham will wish to fully recover all liable costs, both joint and those arising from Cheltenham only.

IFS – S106 Report

- 5.5. At the start of April 2021, there was a balance of **£1,505,455.30**. During the 'reporting year' we received **£18,237.00** and spent **£265,122.56**. At the end of March 2022, there was a closing balance of **£1,258,569.74**.
- 5.6. The S106 report also provides details of the **47** affordable homes secured in agreements entered into during the reporting year and the **73** affordable homes delivered during the

⁴ No Parish Councils in the borough currently have an adopted (made) Neighbourhood Plan which raises this to an uncapped 25%.

⁵ Subject to a cap of £100 plus indexation per existing dwelling in the parish, which no CIL payments have yet reached.

⁶ The adoption of a Neighbourhood Plan by a Parish Council or Neighbourhood Forum would lower this percentage to 70% in those areas.

reported year.

- 5.7. 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 impacts on the local area that cannot be moderated by means of conditions attached to a planning decision. The council's constitution (at Part 3) provides the responsibility for the determination of planning applications (of which S106 negotiation forms part), 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>.
- 5.8. Decision making of planning decisions outside those undertaken by Planning Committee, including S106 agreements, are delegated to the Head of Planning. In negotiating S106, the relevant officer specialisms are engaged. In addition, and as committed to in reports to Cabinet and Council this year in regards to CIL/S106, Members have asked for greater clarity and engagement in understanding the negotiation of S106 and this was agreed in the governance arrangements for S106 as well as CIL in June 2022. The following actions either have been completed or are being progressed:
1. Following review of the weekly planning application list issued to all members ward members to notify the case officer of any application of interest and identify any known demands for infrastructure in the area.
 2. Where an application is expected to result in the need for S106 negotiation, the case officer to notify the relevant ward members to enable engagement early in the application process
 3. Planning report templates to be updated to include a summary of S106 agreed and values negotiated.
 4. Member training on S106.

6. INFRASTRUCTURE LIST

- 6.1. As detailed in 4.5-11 above, a Memorandum of Understanding specifying the proportion or amount of strategic CIL money to be pooled by Cheltenham Borough Council with the two other JSP councils and the content of the Cheltenham Infrastructure List, including any Shared Infrastructure List agreed by the three authorities for delivery of the JSP, is now subject to approval by the cabinet and full council of Cheltenham Borough Council. Work is underway to make the infrastructure list fit for purpose.
- 6.2. Work being undertaken to review the CIL Charging Schedules of the Borough Council and our JCS partners has provided an update to the Infrastructure Delivery Plan (IDP) of the JCS and District Level Plans. This update allowed a further review of the *existing* Infrastructure List and the removal of further schemes which no longer require CIL funding as they have been completed, sufficient funds have been secured or an alternative solution has been found to the problem.
- 6.3. The remaining list has been reviewed by the County Council who have provided an update including, in some cases, the merging and renaming of existing schemes but they have not

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indicated any order of priority for the remaining schemes.

- 6.4. The review of the JCS, now underway via the JSP, provides the appropriate context for a full review of the Infrastructure List informed by updated evidence on infrastructure demands and delivery and by the priorities of the three councils, including our commitment to tackle climate change, achieve modal shift away from private car use and reflect changing patterns of work following the pandemic.
- 6.5. In the governance arrangements this council agreed in June 2022, we committed to an open and transparent bidding process for any infrastructure stakeholder to propose relevant projects for the Infrastructure List that would aid delivery of development and we have already begun to implement this at borough level for the Neighbourhood portion of CIL. An equally open and transparent bidding process for the strategic element of CIL will be proposed to the three JSP authorities. As part of the review of the infrastructure needs undertaken to provide the necessary evidence of a funding gap required by the Charging Schedule review, greater engagement has already begun with the National Health Service, Police and Crime Commissioner, Environment Agency and Utility Providers. We hope that, together, all these processes will result in a more diverse list from a more comprehensive and sustainable Infrastructure Delivery Plan (IDP) supporting the replacement for the JCS, by the emerging JSP, and better reflect our priorities as a council.
- 6.6. Support for proposed infrastructure projects will need to be individually reviewed within the context of the emerging JSP and the council's new Corporate Plan, including our 2030 net zero objectives.

7. ANNUAL CIL RATES SUMMARY STATEMENT

- 7.1. The Annual CIL Rates Summary Statement (included as Appendix 3) is based on the Royal Institute of Chartered Surveyors (RICS) CIL Index, published in November each year. Indexation is required so that the rates we charge are adjusted to take account of the costs of development and 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.

8. NEXT STEPS

- 8.1. Publication 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 2022.
- 8.2. Alongside the preparation of the JSP ensure the infrastructure needed to accommodate planned future development is fully considered through on-going engagement with a full range of infrastructure providers, including an open and transparent bidding process with the aim of producing a comprehensive IDP, from which schemes which meet not only the needs of new development but also the priorities of the Council may be selected for inclusion on a deliverable Infrastructure List to support the new plan, with this list being brought to full council for approval.
- 8.3. Preparation and agreement of the Strategic Infrastructure CIL Memorandum of Understanding specifying the proportion or amount of Strategic CIL to be pooled by Cheltenham Borough

Council with the two other JSP councils

9. Reasons for recommendations

9.1. Statutory obligation to prepare and publish.

10. Alternative options considered

10.1. N/A

11. Consultation and feedback

11.1. Building on the commitments made in the IFS report to Cabinet (2021) a summary infographic is being prepared to enable a more user friendly representation of the key data.

12. Key risks

12.1. See Appendix 1.

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Appendices:

- i. Risk Assessment
- ii. DRAFT Borough Council Infrastructure Funding Statement 2022
- iii. DRAFT Borough Council Annual CIL Rates Summary Statement 2022
- iv. DRAFT Summary for Infographic

Background information:

1. Cabinet – 21st December 2021 Infrastructure Funding Statement (IFS) Requirements
https://democracy.cheltenham.gov.uk/documents/s38868/2021_12_21_Infrastructure%20Funding%20Statement%20IFS%20Requirements_report.pdf

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2. Cabinet – 5th April 2022 Community Infrastructure Levy Governance & Section 106 engagement
https://democracy.cheltenham.gov.uk/documents/s39870/2022_04_05_CIL%20governance%20and%20s106%20engagement_report.pdf
3. Council 20th June 2022 Community Infrastructure Levy Governance & Section 106 engagement
https://democracy.cheltenham.gov.uk/documents/s40680/2022_06_22_CIL%20governance%20and%20s106%20engagement_COUNCIL%20report.pdf

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
CIL	Failure to publish the required statements would be a breach of Government Regulations	Head of Planning	1	1	1	Close	Cabinet report	CIL Manager	20.12.11
CIL/ JSP	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/JSP and Cheltenham Plan.	Head of Planning	5	2	10	Reduce	Review of Infrastructure Delivery Plan as part of JCS review. Put in place clear and transparent governance	CIL Manager/JSP Task Group & Steering Group	In line with JSP programme and picked up via JSP risk register

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Cheltenham Borough Council

Annual Infrastructure Funding Statement

For

Community Infrastructure Levy and
Section 106

Reporting Period:

From 01 April 2021 to 31 March 2022

Community Infrastructure Levy (CIL) Matters

Community Infrastructure Levy (Amendment) (England) (No2) Regulations 2019

Regulation 121A and Schedule 2, Section 1

“(a) *the total value of CIL set out in all demand notices issued in the reported year*” is **£1,963,354.69**.

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*” is **£980,857.95**.

“(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*” is **£247,665.79**.

“(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*” is **£268.63**.

This was for Prestbury PC Neighbourhood Funding paid on the 28 April 2021.

“(e) *the total amount of CIL expenditure for the reported year*” is **£58,706.16**.

This was £47,616.20 for Administration and £11,089.96 Neighbourhood Funding to Prestbury Parish Council with £268.63 paid on the 28 April 2021 and £10,821.33 paid on the 28 October 2021.

“(f) *the total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year*” is **£87,332.28**.

This is made up of £85,905.58 Regulation 59A Parish Neighbourhood Funding paid to Leckhampton with Warden Hill Parish Council (£14,873.44), Charlton Kings Parish Council (£5,848.94) and Prestbury Parish Council (£65,183.20) on 28/04/22 from a payment made during the reported year (2021/22) and £1,426.70 Regulation 61 Administration Funding carried forward into the next reported year (2022/23).

This does not include Borough Council held Neighbourhood Funding (£77,304.28) or Infrastructure Funding (£1,005,227.65) both of which are yet to be allocated to specific projects.

“(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*”

Infrastructure	Date	Amount	Description
Prestbury PC R59A Neighbourhood Funding – 28/04/2021 from 19/02484/FUL	04/03/2022	£268.63	Childrens Play Equipment supplied by Komplan

Infrastructure	Date	Amount	Description
Prestbury PC R59A Neighbourhood Funding – 28/10/2021 from 19/02368/CONDIT	04/03/2022	£276.33	Childrens Play Equipment supplied by Komplan
Prestbury PC R59A Neighbourhood Funding – 28/10/2021 from 18/01709/FUL	04/03/2022	£10,545.00	Childrens Play Equipment supplied by Komplan
TOTAL		£11,089.96	

“(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)” is **None**.

“(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” is **£47,616.20** which is **4.85%** of CIL collected (£980,857.95) in the reported year.

In accordance with regulation 61 Cheltenham Borough Council has set a maximum collection percentage of 5.00% towards administrative expenses.

The percentage taken may differ due to Land payments (including payments in kind and infrastructure payments) not being allocated to administration expenses and Surcharges and Late Payment Interest Payments not being split with Neighbourhood Areas.

“(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”

None as CIL from the Borough Council held Neighbourhood Funding and Infrastructure Funding are yet to be allocated to specific items of infrastructure.

“(i) the amount of CIL passed to—

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

Zone	Date	Amount Passed
Prestbury Parish Council	28 April 2021	£268.63
Prestbury Parish Council	28 October 2021	£10,821.33
TOTAL		£11,089.96

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

Infrastructure	Amount	Date Passed	Spend Description
Prestbury PC Reg 59A NEIGHBOURHOOD FUND	£268.63	28/04/2021	Childrens Play Equipment supplied by Komplan
Prestbury PC Reg 59A NEIGHBOURHOOD FUND	£10,821.33	28/10/2021	Childrens Play Equipment supplied by Komplan
TOTAL	£11,089.96		

“(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”

No CIL under Regulation 59E (CIL returned to the Charging Authority after 5 years if not spent) was collected in the reported year.

£48,922.83 of CIL was collected and retained by the Charging Authority for areas that are not covered by a Parish Council under Regulation 59F.

“(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”

None.

“(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”

None.

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

None.

“(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” is **£873,275.59**.*

This is made up of £785,943.31 Infrastructure Funding, £85,905.58 Neighbourhood Funding for Parishes and £1,426.70 Administration Funding.

*“(ii) CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied” is **£219,284.34** Infrastructure Funding.*

*“(iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year” is **£48,922.83** Neighbourhood Funding for Non-Parished Areas.*

*“(iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year” is **£28,381.45** which gives a total Borough Council Neighbourhood Fund of £77,304.28.*

Section 106 Matters

Community Infrastructure Levy (Amendment) (England) (No2) Regulations 2019

Regulation 121A and Schedule 2, Section 3

“(a) the total amount of money to be provided under any planning obligations which were entered into during the reported year” is **£2,964.00**.

This figure does not consider indexation (inflation/deflation) that must be applied when the money becomes due.

Planning Reference	Site Address	Signature Date	Amount	Notes
20/00780/FUL	Premier Products Ltd, Bouncers Lane	05/05/2021	£2,964.00	Playspace Contribution £1,964 & Monitoring Fee £1k

“(b) the total amount of money under any planning obligations which was received during the reported year” is **£18,237.00**.

Planning Reference	Site Address	Received Date	Amount	Notes
17/00929/OUT	Premier Products Ltd, Bouncers Lane	05/05/2021	£18,237.00	Playspace Contribution

“(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” is **£1,240,332.74**.

“(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” is **47 dwellings** from Planning Application 20/00780/FUL ‘Former Premier Products Ltd Site, Bouncers Lane, Cheltenham’.

“(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. The County Council’s Infrastructure Funding Statements can be found by following this link: [Infrastructure Funding Statement \(IFS\) - Gloucestershire County Council](#)

“(e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure” is **£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)” is **£265,122.56**.

Of this amount £240,696.61 was spent by a third party on behalf of Cheltenham Borough Council.

“(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” is **None**.

“(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”

Infrastructure	Spent	Date Spent	Spend Description	Supplier	Source
Affordable Housing	£240,500.00	31/03/2022 “whole year funding”	9 dwellings under Right to Buy Buy-Back acquisition programme.	Cheltenham Borough Homes	Combination of commuted sums from – • 12/00870/FUL • 11/00913/FUL
Active Travel - Accessibility	£24,425.95	01/04/2021 “prior year adjustment”	Wayfinding Signs and infrastructure	Trueform Engineering Ltd	14/01928/FUL
Play Facilities	£196.61	31/01/2022	Signage and Lighting at entrance to MUGA	Prestbury Parish Council	10/01243/OUT
TOTAL	£ 265,122.56				

“(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)” is **None**.

“(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” is **£0.00**.

“(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” is **£1,258,569.74** of which **£95,139.66** has been retained as a commuted sum for revenue spending on long term maintenance.

Community Infrastructure Levy (CIL)

Infrastructure List

DRAFT

Updated December 2022

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");

Background

The Joint Core Strategy (JCS) partners of Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council are each both Community Infrastructure Levy (CIL) Charging and Collecting Authorities in their own right.

Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended) requires CIL Charging Authorities to produce an annual "Infrastructure Funding Statement". This must include a list of schemes or types of infrastructure (the "Infrastructure List") that the Council intends may be wholly or partly funded from CIL.

The Allocation of CIL

All CIL income must be allocated as follows:

Administration Fund: Up to 5% of CIL can be applied towards its implementation and ongoing administration of the Charging/Collection Authority(ies).

Neighbourhood Fund: 15% (subject to a cap based on number of existing dwellings in the Parish) rising to 25% in areas that have a 'made' Neighbourhood Development Plan (NDP also called neighbourhood Plans) in place, of each CIL charge payment received, is either:

- Passed to the Parish Council in whose boundary the development that made the payment is located;
- Held by the Charging Authority on behalf of a Designated Neighbourhood Forum, as once they have a made NDP they are entitled to direct the spending of their 25%, or
- 15% is held by the Charging Authority to be spent in the same way as all other Neighbourhood CIL.

Neighbourhood CIL must be spent on:

- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.

Infrastructure Fund: The remaining 70 to 80% must be spent on strategic infrastructure that supports the growth of the CIL Charging Authority's area.

The 'Infrastructure List' relates solely to schemes or infrastructure types that the Charging Authority intends may be wholly or partly funded from the Infrastructure Fund.

The Partnership Approach of the Joint Core Strategy (JCS) partners of Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council has led to the adoption of a shared Infrastructure list derived from the critical items of infrastructure identified in the JCS Infrastructure Delivery Plan (IDP).

The Infrastructure List

The Infrastructure List is not a comprehensive audit of all infrastructure requirements associated with the facilitation and mitigation of the impacts of development during the plan period. The infrastructure Delivery Plans (IDP) of Development Plans are prepared for this purpose and seek to identify not only infrastructure needs but also potential sources of funding and delivery including funding from Central Government, Funding from Local Government, Developer Contributions and Provision by way of agreements permitted under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980, for example.

