

Cheltenham Borough Council Council

Meeting date: 11 December 2023

Meeting time: 2.30 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillors Matt Babbage (Chair), Paul Baker (Vice-Chair), Glenn Andrews, Victoria Atherstone, Adrian Bamford, Garth Barnes, Ian Bassett-Smith, Graham Beale, Angie Boyes, Nigel Britter, Jackie Chelin, Ed Chidley, Barbara Clark, Flo Clucas, Mike Collins, Iain Dobie, Stephan Fifield, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Sandra Holliday, Martin Horwood, Peter Jeffries, Tabi Joy, Alisha Lewis, Paul McCloskey, Emma Nelson, Tony Oliver, Richard Pineger, Julie Sankey, Diggory Seacome, Izaac Tailford, Julian Tooke, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

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Phone: 01242 264 246

1 Apologies

2 Declarations of interest

3 Minutes of the last meeting (Pages 5 - 24)

Minutes of the Extraordinary meeting held on 28 September 2023

and

Minutes of the meeting held on 16 October 2023

4 Communications by the Mayor

5 Communications by the Leader of the Council

6 To receive petitions

7 Public Questions

8 Member Questions

9 Recommendations of the Independent Remuneration Panel (IRP) regarding the Members' Scheme of Allowances (Pages 25 - 42)

Report of the Independent Remuneration Panel

10 Statement of Community Involvement (SCI) (Pages 43 - 66)

Joint report of the Leader and Cabinet Member Customer & Regulatory Services

11 2023/24 Treasury Mid-term Report - position at 30th September 2023 (Pages 67 - 80)

Report of the Cabinet Member for Finance and Assets

12 Local Council Tax Support Scheme 2024-25 (Pages 81 - 202)

Report of the Cabinet Member for Finance and Assets

13 Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan - Public Consultation (Regulation 18) (Pages 203 - 254)

Report of the Leader

14 Cheltenham, Gloucester and Tewkesbury: Community Infrastructure Levy Joint Committee (Pages 255 - 278)

Report of the Leader

15 Adoption of Cheltenham's Animal Welfare Charter (Pages 279 - 298)

Report of the Cabinet Member Customer and Regulatory Services

16 Annual Carbon Footprint Report 2022-23 (Pages 299 - 326)

Report of the Cabinet Member for Climate Emergency

17 Annual report of Overview and Scrutiny (Pages 327 - 346)

Report of the Chair of Overview and Scrutiny

18 Revisions to the Constitution (Pages 347 - 526)

Report of the Leader

19 Notices of Motion

20 Any other item the Mayor determines as urgent and which requires a decision

Gareth Edmundson
Chief Executive

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Cheltenham Borough Council

Council Minutes

Meeting date: 28 September 2023

Meeting time: 7.00 pm - 7.45 pm

In attendance:

Councillors:

Matt Babbage (Chair), Paul Baker (Vice-Chair), Glenn Andrews, Victoria Atherstone, Adrian Bamford, Angie Boyes, Nigel Britter, Jackie Chelin, Ed Chidley, Mike Collins, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Sandra Holliday, Martin Horwood, Peter Jeffries, Tabi Joy, Alisha Lewis, Richard Pineger, Julie Sankey, Diggory Seacome, Izaac Tailford, Julian Tooke, Simon Wheeler, Max Wilkinson and Suzanne Williams

Also in attendance:

Paul Jones (Executive Director of Finance, Assets and Regeneration), Claire Hughes (Corporate Director and Monitoring Officer), Gareth Edmundson (Chief Executive), Martin Chastney (Head of Developments, Major Developments & Regeneration), Richard King (Head of Construction, Major Developments & Regeneration) and Paul Minnis (Director of Major Development & Regeneration)

1 Apologies

Apologies were received from Councillors Barnes, Beale, Chidley, Clark, Clucas, Dobie, Fifield, McCloskey, Nelson, Oliver.

2 Declarations of interest

There were none.

3 Minutes of the last meeting

The minutes of the meeting held on 24 July will be considered at the next meeting on 16 October.

