

# Cheltenham Borough Council Cabinet

**Meeting date:** Tuesday, 7 March 2023

**Meeting time:** 6.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

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## **Membership:**

Councillors Rowena Hay, Peter Jeffries, Victoria Atherstone, Flo Clucas, Mike Collins, Iain Dobie, Martin Horwood, Alisha Lewis and Max Wilkinson

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**Phone:** 01242 264 246

# Agenda

## **SECTION 1 : PROCEDURAL MATTERS**

### **1. Apologies**

### **2. Declarations of interest**

### **3. Minutes of the last meeting (Pages 5 - 12)**

To consider the draft minutes of the Cabinet meeting held on 14 February 2023.

### **4. Public and Member Questions and Petitions**

Questions must be received no later than 12 noon on the seventh working day before the date of the meeting

## **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. Discretionary Business Rates Relief (Pages 13 - 22)**

Report of the Cabinet Member for Finance, Assets and Regeneration, Councillor Peter Jeffries

### **6. Land adjacent to 68 Windsor Street (Pages 23 - 30)**

Report of the Cabinet Member for Finance, Assets and Regeneration, Councillor Peter Jeffries

## **SECTION 6 : BRIEFING SESSION**

- Leader and Cabinet Members

### **7. Briefing from Cabinet Members**

## **SECTION 7 : DECISIONS OF CABINET MEMBERS**

Member decisions taken since the last Cabinet meeting

## **SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION**

## **Section 9 : BRIEFING NOTES**

Briefing notes are circulated for information with the Cabinet papers but are not on the agenda

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# Cheltenham Borough Council Cabinet - Minutes

**Meeting date:** 14 February 2023

**Meeting time:** 6.00 pm - 6.30 pm

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**In attendance:**

**Councillors:**

Peter Jeffries, Victoria Atherstone, Flo Clucas, Mike Collins, Iain Dobie, Martin Horwood, Alisha Lewis and Max Wilkinson

**Also in attendance:**

Paul Jones (Executive Director of Finance, Assets and Regeneration)

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## 1 Apologies

Apologies were received from Councillor Hay.

## 2 Declarations of interest

There were none.

## 3 Minutes of the last meeting

The minutes of the meeting held on 20 December 2022 were approved unanimously and signed as a true record.

## 4 Public and Member Questions and Petitions

No public or member questions or petitions had been received.

### **5 Housing Revenue Account Business Plan**

The Deputy Leader invited the Cabinet Member for Housing to introduce the report. She thanked the housing commissioner and CBH colleagues for their strong and inspiring work in preparing an outstanding HRA business plan, which sets out to build a better future for Cheltenham by providing great homes and stronger communities, including more affordable and increasingly sustainable high-quality homes with excellent services, and well-supported communities to increase opportunities and resilience. This is underpinned by the need to ensure the long-term viability of the HRA and the council's ambition for Cheltenham to be carbon net zero by 2030, and is also set against the challenging backdrop of the UK economy, cost of living crisis, soaring energy costs, inflation, and interest rate increases. Developed in partnership with CBH and in consultation with tenants and a wide range of stake-holders, it has also been shaped by the council's latest corporate plan and set in the context of significant regulatory change following on from the government's social housing white paper and economic changes arising from the pandemic, the war in Ukraine, and subsequent cost of living crisis.

The plan sets out how we deliver an additional 450 affordable homes over the next five years, in line with our corporate plan. CBH has a record of high-quality delivery and tenant, and progress against our HRA business plan both in terms of meeting targets and key activities will be reported to Cabinet and Council annually via the HRA budget setting process.

The housing revenue account is ring-fenced within the council, and used to maintain and invest in existing homes, build new homes, and deliver services to tenants and leaseholders. The aims and priorities in this business plan are modelled over a 30-year term to understand the financial impacts of the investment aspirations within this plan and to ensure that the HRA remains financially viable. The assumptions within the model are updated annually as part of the budget-setting process. The financial model is also used to stress-test the HRA to understand the key financial risks which need to be managed in both the medium and long term to ensure that the HRA remains viable. Over the next five years the council is proposing to invest £225m into the following priorities: £97m to increase the delivery of affordable homes, including new net zero homes; £64m to improve existing homes, including investments to make homes net zero; £30m to provide safe, well-maintained homes; £21m to provide efficient and accessible housing services; £21m to support strong and socially sustainable communities. In order to deliver against our priorities, CBH will continue to drive value for money, deliver high performance and satisfaction levels, whilst maintaining costs and achieving tenant satisfaction measures.