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

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 IDP, prepared to support the JCS, provided an evidenced source of projects for the first JCS Partner's Infrastructure List, published in December 2020. In August 2014 the first JCS IDP prioritised projects into 4 categories including Regionally Critical infrastructure. In December 2017 the second JCS IDP (2017 Addendum to the IDP) prioritised projects that supported the delivery of the strategic allocations within the JCS in to 3 categories:

1. Critical Infrastructure: Sectors and projects that the IDP has identified which must happen to enable the delivery of growth within the JCS area.
2. Essential Infrastructure: Sectors and projects that are required if growth is to be achieved in a timely and sustainable manner.
3. Desirable Infrastructure: Sectors and projects that are required for sustainable growth but are unlikely to prevent development in the short to medium term.

The IDP identified a significant potential shortfall in funding and CIL income forecasts predicted only a small amount of the shortfall could be raised within the plan period. The Infrastructure identified as 'critical' was therefore selected to form the first list.

The second list reviewed progress of each of the projects and identified a number that were either completed or had secured sufficient funding from other sources to no longer envisage needing CIL funding.

The 2022 Infrastructure List

Whilst the Infrastructure List remains the same, derived as it is from the critical needs of the JCS, schemes identified as no longer requiring CIL funding in the 2021 review have been removed.

Schemes removed following 2021 review

1. A40(T) Innsworth Gateway Project Roundabout – Funded and delivered by developer(s)
2. A38 Coombe Hill – Funded by developer contributions and funding through Homes England Housing Infrastructure Fund (HIF) M5 Junction 10 Scheme
3. New junction west of M5 J10 – Funded through Homes England HIF M5 Junction 10 Scheme
4. West of M5 J10 – Funded through Homes England HIF M5 Junction 10 Scheme

5. A4019 / A4013 Kingsditch – Funded through developer contributions by way of S278
6. A4019 / B4634 Gallagher Retail Park - Funded by developer contributions by way of S278 and through Homes England HIF M5 Junction 10 Scheme
7. Withybridge Lane - Funded through Homes England HIF M5 Junction 10 Scheme
8. A435 / Hyde Lane / Southam Lane Signalised Junction - Funded through successful GCC Active Travel Bid and Capital Programme
9. A435/ Stoke Road and A435 / Finlay Way Roundabouts - Funded through developer contributions by way of S278
10. A46 / Moorend Park Road - Funded through developer contributions by way of S278

As all of the projects included in the Infrastructure List are Highways and Transportation schemes the annual review has once again been undertaken working with the County Council as Local Highways Authority and infrastructure provider.

The 2022 Review

In addition to a review of progress the County Council have provided updates to scheme names and cost estimates for the remaining schemes.

1. A40(T) Innsworth Gateway Project Roundabout - The roundabout on the A40 has now been delivered as part of the Innsworth Gateway development. The need for the proposed signalized junction is no longer clear therefore still support removal from Infrastructure List
2. New junction on A38 - Schemes A4019/ B4634 Old Gloucester Rd and A38-A40 highway link have been merged. Scheme name updated - Junction Improvement A38/Down Hatherley Ln Junction Upgrade to be retained on the Infrastructure List
3. A38 Tewkesbury Road - Scheme name updated - Cycle access improvements to development at Twigworth and Longford to be retained on the Infrastructure List
4. A38 Tewkesbury Road - Scheme name updated - Highway Improvements, Down Hatherley Lane Corridor, Gloucester to be retained on the Infrastructure List
5. A417 Brockworth Bypass - Scheme name updated - Junction Improvement - A417 - Brockworth Bypass / A46 Shurdington Rd, Brockworth to be retained on the Infrastructure List
6. A38 / A4173 St. Barnabas roundabout - Scheme name updated - St Barnabas Roundabout capacity and accessibility enhancement to be retained on the Infrastructure List
7. A430/A417 Castlemeads - Scheme name updated - A430 Llanthony Rd/St Ann Way, Gloucester (SW Bypass). Funded through successful GCC bid to Levelling Up fund therefore support removal from Infrastructure List
8. A4019 / A4013 Kingsditch - Scheme name updated - A4019/A4013 Corridor Improvements but still support removal from Infrastructure List
9. West of B4634 Old Gloucester Road and A4019 / B4634 Gallagher Retail Park- Schemes merged and name updated - A4019/B4634 Old Gloucester Rd/ Gallagher Retail Park Jct) improvements via M5J10 HiF funded scheme therefore still support removal of both schemes from Infrastructure List
10. A4019 Tewkesbury Road - Signals upgrades through CSV to be retained on the Infrastructure List
11. Withybridge Lane - Amended to reflect the outcomes of the M5 J10 public consultation. Withybridge Lane will remain open to traffic therefore support removal from Infrastructure List
12. A435 / Hyde Lane / Southam Lane Signalised Junction - Scheme delivered in 21/22 therefore still support removal of both schemes from Infrastructure List

13. A435/ Stoke Road and A435 / Finlay Way Roundabouts - Scheme name updated - Highway Capacity Improvements A435 Stoke Rd / Finlay Way Rbts). Scheme delivered through developer obligations therefore still support removal of both schemes from Infrastructure List
14. A435/GE Aviation Roundabout - Scheme name updated - Cheltenham - Bishop's Cleeve Corridor cycle scheme to be retained on the Infrastructure List
15. A435 / Racecourse Roundabout - Scheme name updated - Highway Capacity Improvements A435 – Racecourse Roundabout. Some funding has now been secured from the DfT Active Travel Fund to develop an active travel solution but there remains some budget deficit therefore to be retained on the Infrastructure List
16. Leckhampton Lane and A46 / Moorend Park Road – Schemes merged and name updated - Highway Improvements A46 (Shurdington Rd) there remains some budget deficit therefore to be retained on the Infrastructure List
17. London Road / Denmark Road Junction improvement - Scheme name updated - Highway improvement – providing bus priority at the London Road/Denmark Road junction, Gloucester to be retained on the Infrastructure List

The inclusion of a project within the Infrastructure List does not represent a commitment that the Partners 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 itself.

The JCS Partners will continue to review this list and provide updates on at least an annual basis, alongside the preparation of their Infrastructure Funding Statement(s).

LTP Reference	Scheme Name	Scheme Description	Development it Supports	Stage/Status	Source of Scheme	Estimated Cost	Contribution Required	Secured Funding / Progress
CSV64	A4019/ B4634 Old Gloucester Rd and A38-A40 highway link have been merged - Scheme name updated to 'Junction Improvement A38/Down Hatherley Ln Junction Upgrade'	Upgrade A38 Tewkesbury Rd / Down Hatherley Lane junction, to include a dedicated right turn from A38 south.	A1 Longford and Twigworth	Feasibility - Design (CSV9 scoping, CSV64 scoping, CSV71 scoping in LTP)	Local Transport Plan 2020-2041 cycle access improvements (projects CSV9 and CSV71) JCS Infrastructure List December 2020 and 2021	£11.5m (CSV9 Est. >£20m in LTP 2020-2041) (CSV64 and CSV71 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£11.5m	£0
CSV61	A38 Tewkesbury Road - Scheme name updated to 'Highway Improvements, Down Hatherley Lane Corridor, Gloucester'	Improvements to highway including the incorporation of the dedicated right turn lane providing capacity and safety improvements to encourage use as a sustainable travel corridor.	A1 Longford and Twigworth	Feasibility - Design (CSV9 scoping, CSV61 scoping, CSV71 scoping in LTP)	Local Transport Plan 2020-2041 cycle access improvements (projects CSV9 and CSV71) JCS Infrastructure List December 2020 and 2021	£1m (CSV61 and CSV71 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£1m	£0
CSV71	A38 Tewkesbury Road - Scheme name updated to 'Cycle access improvements to development at Twigworth and Longford'	A38 Tewkesbury Road to be downgraded between A40/A38 Longford signalised crossroads and new A38/Twigworth junction to 20mph, to encourage use 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.	A1 Longford and Twigworth	Feasibility - Design (CSV9 scoping, CSV71 scoping in LTP)	Local Transport Plan 2020-2041 cycle access improvements (projects CSV9 and CSV71) JCS Infrastructure List December 2020 and 2021	£2m (CSV9 Est. >£20m and CSV71 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£2m	£0
CSV34	A417 Brockworth Bypass - Scheme name updated to 'Junction Improvement - A417 - Brockworth Bypass / A46 Shurdington Rd, Brockworth'	Signalising the westbound and eastbound 'Off- slips'.	All - National Infrastructure	Feasibility - Design (CSV34 scoping in LTP)	Local Transport Plan 2020-2041 (CSV 34) JCS Infrastructure List December 2020 and 2021	£1m (CSV34 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£1m	£0 but May form part of National Highways A417 Missing Link Project
CSV15	A38 / A4173 St. Barnabas Roundabout - Scheme name updated to 'St Barnabas Roundabout capacity and accessibility enhancement'	Alternative highway works, cycling and walking improvements.	A4 Winneycroft	Feasibility - Design (CSV15 Pre-Design Stage in LTP)	Local Transport Plan 2020-2041 (CSV 15) Central Severn Vale Cycling and Walking Infrastructure Plan Para. 3.6.1 JCS Infrastructure List December 2020 and 2021	£19m (CSV15 Est. £5m to £20m in LTP 2020-2041)	£19m	£0
CSV62	A435/GE Aviation Roundabout - Scheme name updated to 'Cheltenham - Bishop's Cleeve Corridor cycle scheme'	Capacity and Cycle improvements proposed.	A5 West and North West Cheltenham and Bishops Cleeve	Feasibility - Design (CSV62 Pre-Design Stage in LTP)	Central Severn Vale Cycling and Walking Infrastructure Plan Para 6.8.2 identified as route section C/A JCS Infrastructure List December 2020 and 2021	£9m (Up from CSV62 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£5m	£4m
CSV63	A435 / Racecourse Roundabout - Scheme name updated to 'Highway Capacity Improvements A435 – Racecourse Roundabout'	Capacity and Cycle improvements proposed. This was originally anticipated to form part of the A435 Cheltenham to Bishops Cleeve Capacity Scheme but was descoped due to concerns regarding impact on cyclists and lack of available budgets.	A5 West and North West Cheltenham and Bishops Cleeve	Feasibility - Design (CSV63 Pre-Design Stage in LTP)	Central Severn Vale Cycling and Walking Infrastructure Plan Para 6.8.2 identified as route section C/A JCS Infrastructure List December 2020 and 2021	£1m (CSV63 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£1m	£0
CSV46	Leckhampton Lane and A46 / Moorend Park Road - Schemes merged and name updated to 'Highway Improvements A46 (Shurdington Rd)'	Upgrade A46 / Leckhampton Lane priority junction, to include a dedicated right turn from A46 south into Leckhampton Lane. A46 Shurdington Road northbound approach to Moorend Park Road – additional highway space for right turning traffic by providing a longer stacking lane.	IMD4 Leckhampton	Feasibility - Design (CSV46 scoping in LTP)	Local Transport Plan 2020-2041 (CSV 46) JCS Infrastructure List December 2020 and 2021	£6m (Up from CSV46 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£3m	£3m
CSV59	London Road / Denmark Road / Cheltenham Road / Kenilworth Avenue - Scheme name updated to 'Highway improvement – providing bus priority at the London Road / Denmark Road junction, Gloucester'	Junction improvements incorporating Bus Priority Measures and cycle provision on route to Gloucester City Centre, Quays and beyond from SAs north of Gloucester.	A3 South Churchdown and Gloucester City Plan SA03: Former Prospect House, 67-69 London Road, SA04: Former Wessex House, Great Western Road and SA08: King's Quarter	Feasibility - Design (CSV59 scoping in LTP)	Central Severn Vale Cycling and Walking Infrastructure Plan Para 6.8.1 identified as route sections G/A, G/B & G/C and Para 6.6.2 "London Road/Cheltenham Road junction. Project within the Countywide revenue highway project delivery priorities (2015-2031) for Bus Priority measures. JCS Infrastructure List December 2020 and 2021	£5m (CSV59 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£5m	£0
CSV44	A4019 Tewkesbury Road Corridor'	Upgrade signals to SCOOT operation to optimise signal timings with bus priority along A4019 corridor junctions including: B4634 Old Gloucester Rd/A4019 Junction Hayden Road/A4019/Manor Road Junction A4019 / Elm Street Junction B4633 Gloucester Rd / A4019/Townsend Street.	A5 West and North West Cheltenham	Feasibility - Design (CSV44 scoping stage in LTP)	JCS Infrastructure List December 2020 and 2021	£7.5m (Up from CSV44 Est. £200,000 to £5,000,000 in LTP 2020-2041)	£7.5m	£0
						£63m	£56m	£7m

Potential Future Infrastructure List Allocations

Alongside the development of the next Joint Strategic Plan a new Infrastructure Delivery Plan will be developed providing the opportunity to influence the priority given to a potentially wider range of infrastructure considered critical to the delivery of that plan. From this work new infrastructure projects will emerge for consideration, with CIL funding set to play a part in a package of funding which will be required from the full range of permissible sources.

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

December 2022

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 Cheltenham Borough from 1st January 2023 to 31st December 2023.

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 Cheltenham Borough 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 2023 to the 31st December 2023 rates have been adjusted in line with the RICS CIL Index published for the 1st November 2022 (25th October 2022).

The table below shows:

- 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;
- the reduced charges in Year 4 (2022) as the index fell by 0.3% to 332; and
- the increased charges in Year 5 (2023) as the index rose by 6.9% to 355.

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)

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)	CIL Index 01/11/22	Year 5 (2023)
Cheltenham Borough Council										
10 dwellings and under ²	322	£148 per m ²	334	£153.52 per m ²	333	£153.06 per m ²	332	£152.60 per m ²	355	£163.17 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	355	£220.50 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	355	£38.59 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	355	£38.59 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	355	£220.50 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	355	£110.25 per m ²

² For clarity this includes individual dwellings, irrespective of size (Regulation 42(2)), and extensions and annexes greater than 100 m² (Regulation 42(1)).

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 Cheltenham Borough Council’s Infrastructure Funding Statement (IFS) no later than the 31st December 2022.