4 Communications by the Mayor

The Mayor said he was lucky to attend many events, but wanted to highlight a recent visit to Gottingen. He thanked the Mayor and international relations team for hosting the party from Cheltenham.

5 Communications by the Leader of the Council

The Leader of the Council had no communications to share with Members on this occasion.

6 Public Questions

There were none.

7 Member Questions

There were none.

8 Entering into the Development Finance Agreement

The Cabinet Member for Cyber, Regeneration and Commercial Income began by thanking all officers who have worked so hard on this extremely important report, which he hoped everyone had read in detail. He said the council has been working on the Golden Valley project for a number of years and there is still a long way to go – it is anticipated that it will be 10-15 years before the project is complete – but this report is an important step in the journey.

He made clear to Members that they are not being asked to sign a cheque for £95m – this is the current estimate of what will be needed to complete the Innovation Centre and Hub at the heart of the Golden Valley development. It is the biggest project and will be the second biggest financial commitment CBC has ever undertaken, and we need to make sure that every single facet is right. The legal agreement includes a series of conditions, including a viability test which must be passed before the Council commits to the funding, and we are lucky to have a fantastic team of officers guiding us along every step of the way.

He concluded by saying it is important that all Members feel they can get behind this hugely important project, and hoped that it would receive unanimous support

Member questions

A Member asked about the role that people working in the Innovation Centre and associated buildings will play in contributing towards a cyber-security agenda, enabling energy sources to remain safe in the face of hostile threats and helping the council's net zero aspirations as well as national sustainability goals. Officers confirmed that while the broader occupier strategy for the Golden Valley development is still in progress, the focus of the Innovation Centre is about bringing

together academia, social activities, prime or large corporate entities, smaller entities and public bodies to provide the economic centrepiece and to drive innovation. There is every expectation that, out of that, the new technologies and businesses will go on to build and support the local and national economy, protecting our sustainability requirements and energy infrastructure.

Member debate

In debate, Members made the following comments:

- this is very important and secures the future of the buildings, people and areas we need to look after and support in Cheltenham. There will inevitably be some setbacks as with all projects of this size, but now is the time to support this intriguing plan with such magnificent potential for Cheltenham. We should grasp the opportunity with both hands;
- this is too large a sum of money, and the risks and unknowns are too great at this point. A number of councils around the country are facing bankruptcy as a result of vast borrowing to deliver projects, and then leaving future generations to pay off the debt if it all goes wrong. Most councillors won't be alive in 50 years to see the project through;
- the project was conceived as a partnership with the developer, but now it appears that CBC will pay the developer fees and shoulder all the risks - this is not a comfortable position;
- the council is selling Regent Arcade and changing its plans for the Municipal Offices – once considered a jewel in its crown to be retained at all costs for future generations. Is this being done to fund the Golden Valley project and if so, where will it end? It is too much of a financial commitment for something outside the council's normal business;
- the Golden Valley project will be a fantastic flagship for Cheltenham as it moves towards its Net Zero aspirations, ensuring it can pay for vital services in the future, in particular in relation to climate change. By leading on the project, CBC has the opportunity to create jobs and ensure that young people will have the opportunity to take advantage of exciting technology and innovation jobs it offers;
- this project has been discussed since 2016, and the council took by far the biggest risk in 2019 when it purchased the land as an empty site. Now there are constant conversations on and around the potential risks which, together with the talented team, provides a feeling of confidence in this great sustainable development;
- the project will provide Cheltenham with many 'jobs of the future' in technology and innovation, not only attracting young talent to the town but also providing opportunities for people across the town, currently at school, starting their careers or looking for a change, keeping Cheltenham vibrant, exciting and clearly on the map. We would be letting ourselves down not to progress with the project;