The Cabinet Member for Finance and Assets was pleased to see that the interests of tenants and communities are always embedded in the HRA business plans, and that this is a fantastic testament to CBH culture to put people at the centre of everything.

Members were invited to vote on the recommendation, and unanimously

**RESOLVED THAT:**

- the strategy as set out in the HRA Business Plan 2023-28, and as detailed in Appendix 2 of the report, is approved.

**6 Housing Revenue Account - Revised Forecast 2022 and Budget 2023-24**

The Cabinet Member for Finance and Assets introduced his report briefly, ahead of full consideration at Council the following Monday. He said financial turmoil within the national economy put pressure on the housing revenue account, as detailed in the report. He highlighted an additional item that wasn't included in the consultation paperwork – that Cheltenham has been allocated £2.36m from the government's Local Authority Housing Fund, for the provision of more affordable homes to support of refugees, mostly from Ukraine and Afghanistan. The estimated total cost for providing these homes is £6m, and the government has provided a list of criteria to work within, notably the condensed timescale for provision of the homes. CBC and CBH officers are already working on this.

The Cabinet Member for Climate Emergency thanked the Cabinet Member and officers for their exceptional work, rising to incredible challenges at a time when many councils had buckled. They have done an impressive job which has her complete support.

Members moved to the vote, where it was unanimously

**RESOLVED THAT: Council be recommended to:**

1. Approve the HRA budget proposals for 2023/24 (shown at Appendix 2);
2. Approve a rent increase of 7% for social rent homes, affordable rent homes and shared ownership homes (but capping affordable rented homes rent at the Local Housing Allowance where applicable);
3. Approve changes to other rents and service charges as detailed within the report;
4. Approve the HRA capital programme for 2023/24 as shown at Appendix 3 and Appendix 4;
5. Approve entering into a Memorandum of Understanding with DLUHC (Department for Levelling Up, Housing and Communities) in respect of a £2.36 million grant for the provision of 21 affordable homes during 2023/24 under the Local Authority Housing Fund (subject to DLUHC notifying CBC that their proposed grant funding allocation has been confirmed), see section 5.5;

6. Ratify the performance and satisfaction targets set by CBH for 2023/24;
7. Note the revised HRA forecast for 2022/23.

## **7 Final General Fund Revenue and Capital Budget Proposals 2023-24, and Quarterly Budget Monitoring Report, October-December 2022**

The Cabinet Member for Finance and Assets introduced the report briefly, noting that Cabinet colleagues will be aware of budget pressures the council has faced throughout the year. He said the challenge is that budget proposals need to be balanced, and as previously highlighted to Members, due to the extreme economic turmoil and size of the financial gap, the council is having to use every financial tool at its proposal. The budget report and associated paperwork demonstrate how this is being achieved, at the same time as making sure resources are available to deliver the priorities being achieved for the town.

The Cabinet Member for Economic Development, Culture, Tourism and Wellbeing echoed the comments on the previous item, making the point that while governments were allowed to run deficits for years, local authorities were not, and faced the huge challenge of having the balance their budgets every year.

The Cabinet Member for Safety and Communities asked for confirmation that properties in council tax band D will see an increase of £6.70 a year, 13p a week. She said this was astonishing in view of everything the council does and congratulated officers for this.

Members then moved to the vote where it was unanimously

### **RESOLVED THAT: Council be recommended to:**

1. Approve the revised budget for 2022/23 which is reported here as part of the budget monitoring process for 31 December 2022;
2. Consider the budget assessment by the Section 151 Officer at Appendix 2 in agreeing the following recommendations;
3. Approve the final budget proposals including a proposed council tax increase for the services provided by Cheltenham Borough Council for the year 2023/24 based on a Band D property (an increase of 2.99% for a Band D property), as detailed in paragraphs 9.1 to 9.5;
4. Approve the savings / additional income totalling £1,300,000 and the budget strategy at Appendix 4;



5. Approve the use of reserves and general balances and note the projected level of reserves, as detailed at Appendix 5;
6. Approve the capital programme at Appendix 6;
7. Approve the programmed maintenance programme at Appendix 7;
8. Approve the flexible use of capital receipts strategy as detailed in Appendix 8;
9. Note that the Council will remain in the Gloucestershire business rates pool for 2023/24;
10. Approve the Medium Term Financial Strategy (MTFS) detailed in Appendix 9;
11. Approve the Pay Policy Statement for 2023/24, including the continued payment of a living wage supplement at Appendix 10;
12. Approve the proposed fees and charges schedule for 2023/24 at Appendix 11, subject to appropriate consultation where required;
13. Approve a level of supplementary estimate of £100,000 for 2023/24 as outlined in Section 19;
14. Amend the definition of a Key Decision as set out in the constitution to increase the threshold for the acquisition or disposal of land from £250,000 to £500,000, and gives delegated authority to the Monitoring Officer to make the associated change to the constitution as outlined in Section 17.