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

IFS SUMMARY

CIL REPORT – 1st April 2021 to 31st March 2022

ADMIN (5% of All)				BOROUGH NEIGHBOURHOOD (15% of CIL Charge)				PARISH NEIGHBOURHOOD (15% - 25% of CIL Charge)					STRATEGIC INFRASTRUCTURE (Remaining % of All)			
Opening Balance held by CBC	Activity In the Reported Year		Closing Balance held by CBC	Opening Balance held by CBC	Activity In the Reported Year		Closing Balance held by CBC	Opening Balance held by CBC	Activity In the Reported Year			Closing Balance held by CBC	Opening Balance held by CBC	Activity In the Reported Year		Closing Balance held by CBC
01/04/2021	Received	Spent	31/03/2022	01/04/2021	Received	Spent	31/03/2022	01/04/2021	Received	Sent	Spent	31/03/2022	01/04/2021	REC	SPENT	31/03/2022
£9,958.79	£49,042.90	£9,958.79	£49,042.90	£28,381.45	£48,922.83	£0.00	£77,304.28	£268.63	£96,948.91	£11,089.96	£11,089.96	£86,127.58	£219,284.34	£785,943.31	£0.00	£1,005,227.65

S106 REPORT - 1st April 2021 to 31st March 2022

AGREED IN YEAR				FINANCIAL ACTIVITY IN YEAR							NON-FINANCIAL ACTIVITY IN YEAR			
Planning Reference	Site Address	Amount / Number	Description	Opening Balance held by CBC	Activity In the Reported Year				Closing Balance held by CBC	Planning Reference	Site Address	Number	Description	
				01/04/2021	Received	Spent		31/03/2022						
20/00780/FUL	Premier Products Ltd, Bouncers Lane	£2,964.00	Playspace Contribution £1,964 & Monitoring Fee £1k	£1,505,455.30 of which commuted sums for maintenance were £95,139.66		£18,237.00	£240,500.00	£24,425.95	£196.61	£1,258,569.74 of which commuted sums for maintenance were £95,139.66	12/00870/FUL and 11/00913/FUL	CBC-CBH's Right to Buy Buy-Back acquisition programme	29 dw	Affordable Housing from commuted sums
					Planning Reference	20/00780/FUL	12/00870/FUL and 11/00913/FUL	14/01928/FUL	10/01243/OUT					
					Spent / Received Date	05/05/2021	31/03/2022	01/04/2021	31/01/2022					
20/00780/FUL	Premier Products Ltd, Bouncers Lane	47 dw	On-site Affordable Housing		Site Address	Premier Products Ltd Bouncers Lane	Thirlestaine Hall Thirlestaine Road and Delancey Hospital Charlton Lane	Pittville Campus Albert Road	Land At Starvehall Farm New Barn Lane		18/01234/OUT and 19/01998/REM	Brockhampton Lane	7 dw	On-site Affordable Housing
					Notes	Playspace Contribution	Contribution towards 9 dwellings	Wayfinding Signs and infrastructure	Signage and Lighting at entrance to MUGA		20/00780/FUL	Premiere Products Ltd, Bouncers Lane	9 dw	Funded through Homes England grant funding
											19/00431/FUL	Monkscroft Villas	27 dw	Funded through Homes England grant funding
											N/A	4 Grasmere Road	1 dw	Willed to the Council as part of a residents' inheritance

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Cheltenham Borough Council

Cabinet – 20th December 2022

Cheltenham Community Infrastructure Levy – Neighbourhood Panel

Accountable member:

Cabinet Member Customer and Regulatory Services, Cllr Martin Horwood

Accountable officer:

Head of Planning, Liam Jones

Accountable scrutiny committee:

Overview & Scrutiny Committee

Ward(s) affected:

All non-parished wards

Key/Significant Decision:

No

Executive summary:

Cheltenham Borough Council charges Community Infrastructure Levy (CIL) on liable development. This secures investment to help fund infrastructure needed to support new development in its area. As set out in the report to Council on 20th June 2022, the Council needs to establish a clear CIL governance structure to oversee the council's approach to the investment of both legacy and future CIL monies.

This report relates to the **Neighbourhood** element of CIL collected on behalf of non-parished areas. It presents the governance proposed for the establishment of a Cheltenham Neighbourhood Panel to oversee and make recommendations to the Cabinet on the allocation of funds to ensure CIL serves its purpose of contributing to the delivery of the infrastructure necessary to support development in Cheltenham.

Recommendations:

1. To agree the Terms of Reference of the Cheltenham CIL Neighbourhood Panel,
 2. Delegate consultation with the relevant Group leaders in respect of the named representatives to Corporate Director and Monitoring Officer, and
 3. Delegate the operational establishment of this panel to the Head of Planning, to be in place to review the first round of expressions of interest by spring 2023.
-

1. Implications**Financial implications**

Contributions from developers are and will be held in a holding account and used to fund neighbourhood infrastructure when required. As at 31st March 2022, £77,304.28 was available for unparished areas.

Signed off by: Capital and Treasury Management Accountant, andrew.sherbourne@cheltenham.gov.uk

Legal implications

Regulation 59F of the Community Infrastructure Levy Regulations 2010 provides that where all or part of a chargeable development is in an area which is unparished, those CIL receipts that would have been otherwise passed to a Parish Council may be used by a charging authority to support the development of that part of the charging authority's area that is not within the area of a local council.

The law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent, but the national Planning Practice Guide states that in cases where the charging authority will retain the neighbourhood portion, the charging authority should engage with the communities where development has taken place using existing community consultation and engagement processes and agree with them how best to spend the neighbourhood funding.

Further that, charging authorities should set out clearly and transparently their approach to engaging with neighbourhood, with consultation at the neighbourhood level proportionate to the level of levy receipts and scale of the proposed development to which the neighbourhood funding relates.

Signed off by: One Legal, legalservices@onelegal.org.uk

HR implications

There no HR implications arising from the recommendation.

Signed off by: HR Business Partner, Publica, clare.jones@publicagroup.uk

Environmental and climate change implications

No comments relevant for this report, however the supporting Expression of Interest which tests future neighbourhood CIL projects should look to incorporate the use of the climate change impact assessment tool.

Signed off by: Climate Change Emergency Programme Officer, laura.tapping@cheltenham.gov.uk

Property/asset implications

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No comments relevant for this report, any future Expressions of Interest will need to be fully assessed for property implications should they impact on CBC land ownership.

Signed off by: Head of Finance gemma.bell@cheltenham.gov.uk

Corporate policy framework implications

The recommendations regarding the establishment of the Cheltenham Neighbourhood Panel will support the council deliver its statutory function as Local Planning Authority and the distribution of funds to local organisations will support the council deliver the priorities set out in the council's corporate plan

Signed off by: Head of communities, wellbeing & partnerships, richard.gibson@cheltenham.gov.uk

2. Promoting equality and reducing discrimination

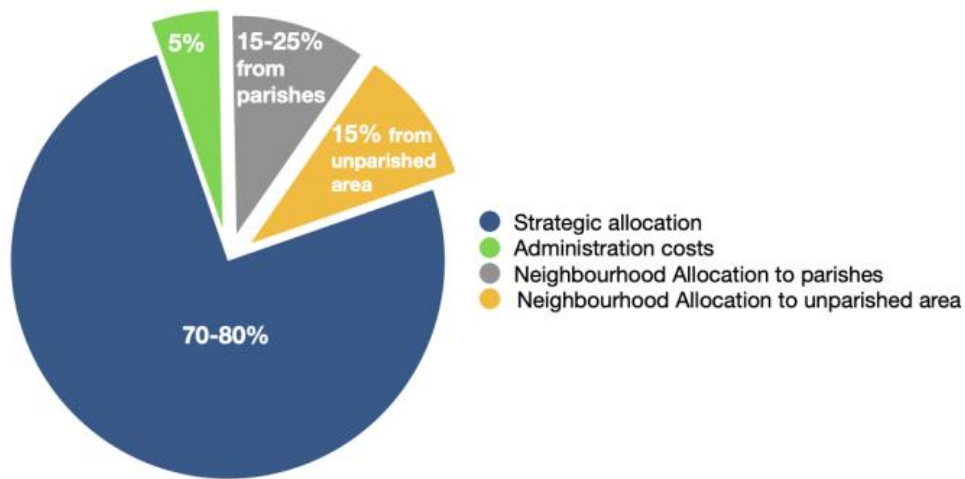
Not applicable for this report, however the Expression of Interest form that will support the recommendations of the Cheltenham CIL Neighbourhood Panel will include request for information on how the projects proposed will support equality.

3. Performance management – monitoring and review

The activities of the Cheltenham CIL Neighbourhood Panel will be reviewed by Cabinet and Overview and Scrutiny Committee.

4. Background

- 4.1. The Community Infrastructure Levy (CIL) is a charge, which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. CIL is governed by the CIL Regulations 2010 (as amended). Under these Regulations, Cheltenham Borough Council is a Community Infrastructure Levy (CIL) charging authority and approved the introduction of CIL October 2018 with the commencement of charging on planning applications granted permission on or after 1st January 2019.
- 4.2. Since 2019, the CIL pot has been slowly growing and values received reported annually via the councils statutory Infrastructure Funding Statement, submitted to government at the end of each year.
- 4.3. In line with CIL regulations, CIL is allocated along the following split.



4.4. This report relates to the Neighbourhood Allocation to non-parished areas (see map at appendix 2), as highlighted in the orange segment in the diagram above. Where funding relates to parish councils, the council transfers this direct to the relevant body. However, where there is no parish council or approved neighbourhood forum then the council retains this element to be spent on relevant neighbourhood projects.

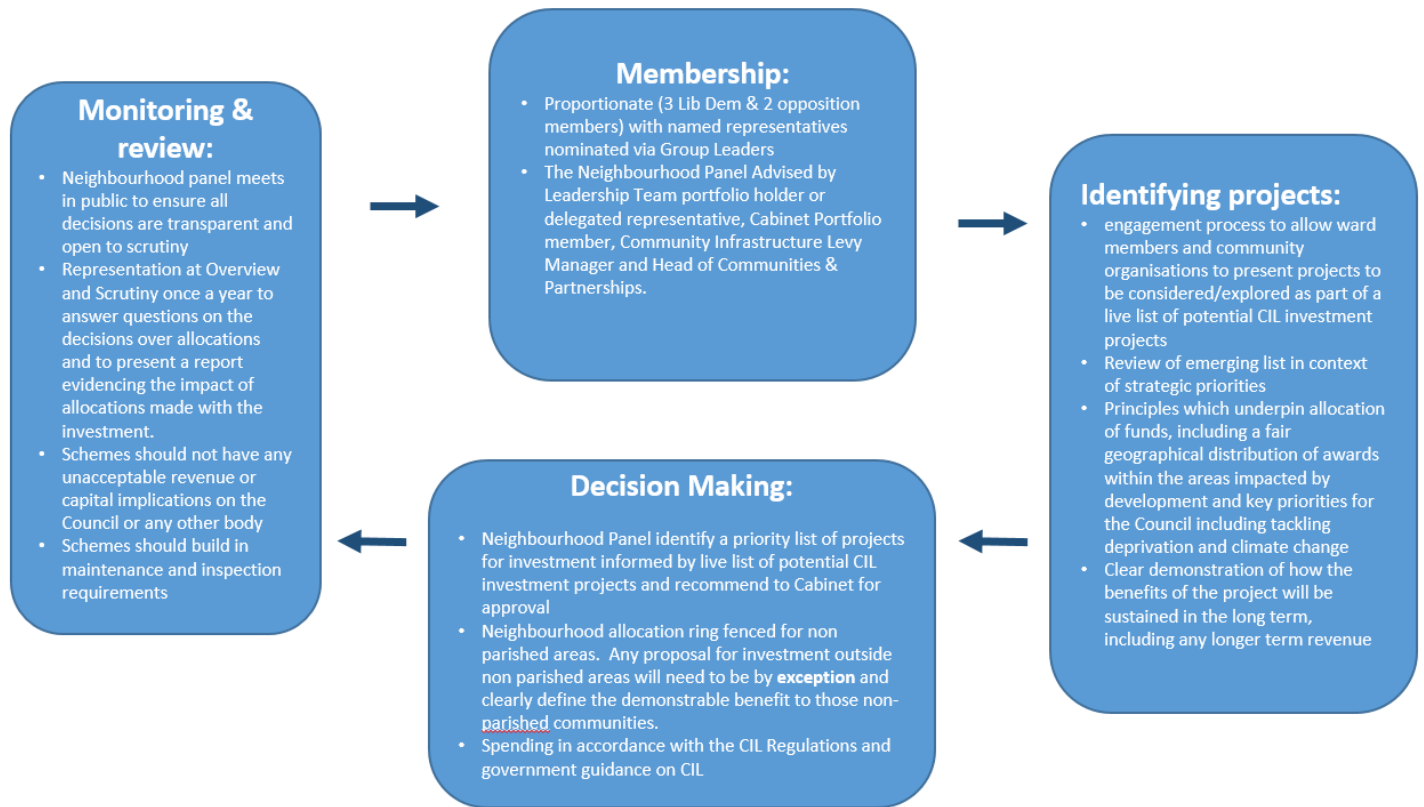
5. Governance Arrangements – The Neighbourhood Allocation

5.1. One of the purposes of CIL is to encourage communities to support development and recognise that development can bring clear and identifiable benefits to an area. The CIL Regulations provide that a proportion of CIL collected from areas may be spent to address “**the demands that development places**” on a local area. In respect of the non-parished element of the Neighbourhood Allocation, the council should seek to address the demands that development approved places on that area. This does not preclude investment from this neighbourhood allocation within a parished area, but it must be on an **exception** basis and clearly bring demonstrable benefit to the non-parished areas.

5.2. There is some flexibility on the use of the Neighbourhood Allocation, provided it supports:

- The provision, improvement, replacement, operation or maintenance of infrastructure; or
- Anything else that is concerned with addressing the demands that development places on an area

5.3. Appendix 3 provides a draft Terms of Reference for the operation of the Cheltenham CIL Neighbourhood Panel, and this is summarised in the diagram below. It is noted that membership of the Neighbourhood Panel is drawn from the non-parished area. A draft Terms of reference was included in the report to Cabinet – 5th April 2022, in which we set out the commitment to establish this governance. That draft terms of reference indicated a Panel of 7. In drafting the final Terms of Reference a Panel of 5 is proposed to enable focussed assessment of proposals with the guidance of the officer team.



6. Reasons for recommendations

6.1. Cabinet is being asked to agree the Terms of Reference to enable the set up and operation of the Cheltenham CIL Neighbourhood Panel. This will enable engagement with relevant wards members and wider communities and support the preparation of prioritisation of projects for future consideration for funding allocation by Cabinet.

7. Alternative options considered

7.1. None. The CIL regulations clearly set out the mechanisms for how CIL monies can be spent. Best practice from other CIL charging authorities demonstrate the value of engaging with the local communities affected identifying projects in partnership.