- not only will provide jobs and services but also many houses for families and people of all ages, currently on the housing waiting list;
- it is not right to imply that the council is taking all the risk – the team has taken great care to put together a strategy which specifically and carefully sets out a maximum commitment from the council and limits its risk, requiring any costs over and above that to be borne by the developer and any obligations to be underwritten by the developer's parent company;
- this scheme offers a massive opportunity for a cyber-security development of international importance, and demonstrates both the commitment of the local ecosystem to the project and the commitment of CBC and the town to GCHQ to help meet its needs. This is a fantastically important partnership for the future of Cheltenham, and with investment from so many important parties, we can take it forward with confidence;
- this impressive project shows why CBC is different from other councils, choosing to invest in its own project within the borough, attracting new businesses and people, providing job opportunities, houses, and income which can be re-invested in services throughout the town;
- this exciting project has constructive alignment with local and national priorities – in particular cyber-tech and housing – and provides great opportunities for the town's future. The risk management and mitigation measures set out in the papers are reassuring;
- the news cycle has recently focussed on councils around the country in financial trouble and needing to be rescued by central government, but what CBC is committing to here is a very small loan in comparison;
- the risk of CBC not buying the land in 2019 was far greater than the risk of buying it; in doing so, the council has been able to develop and keep control of a highly-sustainable project. This is a great milestone;
- at the start of the council's commercial strategy journey, it was clear that in order to survive, CBC could no longer be risk-averse but must remain risk-aware. The biggest risk was the lack of necessary skills to bring the development forward, but we now have in-house skills for Golden Valley and future major projects. We need to embrace these opportunities, and 'Team Cheltenham' – Members, officers, residents, communities – continue on this journey together;
- the decision tonight will support Cheltenham's largest employer, the defender of critical national infrastructure, and many different industries which rely on cyber communication and security;

- it should be remembered that not everyone working in the cyber security centre will be a cyber expert. All sorts of auxiliary and unskilled jobs will be created, and we are lucky to have and be part of a forward-thinking and progressive council which is making this happen.

The Cabinet Member for Cyber, Regeneration and Commercial Income thanked Members for their positive and informed comments. He said the sale of assets was not related the financing of this project; the council is simply taking responsibility to maximise the value of its assets for the benefit of the people of Cheltenham today and in the future. He also reaffirmed a Member's comment that many different types of jobs will be created, not just cyber jobs. He thanked officers again, and hoped that Members would give the recommendations their full support.

The Leader requested a recorded vote on this item.

Members resolved to:

- 1. approve entry into the conditional Development Funding Agreement with HBD X Factory with the conditions set out in Appendix ii – Commercial Detail;**
- 2. approve provision of a funding envelope of up to £95m;**
- 3. delegate authority to the Director of Finance, Assets and Regeneration, in consultation with the Cabinet Member for Cyber, Regeneration and Commercial Income and the Cabinet Member for Finance and Assets, to manage the process and ultimate discharge of the funding conditions, referring back to Cabinet or Council for decisions where constitutionally appropriate. These Conditions are:**
 - meeting the Viability Test
 - defining the Maximum Commitment
 - agreeing and obtaining acceptable Pre-let Agreements
 - agreeing detailed designs for the Innovation Centre and the Mobility Hub
 - obtaining an Acceptable Planning permission
 - agreeing an acceptable building contract with a construction contractor
 - discharging any Third Party Rights on the land
 - agreeing plans that define the various Plots for development
- 4. note the protection that the Council is afforded on construction cost over-runs through the provision of a Maximum Commitment;**
- 5. note the investment opportunities outlined in Appendix iii that will provide a better return the Council;**
- 6. delegate authority to the Director of Finance, Assets and Regeneration, in consultation with the Cabinet Member for Cyber, Regeneration and**

Commercial Income and the Cabinet Member for Finance and Assets, to manage and approve expenditure of the Council Variations Budget;

- 7. delegate authority to the Director of Finance, Assets and Regeneration, in consultation with the Cabinet Member for Cyber, Regeneration and Commercial Income and the Cabinet Member for Finance and Assets, to negotiate commercial terms on a Management Agreement for the Innovation Centre and, if appropriate, the Mobility Hub. Approval from Full Council will be sought prior to entering into any Management Agreement.**

The votes were cast as follows:

FOR: Councillors Babbage, Baker, Andrews, Atherstone, Bamford, Boyes, Britter, Chelin, Collins, Fisher, Fifield, Harman, Harvey, Hay, Holliday, Horwood, Jeffries, Lewis, Pineger, Sankey, Seacome, Tailford, Tooke, Wheeler, Wilkinson, Williams (26)

AGAINST: None

ABSTAIN: Councillors Flynn and Joy (2)

9 Any other item the Mayor determines as urgent and which requires a decision

There were none.