### **8 Award of rent support grants to voluntary sector organisations**

The Cabinet Member for Finance and Assets introduced the report, saying that the rent support grants scheme enables the council to support the thriving voluntary and community sector, at the same time meeting the challenges of its commercialisation journey. In order to qualify for a discount, organisations must demonstrate how their use of the building contributes to the council's agreed corporate priorities.

Appropriate rent support for community-based organisations and services can support their viability and the benefits they provide to the social and economic well-being of the town. The council continues, however, to encourage voluntary and community sector organisations to become more self-sufficient and less reliant upon financial support from the council where possible. The report details the applications and submissions from Harvest Field Church and 10<sup>th</sup> Cheltenham Scouts, which have been assessed and reviewed.

There were no comments from Members, who unanimously

### **RESOLVED THAT:**

1. The following recommended rent support grants be approved:
  - Harvest Field Church, Lynworth Hall, Mendip Road – a rent support grant of 54% of the current market rent;
  - 10<sup>th</sup> Cheltenham Scouts, Scout Hut, Pittville Park, Central Cross drive – a rent support grant of 72% of the current market rent;
2. Authority be delegated to the Participation and Engagement Team Leader, in consultation with the Director: One Legal, to agree the terms of a rent support grant agreement with the applicant.

### **9 Briefing from Cabinet Members**

The Cabinet Member for Climate Emergency was delighted to put on record her congratulations to the climate team whose decision wheel is being nominated for a prestigious local government award. She also congratulated xxxxx Alex Wells, who is leaving CBC for an exciting new job.

The Cabinet Member for Safety and Communities said it was great to have been present at the Climate Youth Survey Report this week, to hear what the young people are doing and saying. She noted their surprise at being invited into what is their Council Chamber, and hoped that the work we have begun will continue over time to make sure that what is happening here is translatable to other places, not just in the UK but in Europe too. She said the council is continuing to work with the Detached Youth Work Service – work the county should be doing but isn't – and also congratulated Sam, a National Star College pupil, through whom there is the potential to redesign the national disability badge, to be reported and decided on in the course of next week. A school elsewhere in the country is so delighted with what is being proposed that it is going to adopt it, and it is good to know that Cheltenham youngsters are changing potential for people elsewhere in the country.

The Cabinet Member for Housing noted the partnership work between CBH and Clare Seed of the Public Heart campaign, installing defibrillators which are accessible 24/7 – most recently at Hester's Way Community Resource Centre and CBH Swindon Road office. Further details can be found on Circuit website, but it is hoped that many more will be installed around the town.

The Cabinet Member for Economic Development, Culture, Tourism and Well-being, thanked the team at the Holst Birthplace Museum for a recent tour, in anticipation for their celebration next year of 150 years since Holst's birth – a key priority for the Culture Board. He also reported that the 4<sup>th</sup> Cheltenham Guides had visited the

Chamber during Parliament Week, to learn more about the importance of local democracy, democracy and Parliament. By a vote, animal rights was chosen as their topic of concern, and together they worked on a letter to send to Lord Benyon, minister with responsibility for animal rights. They received a positive response and thanks and, as a result of their lobbying, specific questions on animal rights were subsequently raised in the House of Lords on behalf of Cheltenham's 4<sup>th</sup> Guides. They are rightly pleased with themselves at this outcome, and delighted that their small voice could be used through the democratic system to lobby people at any level. He thanked the guides, Lord Benyon, and Lord Shipley.

The Cabinet Member for Cyber, Regeneration and Commercial Income said he and the Head of Communications for the Golden Valley Development recently gave a presentation at the University of Gloucestershire as part of National Apprentice Week. It was well received by all present, and interesting to listen to the other speakers. He noted that the Golden Valley Development is very much on the map and generating a lot of interest from outside the area.