8. Consultation and feedback

- 8.1. Engagement undertaken with:
- Cabinet portfolio member
 - Group leaders
 - Leadership Team
 - Specialist officers

9. Key risks

9.1. See Appendix 1.

Report author:

Tracey Birkinshaw, Director of Communities & Economic Development

Appendices:

1. Risk Assessment
2. Map of non-parished areas
3. Draft terms of reference of Cheltenham CIL Neighbourhood Panel

Background information:

1. Cabinet – 21st December 2021 Infrastructure Funding Statement (IFS) Requirements
https://democracy.cheltenham.gov.uk/documents/s38868/2021_12_21_Infrastructure%20Funding%20Statement%20IFS%20Requirements_report.pdf
2. Cabinet – 5th April 2022 Community Infrastructure Levy Governance & Section 106 engagement
https://democracy.cheltenham.gov.uk/documents/s39870/2022_04_05_CIL%20governance%20and%20s106%20engagement_report.pdf
3. Council 20th June 2022 Community Infrastructure Levy Governance & Section 106 engagement
https://democracy.cheltenham.gov.uk/documents/s40680/2022_06_22_CIL%20governance%20and%20s106%20engagement_COUNCIL%20report.pdf

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If Neighbourhood Panel is not set up then CIL monies allocated to non-parished areas will not be spent in a timely manner	CIL Manager	2	2	4	Reduce	<ul style="list-style-type: none"> Set up project in Clearview Report to Cabinet to agree governance and CIL Neighbourhood panel in place. 	Head of Planning	5/12/22 20/12/22 01/04/23

Appendix 2 – Map of Cheltenham unparished areas

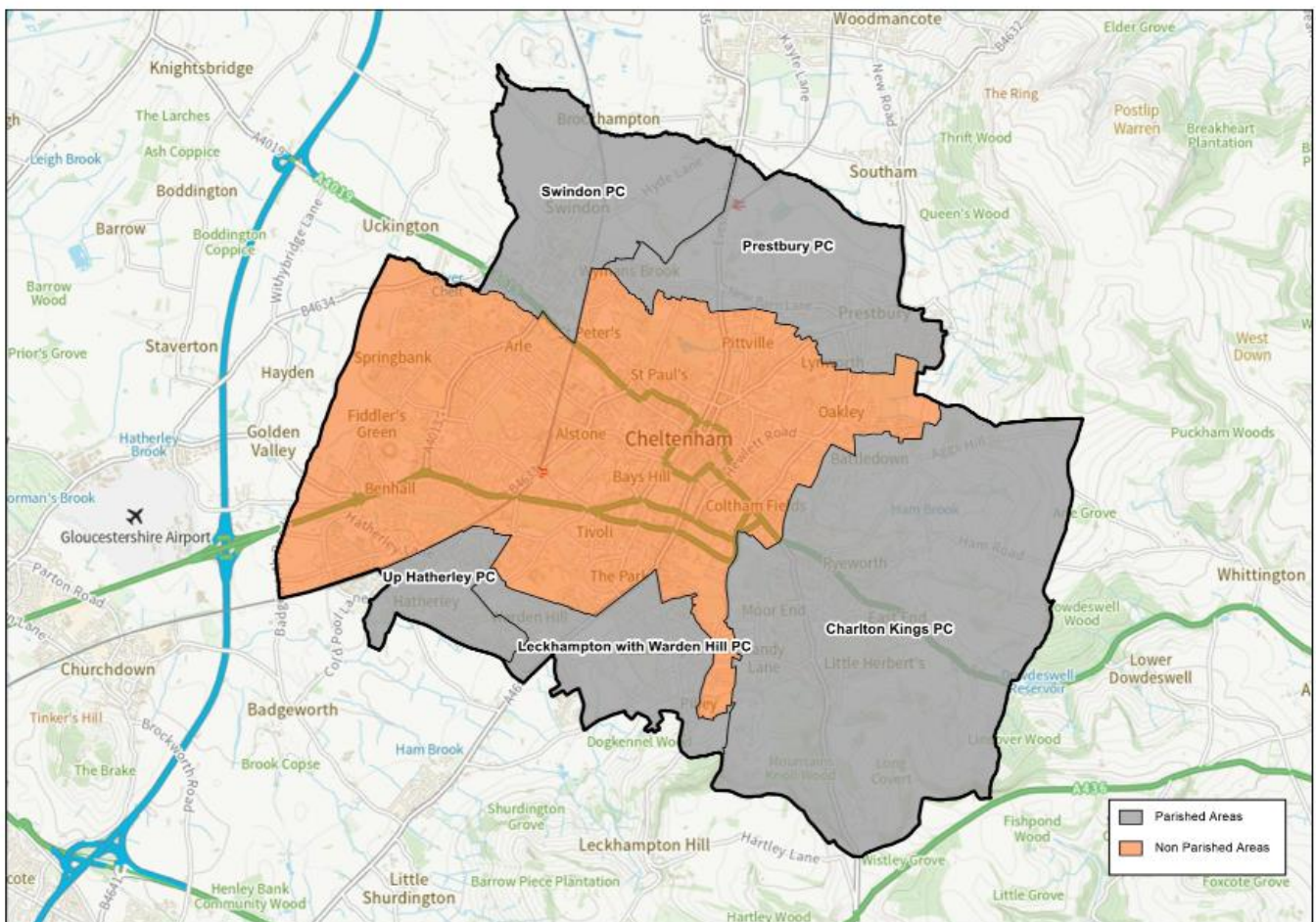
The map below shows the extent of the non-parished areas of Cheltenham

The following 9 wards are **wholly** non parished

- All Saints
- Benhall and Reddings
- College
- St Marks
- Hesters Way
- Lansdown
- Springbank
- St Pauls
- St Peters

The following 6 wards are **partly** non-parished

- Charlton Park,
- Battledown,
- Oakley, Park,
- Pittville,
- Swindon Village
- Warden Hill



Appendix 3 – Draft Terms of Reference: Cheltenham CIL Neighbourhood Panel

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Cheltenham Community Infrastructure Levy (CIL) Neighbourhood Panel

DRAFT Terms of Reference

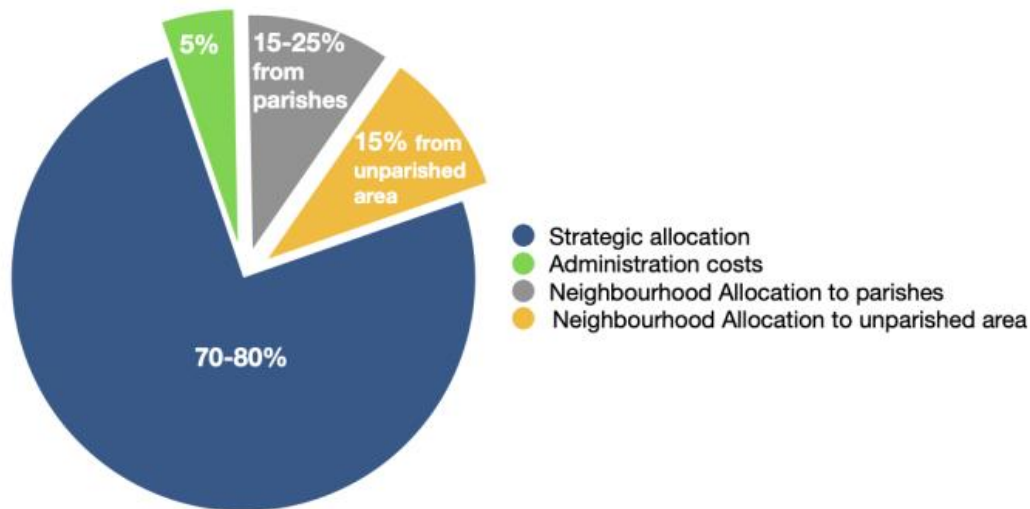
Version	Circulation	Date
1	First draft	15/11/22
1	Review by Cabinet Portfolio member/Onelegal	21/11/22
1	Shared with Leadership Team/circulated to report sign offs	21/11/22
2	V2 incorporating comments to date shared with MH	24/11/22
3	V3 shared with Cabinet Portfolio member/Onelegal	5/12/22
4	Final draft V5	6/12/22

1. Introduction

Cheltenham Borough Council is a CIL charging authority and approved the introduction of CIL October 2018 with the commencement of charging on planning applications granted permission on or after 1st January 2019.

Since 2019 the CIL pot has been slowly growing and values received reported annually via the council's statutory Infrastructure Funding Statement, submitted to government.

In line with CIL regulations, CIL is allocated according to national regulations along the following split.



These terms of reference relate to the allocation guided by Regulation 59F Neighbourhood Fund for non-parished areas for the Cheltenham CIL Neighbourhood Panel and relate only to the operation of that group. The purpose of the group is to serve as a forum that makes recommendations on the allocation to Cabinet to support the formal decision making process in line with the constitution. It is not a decision making body.

2. Composition and purpose

Membership	<p>Chair: Agreed from membership of the Cheltenham CIL Neighbourhood Panel</p> <p>Membership: will be proportionate from the non parished area (3 Liberal Democrats & 2 opposition members) with named</p>
-------------------	--

	<p>representatives nominated via Group Leaders, facilitated by Corporate Director and monitoring Officer.</p> <p>The Cheltenham CIL Neighbourhood Panel Advised by Leadership Team portfolio holder or delegated representative, Cabinet Portfolio member, Community Infrastructure Levy Manager and Head of Communities & Partnerships.</p>
<p>Developing neighbourhood CIL projects for investment</p>	<ul style="list-style-type: none"> • Consultation and engagement process to allow ward members and community organisations to present projects to be considered/explored as part of a live list of potential CIL investment projects submitted via Expression of Interest exercise undertaken annually • CBC officer team to contribute to identification of projects to be considered/explored as part of a live list of potential Neighbourhood CIL investment projects • Principles which underpin allocation of funds, including a fair geographical distribution of awards within the areas impacted by development and key priorities for the Council including tackling deprivation and climate change • Clear demonstration of how the benefits of the project will be sustained in the long term, including any longer term revenue implications.
<p>Operation and decision making</p>	<ul style="list-style-type: none"> • The Cheltenham CIL Neighbourhood Panel will have no delegated authority to make any decisions or commitments. Its responsibilities will be to identify a priority list of projects for investment informed by a live list of potential CIL investment projects and recommend to Cabinet for approval. • Neighbourhood allocation ring fenced for non-parished areas. Any proposal for investment outside non-parished areas will need to be on an exceptional basis and clearly define the demonstrable benefit to those non-parished communities. • The default position will be for the Cheltenham CIL Neighbourhood Panel to advertise 2 funding rounds per annum, but the Panel may choose to defer calls for Expressions of Interest and recommendations to Cabinet dependent on priorities and Neighbourhood CIL allocation funds available. • Recommendation for spending will be in accordance with the CIL Regulations and government guidance on CIL. • Meeting frequency will be linked to the number of Expressions of Interest received and level of the Neighbourhood funding allocation. Meetings will be arranged to enable effective recommendations to be presented to Cabinet. Meetings will be convened to: <ul style="list-style-type: none"> ○ Review Expressions of Interest submitted and update the priority list of projects for investment ○ Prepare recommendations to Cabinet ○ Ensure members receive appropriate training in relation to any changes in CIL regulations
<p>Monitoring and scrutiny</p>	<ul style="list-style-type: none"> • Neighbourhood panel meets in public to ensure all decisions are transparent and open to scrutiny • Cabinet Member Customer and Regulatory Services attends

	<p>Overview and Scrutiny once a year to answer questions on the decisions over allocations and to present a report evidencing the impact of allocations made with the investment.</p> <ul style="list-style-type: none">• Schemes should not have any unacceptable revenue or capital implications on the Council or any other body
--	---

3. Outcomes

The Cheltenham CIL Neighbourhood Panel will:

- Review all completed expressions of interest
- Develop a live list of potential Neighbourhood CIL investment projects
- Prioritise the live list of potential CIL investment projects against the impacts arising from development and the wider priorities of the Council to develop a priority list of projects for investment
- Make a clear recommendation to Cabinet for decision making
- Keep training on CIL up to date.

Appendix 1: Map of non-parished areas

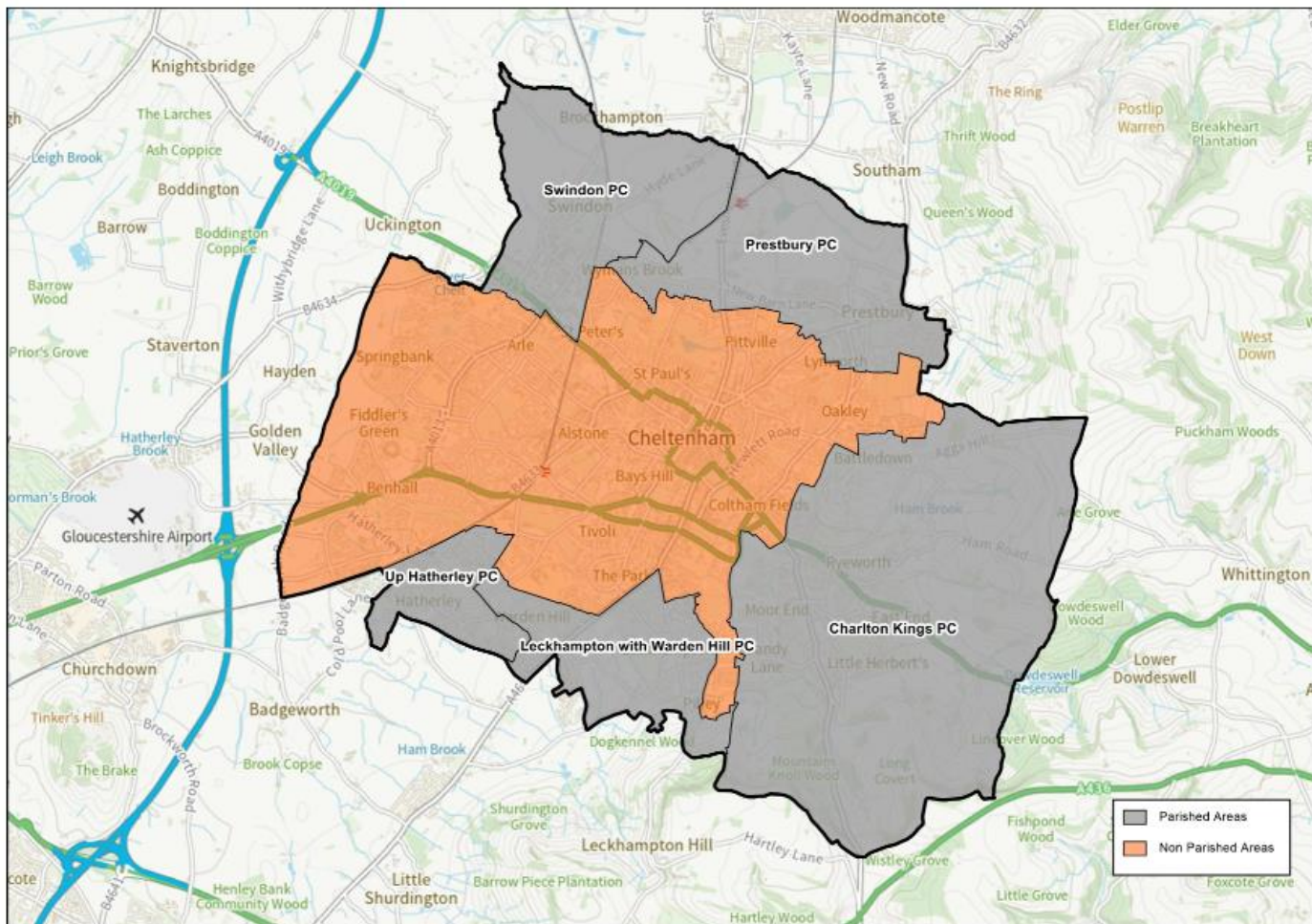
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- St Peters

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- Battledown,
- Oakley, Park,
- Pittville,
- Swindon Village
- Warden Hill



Cheltenham Borough Council**Cabinet – 20th December 2022****Construction & Lease of Storage Unit at Burrows Playing Field**

Accountable member:

Councillor Peter Jeffries, Deputy Leader of the Council and Cabinet Member Finance, Assets and Regeneration

Accountable officer:

Gemma Bell, Director of Finance & Assets (Deputy Section 151 Officer)

Accountable scrutiny committee:

n/a

Ward(s) affected:

Leckhampton

Key/Significant Decision:

No

Executive summary:

In February 2022, Leckhampton Rovers Football Club (the Club), were granted a lease of Burrows Pavilion, a Licence to use the playing pitches at Burrows Playing Field and entered in to a Service Agreement with the Council for the ongoing maintenance of the pitches. In order to fulfil the terms of the Service Agreement, a number of large mowers and ancillary equipment is required. The equipment is large, expensive and require appropriate storage so as not to deteriorate, attract vandalism or be a risk to other users of the park.

The Club have obtained planning permission for an external storage unit which will house the maintenance equipment along with other heavy duty training equipment and have begun fundraising to meet the construction costs. Following advice and discussion, it was decided that a CBC recommended procurement route for the delivery of the unit should be used. An Invitation to Tender has been prepared and published. Permission is sought to award a contract to the successful party of the ITT, subject to sufficient funding and Cabinet approval.

On completion, the Club would be granted a further lease to occupy the unit which would run alongside their other agreements. Burrows Playing Field is Public Open Space, and since 2014 has also been protected by an Agreement between the Council and Fields in Trust. In order to grant a new lease, consent pursuant to subject to S.123 (2) (A) of the Local Government Act 1972 must be obtained which requires the proposals to be advertised for 2 consecutive weeks in the Public Notices section of a local

newspaper.