Cheltenham Borough Council Council Minutes

Meeting date: 16 October 2023

Meeting time: 2.30 pm - 3.35 pm

In attendance:

Councillors:

Matt Babbage (Chair), Paul Baker (Vice-Chair), Glenn Andrews, Victoria Atherstone, Adrian Bamford, Garth Barnes, Ian Bassett-Smith, Angie Boyes, Jackie Chelin, Ed Chidley, Barbara Clark, Flo Clucas, Mike Collins, Iain Dobie, Stephan Fifield, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Martin Horwood, Tabi Joy, Paul McCloskey, Emma Nelson, Richard Pineger, Julie Sankey, Diggory Seacome, Smith, Izaac Tailford, Julian Tooke, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

Also in attendance:

Paul Jones (Executive Director of Finance, Assets and Regeneration), Claire Hughes (Corporate Director and Monitoring Officer), Gareth Edmundson (Chief Executive) and Kim Smith (Elections Manager)

1 Apologies

Apologies were received from Councillors Beale, Britter, Fifield, Holloway Jeffries, Lewis and Oliver.

2 Declarations of interest

There were none.

3 Minutes of the last meeting

The minutes of the meeting held on 24 July were approved as a true record.

The minutes of the last meeting, held on 28 September, will be considered at the meeting on 11 December.

4 Communications by the Mayor

The Mayor began by welcoming the newly-elected Member for Prestbury ward, Councillor Stan Smith.

He said that everyone would be aware of the horrific recent attacks on Israeli citizens and unfolding tragedy in Gaza, and share a sense of deep sadness at the loss of innocent life and hope for all those in the region. He invited Members to stand and join him for a moment's reflection.

5 Communications by the Leader of the Council

The Leader also welcomed Councillor Smith, and shared the following:

- the newest statistics from our efforts to reduce carbon emissions at CBC show a 15% decrease on last year. More statistics will follow at Council in December;
- the Appointments and Remuneration Panel has appointed an interim Head of Climate to continue to drive our ambitious climate agenda;
- CBC has increased fines for litter, fly-tipping and graffiti to the maximum on-the-spot fixed penalties allowable under a recent change in regulations, to send a clear message on these anti-social activities;
- there are now around 60 families using the Feed Cheltenham Leisure Passes; families are excited to have free access to leisure activities, particularly swimming;
- the final design for the Montpellier Gardens public toilets has now been signed off by MDUK as compliant with Changing Places requirements. The procurement for a construction contractor will go live in the next couple of weeks and a decision brought back to Cabinet or full Council if required;
- the final draft statement of accounts for 2021-22 has been presented to Audit, Compliance and Governance Committee, and it is expected that an unqualified audit opinion will be issued by Grant Thornton, allowing the team to move onto the audit for 2022-23 in the new year;
- preparations for setting the 2024-25 budget are starting; CBC's settlement from central government will be based on the Autumn Statement which isn't due until the end of November. The team will therefore need to make a number of assumptions on funding levels to ensure that the draft budget proposals can be taken to Cabinet in December in advance of the consultation period.

She went on to explain that on 17 October, Cabinet would be considering recommendations that CBH be wound up and management of the housing stock be brought back to CBC:

- she said CBH was set up as an Arms' Length Management Organisation (ALMO) to allow greater access to central government funding to meet the Decent Homes standard, a Labour government initiative set targets to bring all public sector social housing up to standard by 2010;
- when government funding came to an end in 2016, CBC and CBH worked successfully in partnership, investing in existing stock, building new housing,

establishing a resilient housing revenue account and, most importantly, focussing on high tenant and leaseholder satisfaction;

- responding to recent challenges, the partnership has protected and cared for communities in Cheltenham, and the role of CBH in Cheltenham is one to be celebrated;
- however, with new financial challenges and an updated regulatory framework, it is now time to review CBH's future, to ensure the council can deliver a housing service in full alignment with its strategic priorities and ensure it is in the strongest possible position to deliver for Cheltenham's communities. The most important consideration will be the tenants, and the report is very much about strengthening tenant participation and the improvement board.