**Chair**

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## Cheltenham Borough Council

### Cabinet – 7 March 2023

## Discretionary Business Rates Reliefs

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#### Accountable member:

Councillor Peter Jeffries, Cabinet Member Finance and Assets

#### Accountable officer:

Jayne Gilpin, Head of Revenues and Benefits

#### Accountable scrutiny committee:

n/a

#### Ward(s) affected:

All

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#### Key/Significant Decision:

Yes

#### Executive summary:

In the Autumn statement 2022 the Government announced the following business rate reliefs to be awarded in 2023/24

- Retail, Hospitality and Leisure (RHL) relief scheme providing a 75% discount for eligible retail hospitality and leisure businesses
- Supporting Small Business (SSB) relief scheme which will cap bill increases for any business losing eligibility for Small Business Rate Relief

Legislation is not being changed and the Council is expected to use discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant these reliefs. The reliefs are fully funded by the Government provided they are awarded in accordance with the guidance

#### Recommendations:

1. To approve the Retail, Hospitality and Leisure relief scheme and the 2023 Supporting Small Business Relief Scheme as detailed in appendix 2

2. **To authorise the Head of Revenues and Benefits in consultation with the Cabinet Member Finance, Assets and Regeneration to implement any changes to the reliefs detailed in appendix 2 as required by Government or to ensure the successful operation of the schemes**
  3. **Due to the volume of cases, to delegate decisions relating to the application of these reliefs to the Head of Revenues and Benefits and officers in the Business Rates team. In the case of a dispute reconsideration is to be made by the Executive Director Finance, Assets and Regeneration**
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## **1. Implications**

### **1.1. Financial implications**

As detailed within the report and appendices central government is providing funding for the business rates relief schemes and expects council to use discretionary powers to award reliefs to businesses in line with guidance provided.

The Government will also provide funding to cover administration costs for each of the schemes referred to in this report although the amounts have not yet been confirmed

**Signed off by:** Gemma Bell, Director of Finance and Assets, [gemma.bell@cheltenham.gov.uk](mailto:gemma.bell@cheltenham.gov.uk)

### **1.2. Legal implications**

Under Section 47 of the Local Government Finance Act 1988 (as amended by S69 of the Localism Act 2011) the Council as the billing authority has the discretion to grant locally determined business rate discounts

The cost of relief to the Local Authority can be recovered from the Government by way of grant under Section 31 of the Local Government Act 2003. The government must establish a discretionary

**Signed off by:** One Legal, [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)

### **1.3. HR implications**

There are no HR implications arising from the content of the report

**Signed off by:** Kate Wilkins, HR Business Partner, [kate.wilkins@publicagroup.uk](mailto:kate.wilkins@publicagroup.uk)

### **1.4. Environmental and climate change implications**

There are no environmental and climate change implications arising from the content of the

report or recommendations.

**Signed off by:** Laura Tapping officer, Climate Emergency Programme Officer,  
[laura.tapping@cheltenham.gov.uk](mailto:laura.tapping@cheltenham.gov.uk)

### 1.5. Corporate policy framework implications

The proposals in this report don't directly contribute to Corporate Plan Priorities

Implementing the relief schemes will ensure that eligible businesses pay reduced business rate bills.

**Signed off by:** Richard Gibson, Head of communities, wellbeing and partnerships  
[richard.gibson@cheltenham.gov.uk](mailto:richard.gibson@cheltenham.gov.uk)

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## 2. Promoting equality and reducing discrimination

2.1. Not applicable

## 3. Performance management – monitoring and review

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

## 4. Introduction

4.1. In the Autumn statement 2022 the Government announced new business rate relief schemes to be awarded in 2023/24.

4.2. As the schemes are a temporary measure, the Government is not changing the legislation. Councils are expected to use their discretionary powers under section 47 of the Local Government Finance Act 1988, as amended, to adopt a scheme using the detailed guidance provided. Details of the schemes are in appendix 2.

4.3. The Government will fully reimburse the Council for the local share of reliefs awarded to eligible businesses in accordance with the guidance provided.

4.4. The Government will also provide funding to cover administration costs for each of the schemes referred to in this report although the amounts have not yet been confirmed.

## 5. Retail, Hospitality and Leisure Relief 2023/24

5.1. The 2023/24 Retail, Hospitality and Leisure relief scheme provides eligible retail, hospitality and leisure businesses with 75% discount against the chargeable business rates liability.

5.2. The relief is subject to a cash cap meaning that no business can receive more than £110,000 worth of relief across all eligible properties in England.

## Page 16

- 5.3. This relief amounts to a subsidy and therefore the Council must comply with subsidy control regulations. This limits the amount of subsidy any business can receive in a 3 year period.
- 5.4. Businesses eligible for the relief are those occupying properties that are wholly or mainly used as:
- shops, restaurants, cafes, drinking establishments, cinemas and live music venues,
  - assembly and leisure; or
  - as hotels, guest & boarding premises and self-catering accommodation
- 5.5. The relief will automatically be included in the business rate bills 2023/24 to approximately 450 local businesses unlikely to be affected by the cash cap or subsidy control limits.
- 5.6. Forms have been issued to 40 other businesses that might be eligible. Where businesses return forms confirming the cash cap and subsidy limits will not be exceeded, bills are being issued including the relief.
- 5.7. Approval is being sought to adopt the scheme as detailed in appendix 2 to make any changes necessary due to Government guidance or to ensure the schemes operate successfully.