The unit is purpose built for the club in order to support their obligations under the service contract. The invitation to tender will determine what finances are needed for its construction and therefore any shortfall in funding already achieved. A caveat attached to the ITT states that a contract will not be awarded until such time as appropriate levels of funding have been secured. The reasons for obtaining consent at this stage are that the cost of works will likely exceed the small works threshold and to subsequently prevent any unnecessary delays in awarding the contract, once the required level has been reached.

This report is prepared in order to support the recommendations as follows:

Recommendations:

- 1. To award a contract to the preferred bidder of the Invitation to Tender, using the recommended CBC Procurement route – subject to adequate funding being in place to cover all costs associated with the build;**
- 2. To authorise the placing of a Public Notice pursuant of Section 123(2A) of the Local Government Act 1972 in respect of the granting of a new lease of the completed unit;**
- 3. Should no objections or representations be received in response to the advertisement, to authorise the Head of Property to prepare and grant a new lease of the storage unit to Leckhampton Rovers Football Club for a peppercorn rent, to run co-terminously with their existing lease and licence.**

1. Implications

1.1. Financial implications

The latest budget monitoring report highlights a pressure of £2.8m on the general fund budget in 2022/23 which further supports the basis for commercial strategies and maximising the financial benefit our assets and services are delivering for the town.

By entering into the service agreement, the club take responsibility for the maintenance of the open space (this was previously the responsibility of the green spaces team) this reduces the burden on that revenue budget and frees up resource whilst also providing facilities for residents and visitors to the park.

Signed off by: Andrew Taylor, Finance Business Partner, andrew.taylor@cheltenham.gov.uk

1.2. Legal implications

Under Section 123 of the Local Government Act 1972, the Authority has an obligation to secure best consideration reasonably obtainable when disposing of a property by way of a lease for more than 7 years. This obligation can be waived with the consent of the Secretary of State, who has given a General Consent to such disposals where, in the reasonable opinion of the Local Authority, this disposal is for social, economic or environmental benefit of the inhabitants of the Authority's area or any of them.

Section 123 (2A) also provides that before disposal of public open space by way of lease, the

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Authority must first advertise such proposed disposal in a local newspaper for 2 consecutive weeks, and consider any objections.

The Council's Constitution requires that the decision to dispose of public open space (including leasehold disposals) rests with Cabinet.

To that end, the recommendations have been made to satisfy the following criteria:

- Delegate to the Director of Finance & Assets, in consultation with the Deputy Leader and Cabinet Member for Finance & Assets, the marketing and disposal of the property represents best consideration and upon such other terms as are deemed appropriate or desirable to protect the council's interests; and
- To enter into such documents as the Director of One Legal deems necessary or desirable to reflect the terms negotiated by the Director of Finance & Assets.

The land is protected by way of the Deed of Dedication dated 3rd March 2014 made between (1) Cheltenham Borough Council and (2) National Playing Fields Association (now Fields in Trust). This means that consent is required from Fields in Trust to any disposal of the land and any change of use from playing fields. Consent has been obtained from Fields in Trust to the proposed lease and placement of the container. There is a restriction on the freehold title that requires a certificate from Fields in Trust that the provisions of clause 4 of the above agreement have been complied with before the lease can be registered at the Land Registry. This will need to be obtained upon completion of the lease, but should not be problematic given that the relevant consent has been obtained.

Once the Tender evaluations have been carried out by the Council's Evaluation team, the Council will be better placed to assess the financing of any construction contract that may be entered into. The Council should not commit itself to any legally binding contract until it is in funds.

The form of construction contract and associated documents are already included as part of the Tender process in a form put together by construction consultants, based on Council instructions and on terms and conditions approved by One Legal

One Legal will carry out the process for the entering into the formal construction contract with the approved Tenderer if it is instructed to do so.

Signed off by: One Legal, legalservices@onelegal.org

1.3. HR implications

None arising from the report recommendations

1.4. Environmental and climate change implications

The Council has declared a Climate Emergency and is committed to becoming net zero by 2030.

As such, any alterations or construction must be made in consideration of their environmental impact and the Council will provide guidance and support where necessary to achieve this.

Signed off by: Laura Tapping, Climate Emergency Programme Officer,

laura.tapping@cheltenham.gov.uk

1.5. Property/asset implications

The latest budget monitoring report highlights a pressure of £2.4m on the general fund budget in 2022/23 which further supports the principals in the asset management strategy to maximise the financial benefit our assets are delivering for the town. The tender of the contract and subsequent lease of the land for the storage building to Leckhampton Rovers is deemed to be the mechanism in which the Council can generate maximum benefit from the asset, in line with the approved asset challenge process.

Signed off by: Gemma Bell, Director of Finance and Assets (Deputy Section 151 Officer),

gemma.bell@cheltenham.gov.uk

1.6. Corporate policy framework implications

In granting a new lease to facilitate the Service Agreement the Council are demonstrating that they are adopting an agile approach to asset management which forms part of a wider objective to address the funding gap faced by the Council in the wake of Covid-19.

Signed off by: Richard Gibson, Head of Communities, Wellbeing & Partnerships,

richard.gibson@cheltenham.gov.uk

2. Performance management – monitoring and review

- 2.1. The contract will be awarded following a successful tender process, caveated by appropriate levels of funding being in place to cover the project and all necessary consents being obtained. The successful applicant must have demonstrated that they meet the requirements both financially and in terms of sustainability to deliver the project.
- 2.2. The lease will be drafted in such a manner that allows for the Council, as landlord, to check that the tenant is meeting the terms and conditions of both the lease and the Service Agreement, and will rely on the usual remedies in law to ensure that these are complied with.

3. Background

- 3.1. Leckhampton Rovers Football Club was formed in 1996 to provide football facilities to children in the local area. As demand for youth football escalated, the club grew considerably and today hosts 26 youth teams in the Cheltenham Youth League, with over 500 players registered.
- 3.2. The Club is a registered as a charitable incorporated organisation with the Charities Commission, registration number 1182944
- 3.3. Burrows Pavilion was identified as a potential home for the expanding club however existing facilities at the site were inadequate for the many types of football being offered. In order to support the ambitions of the Club, improve the long term viability of the site and meet the

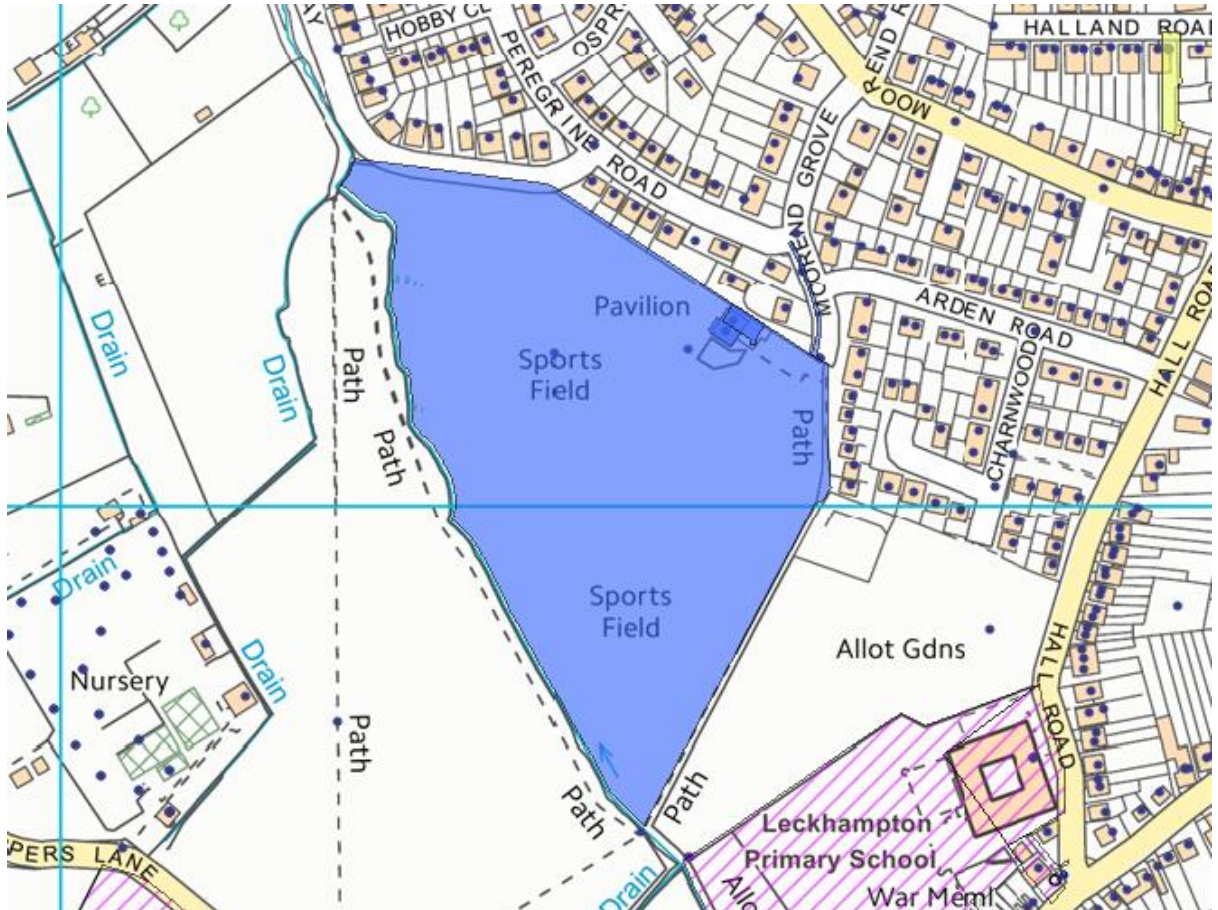
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needs of the wider community, an extensive refurbishment of the Burrows Pavilion was undertaken by CBC and the Club using S106 receipts and funding from the Football Foundation which the Club were instrumental in securing.

- 3.4. On completion of the works, in February 2022, CBC granted a lease 21 year lease to Leckhampton Rovers FC (the Club), giving them occupation of the newly refurbished pavilion at Burrows playing field.
- 3.5. In addition to the lease, the Council also granted a licence for use of a playing field, and the club further entered in to a Service Agreement which contractually bound them into the maintenance and upkeep of the pitches
- 3.6. As part of the initial project, the surrounding playing fields were also assessed by the Institute of Groundsman who provided a full works specification to level the site and provide improved playing areas for football, cricket and wider recreational use. The works recommended are being undertaken in 2 phases, over a period of 2 years and includes:
 - Clearance and preparation of the site
 - Topsoil strip
 - Installation of appropriate drainage
 - Topsoil replacement
 - Seeding and growing new grass coverage
 - Remarking of playing pitches
- 3.7. The Club also entered into a Service agreement which contracts them to the ongoing maintenance of the pitches.
- 3.8. To allow them to fulfil the obligations of the Service Agreement, a number of mowers are required on site to maintain the pitches. The mowers are large and expensive and require appropriate storage so as not to deteriorate, attract vandalism or be a risk to other users of the park. Having access to equipment on site will be cost effective for the club and allow for regular maintenance without the need to bring additional machinery to site which would be onerous and potentially problematic, reliant on external bookings, availability, and having additional costs.
- 3.9. In February 2022, the Club were granted planning permission (21/02675/FUL), to build the proposed storage unit on site.
- 3.10. The dimensions of the unit are (m): H- 2965, W 8.500 D 5.500 and it is located between an area of trees, outside of the playing pitch run-off area behind an existing footpath. The Club is considering a modest variation to the size of the unit and are in consultation with Planning about this.
- 3.11. Objections were raised at the time of the application concerning the height of the unit. These have been addressed and resolved.
- 3.12. The location of the storage unit is shown edged red on the plan below.



3.13. The Council's ownership is as shown in blue on the plan below:



- 3.14. As the land the proposed unit is to be built on is in Council ownership, after consultation with One Legal it was determined that CBC were best placed to procure and deliver the storage unit, with post-occupancy arrangements put in place on completion. The refurbishment of the pavilion had followed this delivery method with a successful outcome.
- 3.15. To meet the costs, fundraising for the project has commenced and currently stands at £57,000 which includes a CBC contribution of £25,000
- 3.16. Until such time as a Tender is completed, the exact levels of funding required cannot be confirmed. With approval from CBC's Procurement team, an Invitation to Tender has been published for the project, with the explicit statement that a contract for the works will only be awarded subject to the following:
- That adequate funding to cover the costs of the project is in place (NB this will be confirmed by the outcome of the Invitation to Tender)
 - That all necessary consents from CBC, to include Cabinet approval, are obtained prior to the contract being awarded.
- 3.17. To date, the Club has already covered the cost of professional services required to develop the specification of works and have further committed to a funding contribution if required (value to be determined).
- 3.18. The playing fields form part of the Council's Open Space. Any decision to grant a disposal (lease) thereof must first be advertised for 2 consecutive weeks as a 'Disposal of Open Space' pursuant to Section 123(2)(A) of the Local Government Act 1972 in the Public Notices section of a local newspaper. All comments or representations are received in response to the Notice are to be considered and, where necessary, addressed or resolved, before any final decision is made.

4. Reasons for recommendations

- 4.1. After consultation with Procurement and Legal, it has been determined that CBC are best placed to deliver the storage agreement by way of a Design and Build contract;
- 4.2. The storage unit is required in order for the Club to fulfil the obligations of the Service Agreement they have entered into with the Council;
- 4.3. A peppercorn rent is deemed appropriate as there is no commercial element and therefore a market rent is not achievable;
- 4.4. Advertising pursuant to Section 123 (2)(A) is a legal obligation

5. Alternative options considered

- 5.1. It was considered for the Club to procure the works contractor however the burden that would be placed on the Club to fulfil all legal, procurement and quality requirements of the Council as landowner, plus the level of input and oversight of the arrangements by Council officers to manage these requirements were deemed too onerous for both parties.
- 5.2. Should the decision be taken not to pursue the recommendations, the Council would be required to take on the operating, maintenance, repairing obligations and on-going liability of the pitches which would place additional pressures on finance and resources, possibly leading

to the potential closure of the facilities unless a suitable alternative tenant, of sufficient covenant strength could be found.

6. Consultation and feedback

- 6.1. Adam Reynolds – Green Space Manager – consulted regarding the size and location of the storage unit and provided advice regarding maintenance requirements for the pitches. Supportive of the proposed unit for the purposes stated.
- 6.2. One Legal consulted on the procurement route and post occupancy arrangements.
- 6.3. Fields in Trust – permission sought and granted for proposed unit for the purposes stated.
- 6.4. CBC Planning – planning permission granted for proposed unit.

7. Key risks

7.1. The key risks can be summarised as follows:

- That the Club are unable to comply with the maintenance requirements of the Service Agreement and are subsequently in breach of their lease;
- That appropriate levels of funding are not secured meaning the responsibility and costs of pitch maintenance would revert to the Council until such time as an alternative delivery method can be established and procured;
- That the club is unable to provide the services to the public.

To mitigate these, the contract will not be awarded until such time as the required funding levels are in place and Procurement have completed their necessary evaluations.

Further risks to be considered are:

- Reputational damage to the Council if the services and facilities were no longer provided or deteriorate to a poor standard;
- At the end of the lease, the property may not be returned to the Council in an appropriate condition.