She ended with the following items:

- she sits on the Western Gateway partnership as district representative for all districts in Gloucestershire, and recently welcomed a delegation of seven to Cheltenham, visiting Golden Valley, the MX, and meeting various stakeholders. The Western Gateway has identified cyber as a real strength right across the region, promoting and amplifying what is already happening to create further jobs and growth. As home of GCHQ, Cheltenham has a central role in driving further growth. Following their visit, the Director of Western Gateway emailed to say how impressed he was with the scale of Cheltenham's ambition, and pledged support to maximise the impact of everything being delivered in Cheltenham.

She ended by reminding Members that it was Recycling Week, and encouraged Members to share.

6 To receive petitions

There were none.

7 Public Questions

There were no public questions on this occasion.

8 Member Questions

Eight Member questions had been received. The written responses were taken as read.

1. Question from Councillor Diggory Seacome to Cabinet Member Economic Development, Culture, Tourism and Wellbeing, Councillor Max Wilkinson

We were promised last year, before the installation of the ice rink, that mains electricity, or at least work starting on providing it, was to be installed. This has not happened. When is that likely to happen?

Response from Cabinet Member

Thank you to Councillor Seacome for the question. He raises an important issue. Cllr Seacome is a close follower of matters in Imperial Square and of discussions at this Council. Therefore, he will know that it is correct to say that this authority is seeking to install electrical power sources for events. However, the position stated on the ice rink for this year, and until electrical infrastructure is installed, was to not use traditional diesel generators and instead pursue alternative energy supplies. That is exactly what we are aiming to do this winter, by using an HVO fuel and battery method. This innovative solution is being provided by a locally based company at the leading edge of its field. This technology will make a substantial cut in event emissions compared to a traditional diesel generator. The emissions will, of course, be measured and reported on after the event, but the amount of HVO fuel used will be reliant on the weather. Crucially for local residents of Imperial Square, the hyperlocal air quality impacts of a diesel generator will be vastly reduced too.

We are extremely pleased to have moved away from the traditional diesel fuel option which most outdoor events regularly rely upon. It is a huge step forward for the Council's climate goals and one which we will look to build on. Work is underway to understand how we may be able to increase the fixed power supply to Imperial Gardens using the funding secured through the UK Shared Prosperity Fund. Hydrock, an engineering design company, have been appointed to work with the Council and National Grid to develop a design and specification for any required infrastructure. A proposal for any required infrastructure to deliver the power required to support events in the gardens is expected to be provided to the Council early in 2024 when Members will be able to take a decision on the wider risks and benefits of proceeding.

Supplementary question

At the end of the ice rink period, can we have statistics for the improved form of fuelling?

Response from Cabinet Member

Yes

2. Question from Councillor Tabi Joy to Cabinet Member for Waste, Recycling and Street Services, Councillor Iain Dobie

In terms of brown bag garden waste collection, why are some streets are qualified for and why some aren't qualified for, and is it an iterative process where more streets may become qualified?

Response from Cabinet Member

The Council's main garden waste service is a borough wide brown bin collection service from the kerbside. However, in some roads residents have little or no space for a wheelie bin and the garden bag service is offered only to these residents and serviced using a different vehicle. I am keen to see this service reviewed to ensure we are minimising our carbon emissions. Details of our garden waste service are available on the website [Brown bin garden waste collection | Garden waste | Cheltenham Borough Council](#)

3. Question from Councillor Tabi Joy to Cabinet Member for Waste, Recycling and Street Services, Councillor Iain Dobie

Could garden waste bags be collected from CBC and CBH sites in addition to the Municipal Offices?