### **6. 2023 Supporting Small Business Relief**

- 6.1. 2023 Supporting Small Business (SSB) relief will cap bill increases at £600 for businesses that, whose business property's bill is going up after the next revaluation on 1st April 2023 and will lose some or all of their Small Business Rate Relief.
- 6.2. The relief will be available in financial years 2023/24, 2024/25, 2025/26 for businesses that continue to meet the eligibility criteria unless their bill reaches the level it would have been without the relief.
- 6.3. This relief also subject to subsidy control which limits the amount of relief a business can receive over a 3 year period.
- 6.4. The relief will automatically be included in the business rate bills to eligible businesses unlikely to be affected by subsidy control limit.
- 6.5. Approval is being sought to adopt the scheme as detailed in appendix 2 to make any changes necessary due to Government guidance or to ensure the schemes operate successfully.

### **7. Reasons for recommendations**

- 7.1. The Council must adapt a policy to administer the reliefs using its discretionary powers under section 47 of the Local Government Finance Act 1988, as amended.

### **8. Alternative options considered**

- 8.1. None.

### **9. Consultation and feedback**

- 9.1. None



## 10. Key risks

- 10.1. The risks are in Appendix 1
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### Report author:

Jayne Gilpin, Head of Revenues and Benefits, Jayne.gilpin@cheltenham.gov.uk

### Appendices:

- i. Risk Assessment
- ii. Business Rate Reliefs

### Background information:

- 1. Section 47 Local Government Finance Act 1988, as amended by clause 69 of The Localism Act 2011
- 2. Guidance document on the Retail, Hospitality and Leisure Relief 2023/24  
<https://www.gov.uk/government/publications/business-rates-relief-202324-retail-hospitality-and-leisure-scheme-local-authority-guidance>
- 3. Guidance document on 2023 Supporting Small Business Relief  
<https://www.gov.uk/government/publications/business-rates-relief-2023-supporting-small-business-relief-local-authority-guidance>

## 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 recommendations in this report are not approved funding will not be distributed to businesses and residents in need of support which could cause reputational damage to the Council	Jayne Gilpin	2	3	6	Accept	Monthly monitoring and an annual review of the scheme	Jayne Gilpin	ongoing

## **Cheltenham Borough Council**

### **Retail Hospitality and Leisure Relief 2023/24 and 2023 Supporting Small Business Relief**

**Cabinet 07 March 2023**

#### **1 Introduction**

- 1.1 In the Autumn Statement 2023, the Government announced a Business Rate relief scheme for retail, hospitality and Leisure businesses and a Supporting Small Business relief for small and medium sized properties
- 1.2 As these relief are a temporary measure for 2023/24 only, the Government is not changing the legislation. Instead, local authorities are expected to use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief in accordance with the guidance provided.
- 1.3 The Government will fully reimburse Councils for the cost of relief provided it is awarded in line with the guidance.
- 1.4 This document sets out the Council's policy regarding the Retail Hospitality and Leisure Relief Scheme and Supporting Small Business relief for the financial year 2023/24.

#### **2 Retail Hospitality and Leisure Relief Scheme 2023/24**

- 2.1 The 2023/24 Retail, Hospitality and Leisure Relief scheme will provide eligible occupied, retail, hospitality and leisure businesses with 75% relief of the chargeable business rates liability. Businesses may claim the relief up to a limit of £110,000 per business across all eligible properties in England.
- 2.2 Properties that are eligible for Retail, Leisure and Hospitality Relief will be occupied and wholly or mainly used as shops, restaurants, cafes, drinking establishments, cinemas, live music venues, assembly for leisure, hotels, guest and boarding premises or self-catering accommodation. The full guidance provided by the Department for Levelling Up, Housing and Communities (DLUHC) is available here <https://www.gov.uk/government/publications/business-rates-relief-202324-retail-hospitality-and-leisure-scheme-local-authority-guidance>
- 2.3 The relief will be awarded to business ratepayers that meet the eligibility criteria in the guidance.
- 2.4 The level of relief is 75% of the chargeable amount, to be applied after mandatory reliefs and other discretionary reliefs. There is no rateable value threshold limit.