Report author:

Claire Pockett, Surveyor, Property & Asset Management

claire.pockett@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Planning Decision Notice

Background information:

N/A

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	The tenant's operations as a football club may fail meaning they are unable to continue in occupation at the site, meet their rent commitments of the obligations of the service contract	Claire Pockett	3	2	9	Accept the risk	The lease of the storage unit is granted subject to the usual remedies in law to ensure the terms are complied with.	Claire Pockett	Ongoing
	The costs of the design and build project escalate beyond those of the tender due to unforeseen circumstances	Claire Pockett	4	2	5	Accept the risk	The Council will be awarding a contract, protected by the usual procurement protocols and a reliance on the usual remedies in law.	Claire Pockett	Ongoing

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CHELTENHAM

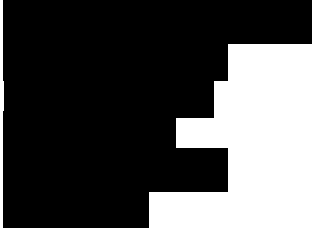
BOROUGH COUNCIL

Cheltenham Borough Council
c/o Leckhampton Rovers Football Club

APPLICATION NO: 21/02675/FUL

DATE REGISTERED: 2nd December 2021

DECISION DATE: 18th February 2022



PERMISSION FOR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In pursuance of its powers under the above mentioned Act and Order Cheltenham Borough Council, as the Local Planning Authority, hereby **PERMITS** the following development:-

Proposed storage unit

AT: Burrows Field Moorend Grove Cheltenham

in accordance with the conditions and Schedule 1 specified hereunder:-

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 4 Prior to the first use of the development a water butt shall be provided into which the roof is drained. This shall have a tap and a piped link to a new soakaway at least 5m away from the base with dimensions of 1 cubic metre.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

SCHEDULE 1

This decision relates to the following plans:

Approved Plans

Reference	Type	Received	Notes
02675.01.	Drawing	1st December 2021	
2454-001 B.	Revised OS Extract	8th February 2022	
2454-101 C.	Rev Drawing	8th February 2022	
2454-102 C.	Rev Drawing	8th February 2022	

This decision notice should be read in accordance with the Planning Officer's Report which details the material considerations relevant to the proposal and the reasons for the decision made. You can read a copy of this report online at www.cheltenham.gov.uk/publicaccess or in the Municipal Offices Promenade Cheltenham GL50 9SA (please contact Built Environment Reception to arrange this. Tel: 01242 264328)

A person who intends to carry out the development to which this planning permission relates is requested to give a minimum of 7 days notice to the planning authority as to the date on which it is proposed to initiate the development, and, in any event, before commencing the development. You are advised to contact the Compliance Officer at Built Environment 01242 264118.

Cheltenham Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is important that you ensure that the requirements of the CIL Regulations are met (including notification requirements and those that need to be met prior to commencement of development and/or following completion of development) to ensure that you avoid any unnecessary surcharges and that any relevant relief, exemption or instalment policy is applied. Further information regarding CIL can be found on our website at https://www.cheltenham.gov.uk/planning_and_development or you can contact us at cil@cheltenham.gov.uk.

Before starting work on site it is your responsibility to ascertain the position of any services such as sewers and drains, gas pipes, electricity lines, or water mains which may be affected by the works.

Important Information following your Planning Permission or Planning Permission Enquiry

Please note: most building works will require inspection by Building Control. For further information on Building Regulations and whether you will be required to make an application, please refer to our web site www.cheltenham.gov.uk/buildingcontrol or telephone 01242 264321.

Head of Planning

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.



CHELTENHAM BOROUGH COUNCIL

COMMENCEMENT OF PLANNING PERMISSION NOTICE

IMPORTANT INFORMATION - KEEP THIS WITH YOUR DECISION NOTICE

Reminder: You will still need to separately inform building control when you intend to start works, details can be found on our website at www.cheltenham.gov.uk/buildingcontrol.

Please read carefully the planning permission decision notice and ensure that you understand and comply with the requirements of any conditions. **Planning permission is granted subject to compliance with the conditions on your decision notice and the development is carried out in accordance with the approved drawing(s) and documents.**

It is your responsibility to comply. Failure to comply with the requirements of a condition or the commencing of works without discharging prior to commencement conditions could mean that the work you carry out is unauthorised and you will be at risk of enforcement action. We carry out a programme of site monitoring to check compliance and this notice is to proactively manage the development and to avoid any difficulty in the future. Further information, forms and fees can be found at www.cheltenham.gov.uk/planning and following the links for planning compliance and enforcement.

If you do not understand any of these requirements or require clarification please contact the planning department quoting the reference number 21/02675/FUL at the address below, by email planning@cheltenham.gov.uk or through our website www.cheltenham.gov.uk/planning.

Please ensure that you give yourself time to meet the requirements of any conditions, a discharge of conditions application could take up to 8 weeks. Please also be aware there is a charge to discharge conditions per request/submission.

Please complete the following and return it to the compliance officer at the address below or by email to planningcompliance@cheltenham.gov.uk. Application forms and further information can be found on our website at www.cheltenham.gov.uk/planning following the links for planning compliance and enforcement.

Development Details

Planning application ref: 21/02675/FUL
Proposal: Proposed storage unit
Site Location: Burrows Field Moorend Grove Cheltenham

Date when work is intended to start:

Your contact details (or attach letterhead/business card):

Name:
Address:
.....
.....
Telephone: **Mobile:**
Email:

Cheltenham Borough Council

Cabinet – 20 December 2022

Household Recycling Centre – Service Changes

Accountable member:

Cabinet Member for Waste, Recycling and Street Services - Councillor Iain Dobie

Accountable officer:

Environmental Partnerships Manager – Karen Watson

Accountable scrutiny committee:

Overview and Scrutiny Committee

Ward(s) affected:

All wards in the Borough

Key Decision:

Yes – a climate change assessment and an environmental impact assessment have been completed and are attached to this report.

Executive summary:

The provision of Household Recycling Centres (HRCs) is a statutory requirement for Gloucestershire County Council (GCC) under the Environment Protection Act (1990). GCC provide five HRCs across the County with the site at Wingmoor Farm located in Bishop's Cleeve the closest to Cheltenham borough. While Cheltenham Borough Council has no statutory requirement to provide an HRC, the Council continues to entirely fund the operation of the HRC at Swindon Road for the sole use of Cheltenham residents. CBC is the only District Council in Gloucestershire, and may be alone nationally in providing a discretionary and high-quality HRC, thereby enhancing the offer for Cheltenham residents who have the choice of using any of the sites provided by GCC as well CBC's service at Swindon Road. As such the site at Swindon Road supports the Council's corporate priorities relating to the environment by encouraging residents to recycle and reduce waste.

Following the pandemic much has changed for residents and the Council, including Brexit and the cost of living crisis which is impacting everyone alike. Given the reduction in site usage and the increasing budget pressures facing the Council it is now appropriate to review the household recycling centre and its post pandemic usage along with the cost of providing the service for the Council and local taxpayers.

The results from previous public consultation exercises and site usage data have been used to inform this report which recommends a reduction in site opening hours to deliver the financial savings required.

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Proposed changes to the opening hours, including a Wednesday closure, will reduce energy consumption and therefore energy costs to support the climate emergency and budget pressures at the same time. It is estimated that the changes to opening hours will reduce net operating costs by approximately £35,000 per year.

Exploring the introduction of a wider range of recycling opportunities at the recycling centre will support our ambition to reduce the amount of residual waste disposed of at the site and provide opportunities, with our partners, to promote behaviour change around waste reduction and re-use as well as recycling.

Recommendations:

1. To approve the opening times of the household recycling centre set out below to better reflect post pandemic site usage with effect from 1 February 2023 with no summer or wintertime variations:

Monday – 8.30am – 4pm

Tuesday – 8.30am – 4pm

Wednesday – CLOSED in line with Gloucestershire County Council sites

Thursday – 8.30am – 4pm

Friday – 8.30am – 4pm

Saturday – 8.30am – 3pm

Sunday – 9am to 12 noon

2. Delegated authority be given to the Director - Place and Communities, in consultation with the cabinet member, waste, recycling and street services, to:

(a) take all necessary steps to implement recommendation 1, these measures may include the introduction of a booking system for HRC users,

(b) implement initiatives to maximise waste reduction, re-use and recycling opportunities for residents in Cheltenham to support its climate emergency priority.

1. Implications

1.1. Financial implications

Based on site usage figures and an assumption that 33% of site users for those hours the site will be closed in future dispose of their waste and recycling elsewhere, it is estimated that a £35,000 saving can be achieved from 1 April 2023 subject to income levels and any HR costs as a result of the changes. There is a risk that if waste and recycling moves to the kerbside that exceeds existing capacity this may necessitate the purchase of additional vehicles and crews however this is considered a low risk with such a small reduction in opening hours.

Signed off by: Jon Whitlock, Finance Business Partner, jon.whitlock@cheltenham.gov.uk

1.2. Legal implications

Where the implementation of the Recommendations results in variations to the current contractual arrangements, advice from Procurement and One Legal should be taken at the earliest opportunity as The Public Contracts Regulations 2015 contain limited provisions to

enable contracts to be varied during their term.

As a Waste Collection Authority, the Authority can provide, in addition to those sites provided by the Waste Disposal Authority, places where residents may deposit their household waste. There is no statutory service requirement for this Authority in relation to the opening hours of the site. The site at Swindon Road is however a well-established site and service. Any decision to change the service should only be taken after any necessary and proportionate consultation and 'due-regard' to any Public Sector Equalities Duties under the Equalities Act 2010.

Signed off by: One Legal – legal.services@onelegal.org.uk

1.3. HR implications

Staffing levels at the household recycling centre will be reduced in line with the reduction in opening hours and the Council's service provider, Ubico, will be required to comply with the necessary staff consultation, process and procedure with the support of HR and this may have an impact on any financial savings. Ubico will seek to redeploy staff where possible.

Signed off by: Clare Jones, HR Business Partner, clare.jones@publicagroup.uk

1.4. Environmental and climate change implications

Provision of the site supports our climate emergency goals and provides opportunities to promote and support residents with waste reduction initiatives as well as re-use working with our partners.

Cheltenham provides an excellent kerbside waste and recycling service which enables residents to recycle conveniently at home without travelling anywhere. Changes to opening hours is unlikely to reduce overall quantities of waste, but if these changes are combined with increased re-use and recycling activities and a widening of the range of recyclable materials at the site, there may be a slight overall reduction in waste volumes.

These increased activities will move us towards a more circular economy and help to reduce the need for new items to be produced and therefore reduce overall greenhouse gas emissions. Furthermore, any awareness raising campaigns on this topic may encourage more sustainable packaging to be purchased or certainly recycled where it can.

A reduction in opening hours will reduce the amount of energy required to light the site and to operate machinery, and the reduced lighting during non-daylight hours will lessen impact on nocturnal wildlife.

Signed off by:

Laura Tapping, Climate Emergency Programme Officer, laura.tapping@cheltenham.gov.uk

1.5. Property/asset implications

There are no property or asset implications associated with a reduction in opening hours other than a reduction in energy consumption forecast.

Signed off by: Peter Woodley, Senior Estates Surveyor, peter.woodley@cheltenham.gov.uk

1.6. Corporate policy framework implications

The recommendations as set out in the report, whilst seeing an overall reduction in the hours that the Household Recycling Centre is open, will ensure the centre remains open at times that are most convenient for local residents based on post-pandemic usage patterns whilst also delivering a financial saving estimated at £35,000 per year.

Signed off by: Richard Gibson, Head of communities, wellbeing and partnerships, richard.gibson@cheltenham.gov.uk

2. Promoting equality and reducing discrimination

An equality impact assessment has been carried out and is attached to this report. There will be no change to how residents physically access and use the site once there so residents will not be negatively impacted by the changes in this way however the number of hours the site is open and available for use will change impacting when the site can be accessed. There is no evidence available to measure what impact this may have.

The reduced opening hours during the week, including a Wednesday closure, may impact residents who work Monday to Friday, however the site is open all day Saturday and Sunday mornings. Residents who do not have flexible start and finish times may not be able to adjust the times they visit the site during the week and the report assumes that it is possible up to 33% of those who use the site currently before 9am or after 4pm and on a Wednesday may not continue to use the site. It is difficult to assess the impact on low income households and whether they are more or less disadvantaged than any other households.

It is acknowledged that the site is best suited to site users who are car drivers due to the health and safety requirements of operating such a site although site staff do their best to accommodate the safe usage by pedestrians and cyclists where possible.

Initiatives to increase the range of recycling materials on site may make disposal of such materials more convenient for all site users.

3. Performance management – monitoring and review

Monthly analysis of waste and recycling weights, as well as fly tipping statistics, will continue to be reviewed as part of the monthly contract monitoring meetings.

Staff at the household recycling centre will be involved in feedback on site usage and further face to face consultation with site users will take place during 2023 and 2024.

4. Background

- 4.1. Cheltenham Borough Council funds the provision of the household recycling centre at Swindon Road Cheltenham (operated by Ubico Ltd, a teckal company wholly owned by local authorities). This is a discretionary service and there is no statutory duty on Cheltenham Borough Council to provide it.
- 4.2. This service was last reviewed in June 2019, before the COVID-19 pandemic, when the Council approved recommendations to improve the household recycling centre at Swindon

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Road for the benefit of residents in Cheltenham. Not only was the site layout optimised, better signage, internal safety barriers and fencing provided but also the bring banks were replaced and the range of recycling materials accepted for both re-use and recycling was also considered. Current opening hours are Monday-Friday 7.30am-7.30pm summer time and 7.30am-6.30pm wintertime, Saturdays 7.30am-4pm and Sundays 9am-12 noon as set out on the website

https://www.cheltenham.gov.uk/info/5/bins_and_recycling/919/recycling_centres_and_bring_banks

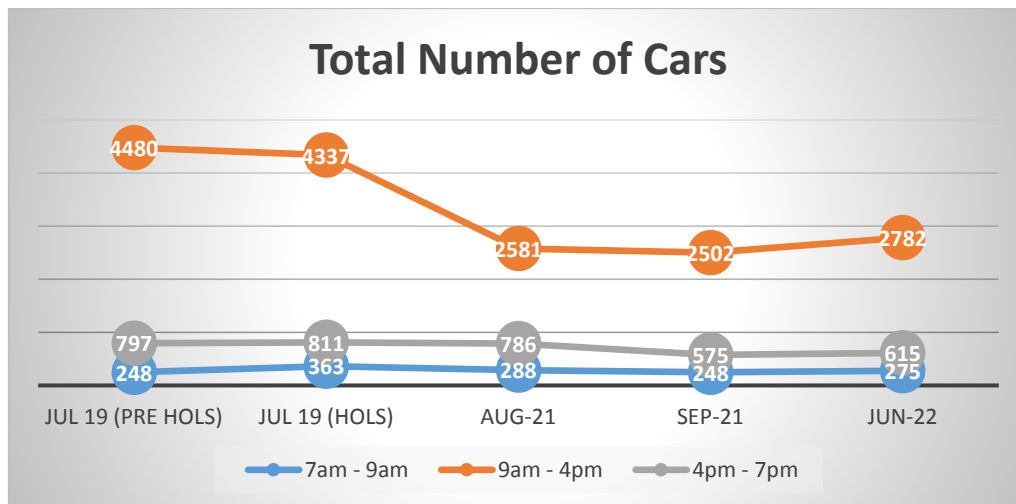
- 4.3. In March 2020 the COVID-19 lockdown required the household recycling centre to close, however, in a short time government guidance confirmed that the household recycling centre could re-open which it did on 11 May 2020 with various safety measures in place. To keep site users and staff safe, Cheltenham increased the number of staff to more safely control activities on site such as the introduction of staff on the entrance slip way and at the main gate and a reduced number of parking bays were available, as well as restricting site users to only Cheltenham residents whereas before members of the public from surrounding districts made use of the Cheltenham owned and funded site. These measures, combined with the impact of COVID-19 on the local community, immediately reduced the number of cars visiting the site on a daily basis. The additional costs incurred during the pandemic have been reduced as the site has returned to normal operations post pandemic. The Environment Agency have inspected the site and complimented Ubico on site safety measures.
- 4.4. Following the pandemic much has changed for residents and the Council, including Brexit and the cost of living crisis which is impacting everyone alike. Given the reduction in site usage and the increasing budget pressures facing the Council it is now appropriate to review CBC's discretionary household recycling centre and its post pandemic usage along with the cost of providing the service to the Council and local taxpayers.
- 4.5. Site usage data (2019-2022) set out in section 5 of the report highlights the reduction in site usage before and after 9am-4pm and there are opportunities to reduce energy consumption (machinery and lighting requirements) if the site was closed, particularly over the winter months when it is dark early morning and early evening. The recommended changes to the opening hours will reduce energy consumption and therefore energy costs to support the climate emergency and budget pressures at the same time. It is estimated that the changes to opening hours will reduce net operating costs by approximately £35,000 per year.
- 4.6. It should also be noted that Gloucestershire County Council's household recycling centres have seen a similar drop in site usage and had already reduced their site opening hours in 2018 - <https://www.gloucestershirerecycles.com/household-recycling-centres-hrcs/your-nearest-recycling-centre/wingmoor-farm-hrc-bishops-cleeve/> therefore these changes would be consistent with the county wide approach to providing a household recycling centre service to residents.
- 4.7. Cheltenham will be actively exploring how the Council can increase the range of recycling materials offered at the site in Swindon Road in line with its innovative approaches to materials such as coffee pods and flexible plastic bags, films and wrapping at the kerbside where the borough was the first local authority to sign up to such initiatives. There is demand for recycling books, paint pots, mattresses, carpet and polystyrene at the site.
- 4.8. The introduction of a wider range of recycling opportunities and waste reduction initiatives will support our ambition to reduce the amount of residual waste disposed of at the site and provide opportunities, with our partners, to promote behaviour change around waste reduction

and re-use as well as recycling. This supports the findings of the House of Lords Environment and Climate Change Committee report published on 12 October 2022 and one of the key messages in this report is “behaviour change is essential for achieving climate and environment goals, and for delivering wider benefits”. The household recycling centre provides an opportunity to achieve this within existing resources.