Response from Cabinet Member

I am committed to working with residents to ensure our services meet their needs within the available resources we have. Any specific requirements should be discussed with officers who I am sure will be more than willing to help. Regulations around how and where waste is stored need to be adhered to.

CBH sites such as the St Paul's Community Hub can subscribe to the garden bin subscription service and officers have been in discussion with the Hub about this.

4. Question from Councillor Tabi Joy to Cabinet Member for Waste, Recycling and Street Services, Councillor Iain Dobie

Previously Ubico have collected fly-tipped items from unadopted alleyways, but that seems have recently changed. Has the contract for fly-tipping with Ubico changed, and if so, might this be subject to further adjustment in the near future?

Response from Cabinet Member

I am keen to ensure we tackle fly tipping across the borough and I am not aware that anything has changed recently, nor are officers. The neighbourhood team seek the removal of fly tipping on private land, which includes unadopted lanes, by the land owners or culprits. There will be particular issues with each individual alleyway I am sure and no doubt these are not new issues but the same ones that keep cropping up every now and again. If Councillor Joy has any specific examples could she please let me know and I can investigate for her.

5. Question from Councillor Julian Tooke to Cabinet Member for Finance and Assets, Councillor Peter Jeffries

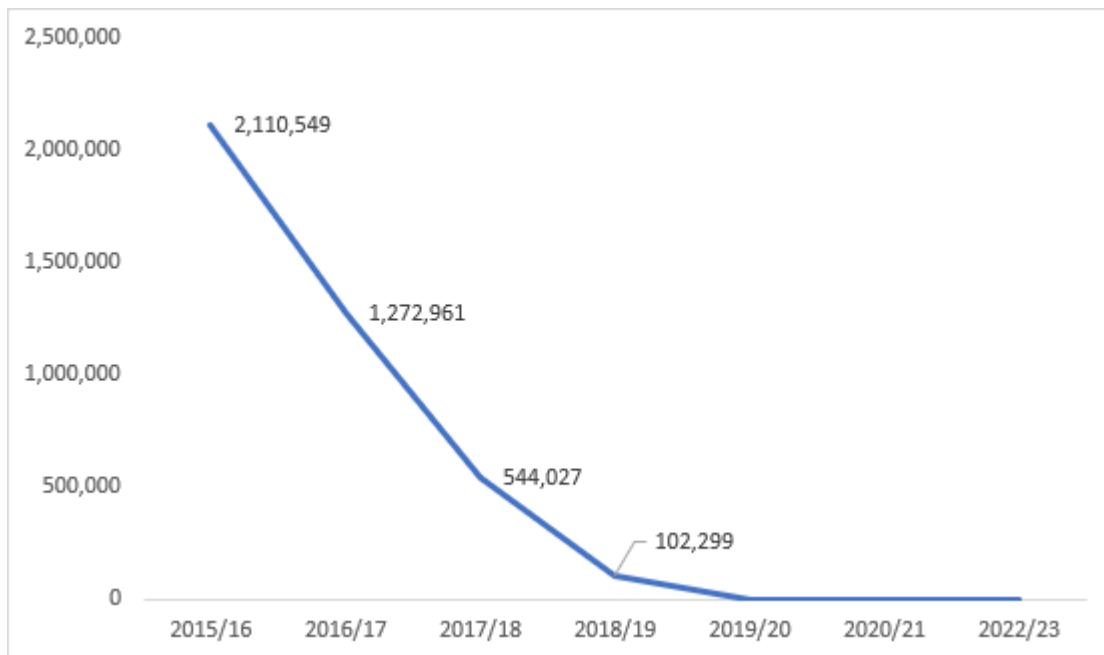
Since May 2015, please can you quantify how much the revenue support grant (direct guaranteed funding from central government) has been reduced per annum and also, if it had increased by inflation every year, how much we would have expected to have received from central government between May 2010 and now (so we can quantify the funding gap).

Please can you also quantify much of this funding gap, CBC has been able to make up via increases in council tax and business rates.