- 2.5 The relief is subject to a cash cap preventing any business from receiving more than £110,000 of relief across all of its properties in England. Ratepayers that occupy more than one property will be entitled to relief for each eligible property up to maximum £110,000 cash cap to the business. Where a business has a qualifying connection with another business it will be treated as one for the purposes of this cash cap.
- 2.6 Businesses may be required to declare that they will not exceed the cash cap if relief is awarded.
- 2.7 The Retail Hospitality and Leisure Relief Scheme in 2022/23 is likely to amount to subsidy. Any relief provided under this scheme will need to comply with the UK's domestic and international subsidy control obligations.
- 2.8 Business ratepayers, on a self-assessment basis, must to declare that by receiving the relief they will not exceed subsidy limits.
- 2.9 Businesses can refuse the relief up to 30 April 2024. Once refused the business will become ineligible and cannot withdraw their refusal.

### **3 Supporting Small Business Relief 2023-24 – 2025/26**

- 3.1 2023 Supporting Small Business Relief (SSB) will cap bill increases at £600 for any business losing eligibility for some or all Small Business Rate Relief at the 2023 revaluation.
- 3.2 The relief will be available in financial years 2023/24, 2024/25, 2025/26 for businesses that continue to meet the eligibility criteria unless their bill reaches the level it would have been without the relief.
- 3.3 The relief will be awarded to business ratepayers that meet the eligibility criteria in the guidance provided by the Department for Levelling Up, Housing and Communities (DLUHC). The full guidance is available here <https://www.gov.uk/government/publications/business-rates-relief-2023-supporting-small-business-relief-local-authority-guidance>
- 3.4 The scheme also provides support for those previously eligible for the 2022/23 SSB scheme and facing large increases in 2023/24 but for one further year only. In these cases eligibility for 2023 SSB relief will end on 31 March 2024.
- 3.5 Eligible businesses will automatically receive the relief on their bill.
- 3.6 The 2023 Supporting Small Business Relief is likely to amount to subsidy. Any relief provided under this scheme will need to comply with the UK's domestic and international subsidy control obligations.
- 3.7 Business ratepayers likely to exceed subsidy control limits will be asked, on a self-assessment basis, to declare that by receiving the relief they will not exceed subsidy limits.

## **4 Administration**

- 4.1 Cheltenham Borough Council will administer the schemes under Section 47 of The Local Government Finance Act 1988 as amended by The Localism Act 2011 and The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059).
- 4.2 Eligibility for reliefs will be determined in accordance with the guidance provided by the Department for Levelling Up, Housing and Communities (DLUHC).
- 4.3 Reliefs in this policy may be changed to reflect changes to Government guidance or to ensure successful operation of the schemes.
- 4.4 Retail Hospitality and Leisure reliefs under the provisions in this policy will be awarded in respect of the financial year 2023/24 only and they will end on 31 March 2024. Retrospective awards of relief cannot be made after 30 September 2024.
- 4.5 2023 Supporting Small Business Relief under the provisions in this policy, for business ratepayers previously eligible for the 2022/23 SSB scheme, will be awarded in respect of the financial year 2023/24 only and relief will end on 31 March 2024.
- 4.6 2023 Supporting Small Business Relief under the provisions in this policy, for business ratepayers losing some or all Small Business Rate Relief may be awarded in respect of the financial years 2023/24, 2024/25 and 2025/26
- 4.7 Retrospective awards of Retail Hospitality and Leisure relief and 2023 Supporting Small Business Relief cannot be made more than 6 months after the end of the relevant financial year (eg 30 September 2024 in respect of 2023/24)
- 4.8 All reliefs will be recalculated or cancelled to reflect any change in circumstances that affect entitlement, changes to entries in Rating List, or where any conditions cease to be met.
- 4.9 Decisions relating to the granting of relief are be delegated to the staff within the Revenues and Benefits Service.
- 4.10 Relief may be granted automatically where information held on the business rate account confirms eligibility in line with the qualifying criteria and that cash caps or subsidy control limits will not be exceeded. In these cases businesses will be asked to notify the council if they are in not entitled. in all other cases an application must be submitted with a cash cap and/or subsidy control declaration.
- 4.11 Where reliefs have been awarded businesses must notify the Council within 21 days of any change of circumstances that could affect their entitlement to the relief.
- 4.12 Businesses will be required to provide any information requested to support their application for a relief.
- 4.13 There is no statutory right of appeal against a decision made by the Council in respect of extension of Transitional Relief and Supporting Small Business Relief for small and medium sized properties. However, the Council will reconsider the decision if the ratepayer is dissatisfied with the outcome.