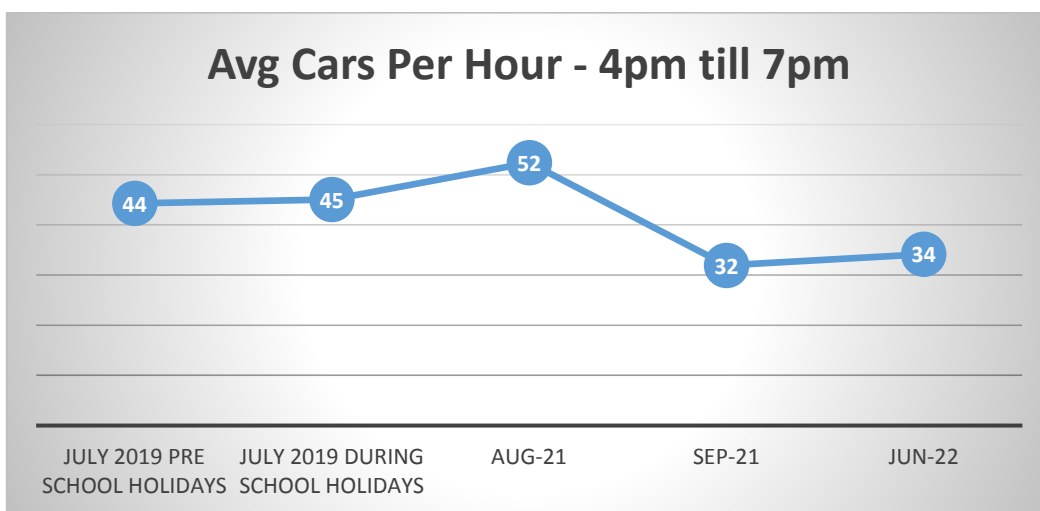
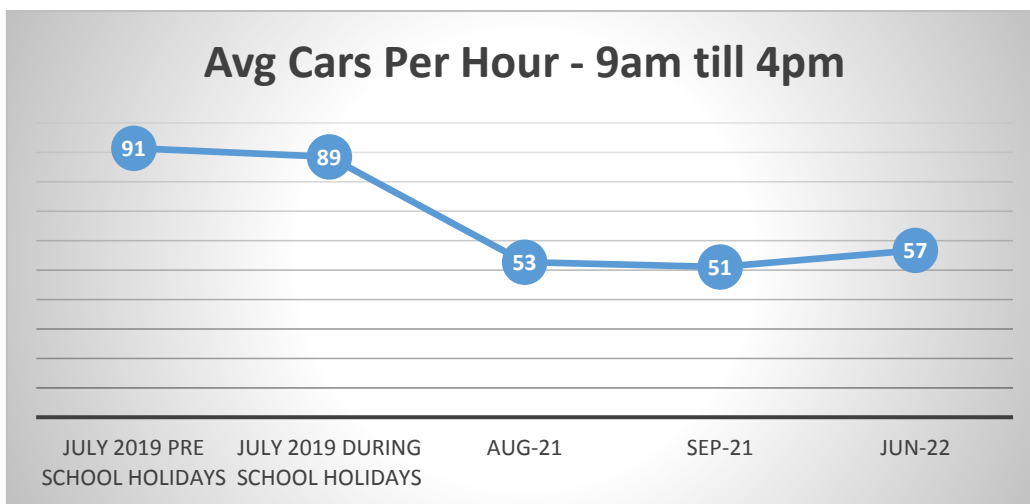
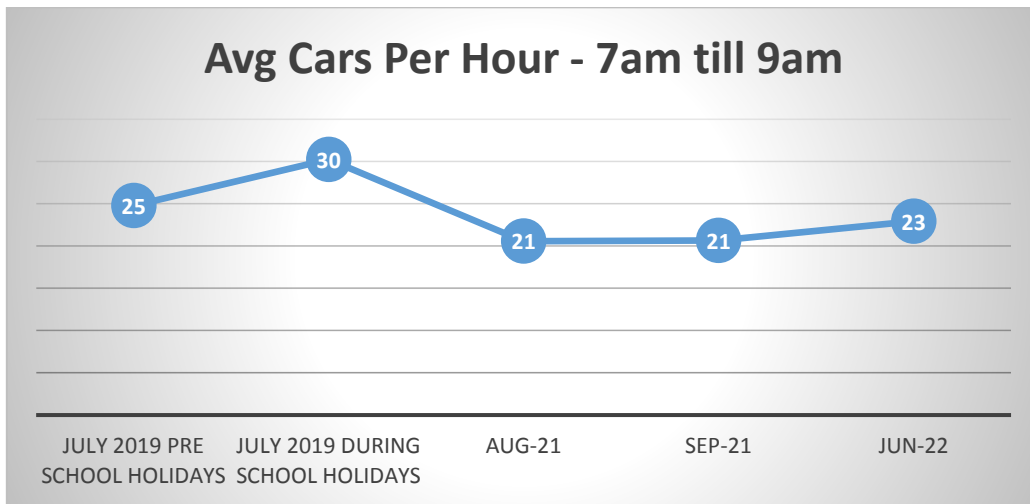
- 4.9. Before the pandemic waste reduction initiatives were planned such as ‘residual waste bag splitting’ – to educate users on reducing black bag waste, and trying to reduce the amount of single use black plastic bags used but it was not possible to progress this with the constraints imposed by COVID. However, waste reduction and increasing re-use and recycling remains a priority for the Council and it therefore wishes to implement these initiatives including the introduction of the first domestic “can take back” scheme for paint and paint pots at the site in conjunction with Crown Paints.

5. Reasons for recommendations

- 5.1. As set out in the background to this report, since the site was last reviewed in 2019, much has changed for residents and the Council, including Brexit and the cost of living crisis therefore it is appropriate to review the household recycling centre and its post pandemic usage particularly in light of the significant financial pressures faced by the Council.
- 5.2. Analysis of site usage shown below has demonstrated that the number of site users has reduced since traffic monitoring was first carried out in July 2019:



- 5.3. Further analysis of site usage demonstrates that the highest use of the site occurs between 9am and 4pm whereas earlier in the morning and after 4pm the number of site users is much lower indicating that reducing opening hours to match site usage would disadvantage fewer residents as shown in the graphs below and we would hope many of these residents would be able to visit the site within the new site opening times:

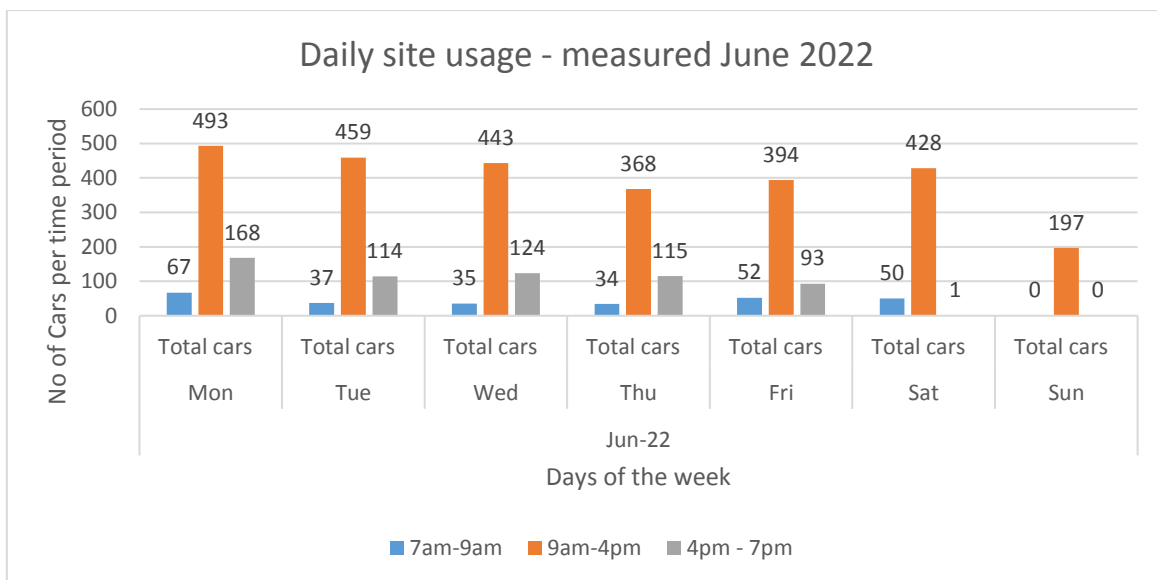


5.4. It is estimated that a financial saving of approximately £35,000 could be achieved per year as a result of the recommendation to reduce the opening hours with effect from 1 February 2023, excluding any financial saving as a result of lowering energy consumption. This figure may vary subject to the amount of waste and recycling that is disposed of at the site in future or is moved to either the kerbside collections or the household recycling centre at Wingmoor and how this impacts income levels for the Council.

5.5. It is assumed that most residents who would normally use the site before 9am or after 4pm, or

on a Wednesday, will use the site during the new opening hours instead although some residents may not. It is difficult to forecast this accurately although an initial assumption has been made that up to 33% may not. The waste hierarchy ranks waste reduction and re-use before recycling and as such the Council is seeking to prioritise greater re-use opportunities in the borough whilst not forgetting the need to maximise the range of materials which can be recycled.

- 5.6. In line with the decision taken by Gloucestershire County Council in August 2018 to reduce opening hours and close all sites for one day per week, including Wingmoor, the site closest to Cheltenham, this report recommends that Cheltenham Borough Council also closes the Swindon Road site one day per week.
- 5.7. Gloucestershire County Council have had positive feedback from site users following the implementation of different opening hours and a site closure for one day a week with no queues at the sites and the booking system introduced is now well liked. The Council will be actively considering the introduction of a booking system during 2023 to reducing queuing vehicles and allow residents quicker, appointment-based access to the site.
- 5.8. The traffic monitoring information as outlined in the graph below demonstrate that Mondays and Tuesdays are the busiest days of the week followed by Wednesdays, the day the Gloucestershire County Council HRC is closed. There is no evidence available to indicate how many of the site users on a Wednesday use Swindon Road that day only because Wingmoor is closed and clearly if the day closure matches that of Wingmoor residents will need to adjust the day of the week they dispose of their recycling and waste.



- 5.9. In 2018 and 2019, officers carried out residual waste bag splitting at the household recycling centre and demonstrated that up to 50% of the contents of the black bags was in fact recycling. This is seen as an important initiative to reduce the amount of residual waste, increase the amount of recycling and promote waste reduction at the site. This initiative was well received by site users at the time and is planned to be introduced at the site within available resources. This will also provide opportunities for further face to face consultation with site users.
- 5.10. In addition, we will seek to work with partners to increase re-use at the household recycle centre and/or at other sites within the borough; increase the range of recycling materials including as many of the materials listed in 4.7 as possible; and signpost site users or provide

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as much waste reduction, re-use, recycling and energy reduction information as appropriate.

- 5.11. The Council is already actively seeking to increase re-use and recycling opportunities at the site and is exploring the introduction of the first domestic can take back scheme for paint and paint pots at the site in conjunction with Crown Paints.
- 5.12. Ubico who manage the household recycling centre on behalf of Cheltenham Borough Council have been fully involved in discussions relating to opening hours of the site and the financial impact on the contract sum (annual charge) as required by 8.3 of the contractual agreement with Ubico. A contract variation will be required to update appendix A regarding the reduced opening hours once agreed.

6. Alternative options considered

- 6.1. Officers have considered options for site opening hours including reducing the total site opening hours per week to 32 hours. This option reduced the number of days the site was open to only 5 per week necessitating the site being closed either on a Wednesday and a Sunday providing residents who work during the week less opportunity to access the site at a weekend or closing the site for 2 days during the week and open both days at the weekend. This option was discounted as it was not operationally feasible for staff or for Ubico in covering annual leave or other absences and delivered a lower financial saving for the largest reduction in opening hours.
- 6.2. Gloucestershire County Council have a statutory responsibility to provide household recycling centres. GCC changed the opening hours of their household recycling centres in the autumn of 2018. Their site opening hours changed from 9am-6.15pm all year to 9am-5pm (summer time) and 10am to 4pm (winter time) with the site closest to Cheltenham, Wingmoor, closed on a Wednesday.
- 6.3. The option to mirror the Gloucestershire County Council sites was considered however the staffing levels required to maintain these site opening times presented a similar staffing difficulty as set out in 6.1 above in addition to requiring more staff to cover the hours minimising the financial savings. Due to the operational staffing issues of this option and the minimal financial saving it was discounted.
- 6.4. The option recommended is the closest to the Gloucestershire County Council site opening times as possible, and that which most closely matches the current usage pattern of our site at Swindon Road yet still delivering a financial saving estimated at £35,000 per year.
- 6.5. The introduction of on line booking has been considered and will be reviewed again during 2023 with a view to implementing the service as part of the Council's digital transformation to improve services for customers.

7. Consultation and feedback

- 7.1. The results of public consultation carried out in December 2018 and January 2019 demonstrated support for the household recycling centre service. 92.2% of those who responded to the survey said they would not support a closure of the site and this report does not recommend site closure.
- 7.2. Public consultation on the HRC was undertaken as part of budget consultation, as set out in set out in appendix 3, specifically "Efficiency review of the Household Recycling Centre"
http://democracy.cheltenham.gov.uk/documents/s38963/2021_12_21_Interim%20Bud

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[get%20Proposals%20for%20General%20Fund_appendix%203_budget%20savings%20and%20additional%20income.pdf](#) as part of the draft budget report approved by cabinet on 21 December 2021 therefore no additional consultation is considered necessary.