Response from Cabinet Member

I would like to thank Councillor Tooke for his question. In the 2015/16 final budget, this Council received £2.110m of revenue support grant from the Government which

in the years since has reduced to nil. The profile of the reduction is demonstrated in the graph below:



Since 2010, the Council has received £13.919m in revenue support grant from the Government. In the 2010/11 financial year alone we received £1.689m. Had this level of funding been maintained and increased with inflation, this amount would have been £25.285m, a gap of £11.366m.

This gap has been made up through Council Tax growth (£1.9m), business rates growth (approx. £2m) and the remaining £7.3m has been delivered through increasing commercial activities, savings and efficiencies in the base budget.

Supplementary question

Congratulations to the administration for maintaining services despite the swingeing government cuts. The council is not averse to commercial risk in order to do this. Could the council have achieved what it has in maintaining services without taking commercial risk.

Response from Leader

Thanks to Councillor Tooke for his supplementary question, which I will answer in the absence of Councillor Jeffries.

As Cabinet member for Finance and Assets, I brought a commercial investment strategy to the council in 2016. With government funding disappearing year on year, we needed to change tack and become a commercial council that was risk aware but not risk averse if we were to continue to not cut services. To that end, we were very successful in as much as before the pandemic, we were on course to become self-sufficient from government funding. I firmly believe that had we not gone on this journey, then my answer to you now would have been a resounding no – I do not believe that without taking commercial risk we would still be delivering the same level of non-statutory services as we currently are.

In fact, the eminent auditors, Grant Thornton, mentions Cheltenham in one of their publications. Since 2015, we have increased our commercial income by £4.2m over that period which equates to a real increase of £2.5m once inflation has been applied. To put that in context, that is almost as much as our business rates baseline threshold of £2.8m.

6. Question from Councillor Tim Harman to Cabinet Member for Waste, Recycling and Street Services, Councillor Iain Dobie

The Government has increased the maximum on the spot fine people who litter graffiti from £150 to £500 and for fly tipping from £400 to £1000.

According to Gloucestershire Live Gloucester City Council in 2021/22 issued 1,514 fines compared with 18 by Cheltenham Borough Council .

Can he cabinet member explain this difference or does he feel that Cheltenham has no problems with Litter, Graffiti and Fly tipping ?”

Response from Cabinet Member

The Cabinet Member for Customer and Regulatory Services recently agreed to increase the level of Financial Penalty Notices in line with new legislation recognising the need to take a robust approach to ASB and environmental-crime.

CBC cannot comment on the accuracy of the number of FPNs reported by Gloucestershire Live. Gloucester City Council outsource their litter enforcement to a commercial company who will, no doubt, set income targets for their officers. This will drive and influence the approach taken by the city council to maximise the number of FPNs issued and income generated from it.

In Cheltenham, the number of litter FPNs issued by officers are:

2021 – 51 2022 – 26 2023 – To date – 5

Other FPNs

Graffiti - 2021 – 15 2022 – 0 2023 – To date – 0

Fly tipping - 2021 – 62 2022 – 56 2023 – To date – 19

A large part of the decrease in litter FPNs is attributable to officers undertaking a lot of education in accordance with the Corporate Enforcement Policy that encourages engagement before enforcement in most cases. For example, historically a lot of FPNs were issued to food delivery drivers who dropped a lot of litter and cigarette butts when waiting for work to come in. Neighbourhood officers working with them has resulted in substantial improvements that means officers did not need to issue FPNs.

We take action in accordance with our Corporate Enforcement Policy. Where there is credible evidence of offences, Neighbourhood Officers will take appropriate enforcement action. Issuing FPNs are not always the most appropriate. For example, particularly in cases of fly tipping and graffiti, the council might pursue a prosecution as the most appropriate course of action instead of issuing a FPN.

There are also certain limitations in the legislation where, for example, issuing FPNs is complicated where an alleged offender refuses to provide council officers with name and details. However, officers will take action in all cases where they have credible evidence and the information they need. Where necessary, officers will call on support from the police to assist but this is dependent on available resources.

Supplementary question

Thanks to the Cabinet Member for his detailed response. Does the council need to do more than it already does to combat litter, graffiti, and fly-tipping?