- 4.14 The request for a reconsideration must be made within 28 days of the business or agent acting on behalf of the business being issued with an award decision.
- 4.15 The review will be carried out by the Executive Director Finance, Assets and Regeneration
- 4.16 If an unsuccessful applicant requests a reconsideration they will need to continue to pay their rates bill. Once the reconsideration has been carried out, the ratepayer will be informed, in writing, of the decision.
- 4.17 Cheltenham Borough Council will not tolerate any business falsifying their records or providing false evidence. A ratepayer who falsely applies for any relief, or provides false information or makes false representation in order to gain relief will face prosecution and any relief awarded will be revoked.

## Cheltenham Borough Council

### Cabinet – 7<sup>th</sup> March 2023

## Land Adjacent to 68 Windsor Street - Disposal

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#### **Accountable member:**

Deputy Leader, Cabinet Member Assets & Finance, Councillor Peter Jeffries

#### **Accountable officer:**

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

#### **Ward(s) affected:**

Pittville

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**Key Decision:** No

#### **Executive summary:**

The owner of 68 Windsor Street has approached the Council with a request to purchase a small area of land adjacent to their property. Following consultation with various managing departments within the Council and negotiations with the purchaser, a sale price has been agreed. This is not the first example of a home owner purchasing land owned by the Council to enhance their own property.

The land is designated as Public Open Space and therefore any disposal would be subject to advertising pursuant to s123(2)(A) of the Local Government Act 1972 which requires approval by Cabinet.

#### **Recommendations:**

1. To grant permission for the placing of notices pursuant to s.123(2)(A) of the Local Government Act 1972 in the local newspaper advertising the disposal of the land;
  2. Subject to the outcome of the notices, to dispose of the land subject to the conditions of sale and heads of terms agreed;
  3. To authorise the Director of Finance and Assets to instruct the Director of One Legal to prepare and conclude the necessary legal documentation to reflect the terms negotiated by the council and authority to execute such documents.
-

## 1. Implications

### 1.1 Financial, Property and Asset implications

Although the land is designated as Public Open Space, it has been concluded by both the Council and Cheltenham Borough Homes that it is not suitable for development. The property owner has approached the Council to purchase the land which will provide a capital receipt to the Housing Revenue Account which can be re-invested into the capital programme to provide more affordable homes in Cheltenham. There will be covenants placed on the purchase to allow the land to only be used as a garden space and will prohibit development of the land, minimising the impact on the local community. The proposal has been presented to the Asset Management Working Group who were supportive of the recommendation to dispose of the land.

**Signed off by:** Gemma Bell, Director of Finance & Assets (Deputy s151 Officer),  
[gemma.bell@cheltenham.gov.uk](mailto:gemma.bell@cheltenham.gov.uk), 01242 264124

### 1.2 Legal implications

As the land was originally acquired as part of the housing land for the respective estates, the disposal is under the provisions of section 32 of the Housing Act 1985 and the General Housing Consents 2013. The Council can dispose of vacant land at any price determined by the Council (consent A3.2).

Where a disposal of open space is under consideration, Section 123 (2A) of the Local Government Act 1972 provides that the proposed disposal should be advertised for two consecutive weeks in a local paper, and the Council should consider any objections received.

**Signed off by:** One Legal, [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)

### 1.3 Environmental and climate change implications

The restrictive covenants proposed to be enacted as part of this transaction will ensure that although the land will no longer be owned by the Council, that development will be prohibited and it will be used only as a garden for the property. This supports the building of maintenance of green space and biodiversity in the town and is not expected to have a negative impact on the Council's priority to be carbon net zero by 2030.

**Signed off by:** Laura Tapping, Climate Emergency Programme Officer,  
[laura.tapping@cheltenham.gov.uk](mailto:laura.tapping@cheltenham.gov.uk)

### 1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

**Signed off by:** Ann Wolstencroft, Head of Performance, Projects and Risk



## 2 Background

2.1 The land adjacent to 68 Windsor Street is a parcel measuring 4m x 31m, on the entrance to Little Cleevemount. Wyman's Brook runs beneath the land and surfaces to ground level along the western boundary and the area is an open area of grass, housing a mature Ash tree. The land is in the HRA fund and is managed by Cheltenham Borough Homes. The freehold title is currently unregistered.