- 7.3. Section 12 of that report said that: *The formal budget consultation on the detailed interim budget proposals will be over the period 22 December 2021 to 26 January 2022. The Cabinet will seek to ensure that the opportunity to have input into the budget consultation process is publicised to the widest possible audience. During the consultation period, interested parties including businesses, tenants, residents, staff and trade unions will be encouraged to comment on the initial budget proposals. They will be asked to identify, as far as possible, how alternative proposals complement the Council's Recovery Strategy and Corporate Plan and how they can be financed. The Budget Scrutiny Working Group and Overview and Scrutiny Committee will be invited to review the interim budget proposals in the meetings scheduled for January 2022 and any comments will be fed back to the Cabinet.*

http://democracy.cheltenham.gov.uk/documents/s38961/2021_12_21_Interim%20Budget%20Proposals%20for%20General%20Fund_report.pdf

- 7.4. The report also sets out in section 13 – performance monitoring that: *the scale of future budget savings will require significant work to deliver them within the agreed timescales and there is a danger that this could divert management time from the delivery of services to the delivery of savings. There are regular progress meetings to monitor the delivery of savings and this will need to be matched with performance against the corporate strategy action plan to ensure that resources are used to best effect and prioritised. It is intended that this will be evidenced further in the publication of the MTFS in February 2022. The delivery of the savings work streams included in the interim budget proposals, if approved by full Council will be monitored by the Budget Scrutiny Working Group.*
- 7.5. Full Council, on 21 February 2022, approved the final general fund revenue and capital budget proposals for 2023 which included the results of the public consultation and included a financial savings relating to an efficiency review of the household recycling centre in appendix 4 – budget efficiencies and savings

https://democracy.cheltenham.gov.uk/documents/s39461/2022_02_15_CAB_Appendix%204-%20Budget%20Savings%20and%20Additional%20Income.pdf

8. Key risks

- 8.1. The key risks are set out in the attached appendix.

Report author:

Karen Watson, Environmental Partnerships Manager, karen.watson@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Climate Change Impact Assessment
- iii. Equality Impact Assessment

Background information:

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Cabinet report dated 11 June 2019 – Improvements to the Household Recycling Centre and changes to bring bank sites

GCC Cabinet member decision published 22 August 2018 – changes to household recycling centre opening hours

Final General Fund Revenue and Capital Budget Proposals for 2023, item 12, Council report 21 February 2022

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the changes to opening hours acts as a disincentive to residents to use the site for recycling opportunities this will have a negative impact on recycling, forecast savings and financial performance of the site.	Darren Knight	3	3	9	Seek to reduce	Monthly review of waste and recycling weights and income. Annual review of site usage. Seek to reduce risk by increasing the recycling offer on site and monitor closely.	Karen Watson	Quarterly review – on going
	If the changes to opening hours triggers an increase in the volume of waste and recycling material presented at kerbside which exceeds existing capacity, investment in more vehicles and crews is likely and this will outweigh any savings forecast.	Darren Knight	4	3	12	Reduce	Seek to reduce risk by increasing the recycling offer on site to maintain site usage and monitor closely.	Karen Watson	Quarterly review – on going
	Changes to the opening hours may change usage patterns.	Darren Knight	3	3	9	Reduce	Seek to reduce risk by increasing the recycling offer on	Karen Watson	Annual review

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	This may include more residents travelling to GCC HRC sites out of the borough which may increase carbon emissions						site to maintain site usage. Introduction of a booking system at Swindon Rd may reduce vehicle queuing and idling which will reduce carbon emissions Monitor by annual carbon footprint.		

Guidance for officers (delete once assessment is completed)

Risk reference

If the risk is already on Clearview put in the reference; if not, leave blank until added to Clearview.

Risk description

Identify the event or trigger which may generate some new or increased risk to the council. Significant risks which are already identified are recorded on the Clearview and form part of the Corporate Risk Register. Please use *“If xx happens then xx will be the consequence” (cause and effect)*. For example *“If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”*

Risk owner

Identifying the person who will take responsibility for the overall risk.

Impact score

Use the risk management policy scorecard to evaluate the severity of impact(s); enter the highest score you gave:

- 1 - Negligible
- 2 - Minor
- 3 - Moderate
- 4 - Major
- 5 – Critical

Likelihood

Assign a score according to probability, timing or frequency; again enter the highest score you gave:

- 1 – Rare
- 2 - Unlikely
- 3 - Possible
- 4 - Likely
- 5 - Almost Certain

Raw risk score

The initial risk score is the impact score multiplied by the likelihood score. This is called the raw risk score, without any controls in place to mitigate the risk.

Risk response

For each risk identified, a risk response should be identified.

- Reduce the risk
- Accept the risk
- Transfer the risk to a third party
- Avoid the risk
- Prepare a contingent plan
- Share the risk
- Enhance the risk
- Exploit the risk

Managing the risk: Control/mitigating action

There are usually things the council can do to reduce either the likelihood or impact of a risky event. Mitigating controls can already be in place, such as budget monitoring. New controls or actions may also be possible, such as agreeing SLA's with partners, or obtaining additional funds.

Ownership

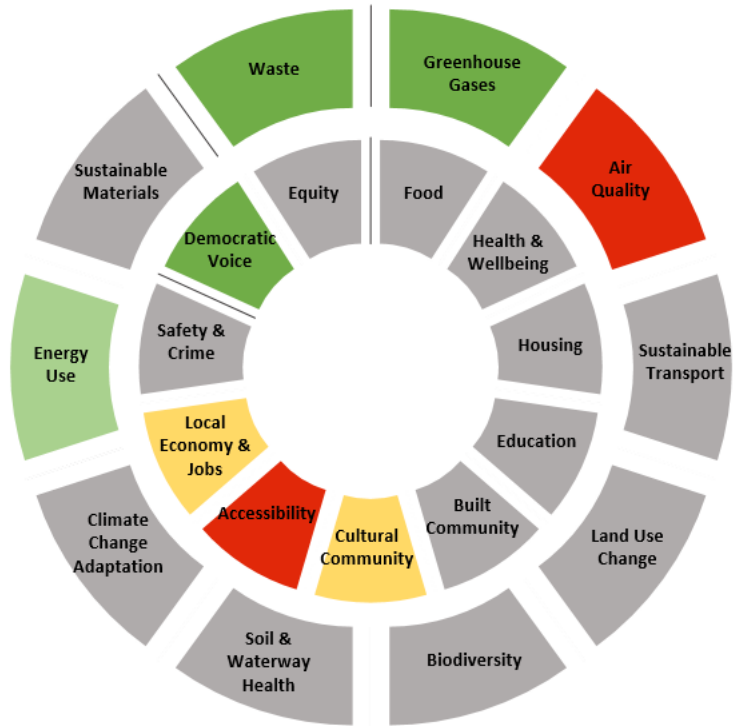
Identify the person who will manage/implement the risk controls/actions.

Deadline

Put in a deadline for the completion of each control or action

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Household Recycling Centre



ENVIRONMENTAL

Scores

Action

Justification

GHGs	0	No action required.	Reducing the amount of residual waste at the HRC and diverting it into the recycling stream will increase the circular economy and help to reduce GHG whilst providing a local HRC meaning residents do not have to travel to GCC HRC at Wingmoor Farm should reduce CO2 from vehicles travelling more miles. However if the reduced opening hours cause more residents to travel to Wingmoor Farm this will increase CO2 emissions. A reduction in opening hours will reduce the energy used to light the site and operate machinery due to the shorter opening hours daily including the winter.
Air quality	-4	Review - changes needed before proceeding	Reducing the amount of residual waste at the HRC and diverting it into the recycling stream will increase the circular economy and help to reduce GHG whilst providing a local HRC meaning residents do not have to travel to GCC HRC at Wingmoor Farm should reduce CO2 from vehicles travelling more miles. However if the reduced opening hours cause more residents to travel to Wingmoor Farm this will increase CO2 emissions. Some residents may choose to use the kerbside service for those materials taken at kerbside and this will reduce car journeys but may require the purchase of additional vehicles using more fuel and driving more miles. The fuel will be HVO not B7 diesel so this is up to 91% cleaner well to wheel.
Sustainable Transport	0	No action required.	This decision will not influence the types of transport site users choose to use.
Biodiversity	0	No action required.	There are very limited changes to infrastructure planned and the site use will remain unchanged
Land use change	0	No action required.	There are very limited changes to infrastructure planned and the site use will remain unchanged

Soil and waterway health	0	No action required.	There are very limited changes to infrastructure planned and the site use will remain unchanged
Climate Change Adaptation	0	No action required.	Expanding the range of recycling materials and waste reduction, re-use opportunities either on the site or elsewhere in the borough will provide opportunities for awareness campaigns
Energy Use	2	No action required	A reduction in operating hours of the site may reduce the amount of waste processed on site therefore some of the machinery used may be used less using less energy in addition to the reduced opening hours reducing the need for lighting on the site particularly in the winter due to the shorter opening hours
Waste	0	No action required.	Changes to opening hours is unlikely to reduce overall quantities of waste however if this is combined with waste reduction, re-use activities and widen the range of recyclable materials at the site this may result in a slight overall reduction in waste volumes
Sustainable Materials	4	No action required	Changes to the opening hours of the site will not have an impact on what waste is brought to the site or how it is disposed of however if we increase the range of materials recycled at the site and promote, through bag splitting, waste reduction, circular economy, reduction in single use plastics etc this may change behaviours and encourage more sustainable packaging to be purchased or certainly recycled where it can. E.g can back scheme for paint, coffee pods etc

SOCIAL	<u>Scores</u>	<u>Action</u>	<u>Justification</u>
Food	1	No action required	Unless we advertise access to food banks etc at the site the reduction in opening hours will have no impact on access to affordable food

Health	1	No action required	A reduction in site opening hours will not impact health or social well being other than allowing residents to do the right thing - less mental stress surrounding climate emergency
Housing	1	No action required	If the site is able to expand or advertise re-use and repair opportunities to save the purchase of new expensive items, then this may help residents cope with the increased cost of living otherwise it will have no impact at all other than awareness of various issues
Education	1	No action required	Volunteering opportunities may be possible on other sites advertised by the HRC but not possible for H&S reasons on the HRC site itself and there will be no other impacts from reducing opening hours of the HRC
Community	1	No action required	No site relocation is planned at this time, simply changes to opening hours and expanding existing services provided
Culture	0	No action required.	The HRC acts as an information hub for residents and this facility serving the borough will be available for less hours per day and less days per week however we will seek to mitigate this
Accessibility	0	No action required.	A reduction in opening hours may mean the site is not conveniently accessible to some residents during the reduced opening hours and these residents also may not be able to drive the further distance to Wingmore Farm to the County HRC further away. This may reduce access to this service although a kerbside service is available for many waste streams but not all.
Local Economy and Jobs	0	No action required.	The workforce will be reduced and three jobs will be lost reducing job opportunities on the site by 3 long term

Safety	1	No action required	Whilst reducing lighting by reducing operating hours and having the site less well lit early mornings and evenings may increase the opportunity for theft of material on site but this will be site not community specific therefore not applicable has been assumed the relevant response
Democratic Voice	0	No action required.	Site consultation is planned with users of the site and as part of the response to the environment act 21 going forward, the environmental services strategy, we will be consulting publicly
Equity	1	No action required	Residents who work and are not flexible in their working patterns may find it more difficult to access the site in the week, relying on weekend access which is available; non car drivers are not encouraged to use the site for health and safety reasons and this has not changed; if the range of materials offered can be expanded then it means each journey could be to dispose of more materials. Public consultation was done previously and consultation with site users is planned.

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Equality impact assessments – for services, policies and projects

What is an equality impact assessment?

An equality impact assessment is an important part of our commitment to improving equality practice. The form will help us find out what impact or consequences our functions, policies, procedures and projects have on our citizens, employees and potential employees.

By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.

Impact assessment are required by law; The Race Relations Amendment Act, The Disability Discrimination Act and the amended Sex Discrimination Act all require local authorities to assess the impact of their functions, policies, projects and services, or the likely impact of any that are proposed, on equality.

However, our view is that we should be using the results of impact assessment to improve service delivery so that we become more accountable to the people that we serve.

Background

Name of service / policy / project and date	Household recycling centre – service changed (reduced opening hours)
Lead officer	Karen Watson
Other people involved in completing this form	Joanne Crowell

Step 1 - About the service / policy / project

What is the aim of the service / policy / project and what outcomes is it contributing to	To reduce operational cost, increase re-use, increase recycling and reduce residual waste within available budget
Who are the primary customers of the service / policy / project and how do they / will they benefit	Residents of Cheltenham. A kerbside service is provided for recycling items but some of those items which cannot be collected at kerbside at present are collected at the HRC and/or via the bring banks
How and where is the service / policy / project implemented	A project team managed by CBC/UBICO will implement the service changes and improvements to the HRC
What potential barriers might already exist to achieving these outcomes	Health and safety requirements at the HRC requiring the site to remain as safely operated as it is now following implementation of changes. The previous improvements in 2019 increased accessibility at the HRC along with safety and new bring banks at the HRC and bring bank sites will be more visible combined with better publicity.

Step 2 – What do you know already about your existing / potential customers

What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information	The HRC is well used as evidenced by traffic monitoring carried out at the site and post COVID, due to the restriction to Cheltenham residents only, we know these are residents and some local businesses. We know that the public use it on a Wednesday now because the HRC at Wingmoor is shut and residents will no longer be able to do this.
What does it tell you about who uses your service / policy and those that don't?	As above. What we don't know is why residents choose not to use their kerbside service but to continue to use the bring banks. More consultation is planned to understand this.
What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?	Further consultation is required to understand this and reliance has been placed on previous consultation exercises
If not, who do you have plans to consult with about the service / policy / project?	Users of the HRC via face to face consultation and as part of wider public consultation in due course as part of the environmental services strategy

Step 3 - Assessing Impact

How does your service / policy / project impact on different groups in the community?

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
Ethnicity / Race	Standard service	Nothing	Consider information in different languages	
Sex				No impact
Gender Reassignment				No impact
Age	Assistance is given where required	Not identified	Promote assisted collections more	
Disability	Assistance is given where required	Not identified	Promote assisted collections more	
Religion or belief				No impact
Sexual orientation				No impact
Marriage and Civil Partnership				No impact
Pregnancy & Maternity	Assistance is given where required	Not identified	Not identified	
Other socially excluded groups or communities	Low income or illiterate	Not identified at this stage	Not identified at this stage	

Step 4 - what are the differences

Are any groups affected in different ways to others as a result of the service / policy / project?	As above
Does your service / policy / project either directly or indirectly discriminate?	Further work is needed to understand the impact and accessibility on the groups identified above particularly those with time restrictions placed on them due to work pressures, possibly linked to low income.
If yes, what can be done to improve this?	As above and promoting kerbside collections for those materials where this is possible.
Are there any other ways in which the service / project can help support priority communities in Cheltenham?	Not identified at this stage other than further promotion, publicity and partnership working with Vision 21, CheltZero and PlanetCheltenham.

Step 5 – taking things forward

What are the key actions to be carried out and how will they be resourced and monitored?	Further consultation regarding any further changes to the service as part of overarching review of services linked to the Environment Act 2021 and the environmental services strategy
Who will play a role in the decision-making process?	Lead officer, ELT, cabinet member
What are your / the project's learning and development needs?	None identified at this stage
How will you capture these actions in your service / project planning?	As part of implementing service change project

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