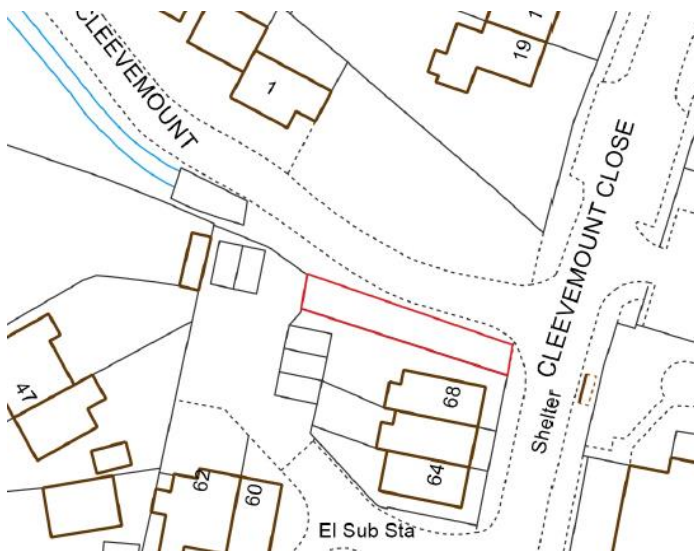
Image 1: Land adj 68 Windsor Street as seen from Cleevemount Close.



Image 2: Land adj 68 Windsor Street as seen from Little Cleevemount



Image 3: Land adj 68 Windsor Street looking towards Little Cleevemount



Plan 1: Proposed area for disposal, edged in red.



Plan 2: CBC ownership indicated by blue rendering. (NB, Areas rendered in yellow were previously owned by the Council but now in private ownership. Highways are indicated by the brown rendering. Public Rights of Way are indicated by the black lines).

2.2. A sale of the parcel has been agreed subject to the following conditions:

- An absolute prohibition on development, retaining the use of the land to garden use only;
- An undertaking that should the existing tree be felled, it is replaced with at least one tree of the same or similar species, in the same or similar location;

- That a natural border is placed on all sides - this would ideally be a native hedge or similar and would be the ongoing responsibility of the owner; and
- The land would be sold reserving any rights of access or otherwise relating to the culverted brook which runs beneath it to the Council or third party.

### **3. Reasons for recommendations**

3.1. After consultation with various departments, it has been determined the parcel represents no development opportunity for Cheltenham Borough Homes or Cheltenham Borough Council.

3.2. The disposal will generate a capital receipt for the HRA fund which can be re-invested to fund their acquisitions programme. A small HRA revenue cost saving will also be generated as the cost of maintenance will be transferred to the new owner.

3.3. As this is designated as Public Open Space, advertising pursuant to s.123 (2)(A) is a legal obligation and approval from the Cabinet is required to undertake this.

### **4. Alternative options considered**

4.1. The Council could decide to retain the land however by doing so we would continue to be responsible for the ongoing maintenance of the land and the tree. It has been advised that the Ash does not have a long future and will likely require significant works to either radically prune back or remove entirely.

### **5. Consultation and feedback**

5.1. The following parties have been consulted regarding the disposal:

- Cheltenham Borough Homes – Development Manager
- Cheltenham Borough Council – Trees Officer
- Cheltenham Borough Council – Green Space Manager
- Asset Management Working Group (Meeting, 30<sup>th</sup> January 2023).

5.2. Cheltenham Borough Homes have provided a letter which confirms that the land does not represent any development opportunity and giving their support to disposal.

5.3. CBC Trees Officer confirmed that the mature Ash on the land was under their management however it is not considered to be a good specimen and would not be a candidate for a Tree Preservation Order.

5.4. They further requested that the land be sold subject to a restrictive covenant which provided for a natural border such as a native hedge and, if the tree is to be removed, for it to be replaced with at least one other of an appropriate species.

5.5. CBC Green Space advised that due to the route of Wymans Brook, development of the land would not be viable and, if sold, it should retain use as garden land only.

5.6. Asset Management Working Group received a full briefing note for consideration. The Group was supportive of the recommendation to dispose of the land as public open space and for the item to progress to Cabinet for decision.

## **6. Key risks**

5.1. The key risks associated with this decision are set out in Appendix 1.

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### **Report author:**

Claire Pockett, Estates Surveyor, [claire.pockett@cheltenham.gov.uk](mailto:claire.pockett@cheltenham.gov.uk)

### **Appendices:**

- i. Risk Assessment

### **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
1	There is a risk that the new owner does not comply with the conditions of sale resulting in the Council taking legal action against them.	Claire Pockett, Estates Surveyor	3	1	3	Accept & Monitor	<p>To mitigate this, the conditions will form restrictive covenants within the conveyance.</p> <p>A breach of those covenants will result in the usual remedies in law; either a permanent injunction or the seeking of damages.</p>	Claire Pockett, Estates Surveyor	Date of the completion of the sale.

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