Cabinet Member response

We can always do more. The fact that I have just taken a decision to increase the fines for fly-tipping and graffiti, and impose the maximum on-the-spot fine possible for litter shows that we are very serious about this. A new graffiti policy was introduced earlier this year, which included the removal of offensive graffiti in double-quick time.

The reason why Gloucester City Council issues so many fines is that it pays a sub-contractor to carry out the work, and in fact issues more fines than all the other Gloucestershire councils put together. Anything larger than a 5p coin is regarded as litter and an offence under legislation, but this is not the way CBC wants to go. The aim is to educate people to keep the streets clean, then warn them; if they continue to offend, a fixed penalty notice will be issued. CBC takes the matter absolutely seriously, and everyone agrees that we want to see less of this type of anti-social behaviour.

7. Question from Councillor Emma Nelson to the Leader, Councillor Rowena Hay

We have recently lost at least three key senior and experienced CBC Officers in the Director for Climate Change, Executive Director Place & Communities and the Planning Enforcement Officer.

- What steps are CBC taking to recruit to fill these positions?
- What is the CBC Succession Planning Policy and how confident are they that it is working?
- What was the annual cost of each of their positions? And what is the forecast annual cost of Interim Management to cover these positions?
- Are there any other expected / known departures of senior Officers coming anytime soon, and if so, who and when?

Response from Cabinet Member

Thank you to Councillor Nelson for the question. Matters of staffing are ultimately a matter for the Head of Paid Service who is ultimately responsible for making recommendations on the organisational structure for approval to members. As highlighted at the recent A&R committee, following the LGA peer review the Chief Executive highlighted to the committee that he was proposing to review the senior positions in the organisations in light of the report to ensure they were fit for purpose.

In addition, I understand that if the Cabinet Report relating to Cheltenham Borough Homes is approved by Cabinet on the 17 October this will require a further review of senior positions. Therefore, it is expected that like for like replacements for posts of Executive Director for Place & Communities and the Director for Climate Change will not be recruited to. The combined full year cost of these two posts is £250k (£140k and £110k respectively). A cross-party A&R sub committee recently appointed to an interim position to oversee the Climate agenda, the cost of this interim cover is forecast to cost £85k.

With regard to planning enforcement, I understand we are actively seeking to recruit a Planning Enforcement Officer on a contract basis. Employing a contractor gives an opportunity to review the organisation and resources for this function

CBC does not have a succession planning policy but the organisation actively looks to invest in and develop staff. The Council's record on apprentices and the recruitment of graduates via the national LGA scheme is evidence of the Council's commitment to develop talent.

While there are national and acute shortages of qualified staff across different disciplines in local government – planning being particularly challenging, CBC continues to look at ways we can promote the Council as a great place to work and explore how we advertise jobs and attract talent. The Council has also expressed an interest in joining a national LGA initiative to look at how we can improve local government recruitment.

With regard to further staffing departures, I am not aware of further departures but as with any organisation normal churn of staffing is expected. National staffing shortages have made the recruitment market more competitive so this does create a risk of creating a higher churn if staff are successful in being promoted to roles outside the Council. However, as confirmed by the LGA peer review, Cheltenham has been highlighted as having a positive organisational culture and remains an attractive and welcoming place to work.

Supplementary question

The council promotes CBC as a great place to work. Does it measure that state of morale among staff and if so, is it good or could it be better:

Response from Leader

The council undertakes staff satisfaction surveys on a regular basis and publishes the results. I will get back to you with the most recent outcomes. I'm not sure when the next review is due, but this is certainly something we measure.

8. Question from Councillor Emma Nelson to the Leader, Councillor Rowena Hay

Glos Live recently reported that Gloucester City Council effectively lost out on £220k S106 funding due to expiry of time limit to spend.

How much is currently held by CBC under S106 and what are the expiry dates

against each lump sum? I tried to find this on the CBC website but couldn't.

Response from the Leader

Thank you, Councillor Nelson, for your question. Officers regularly monitor our situation with regards to our position on s106 contributions held, including expenditure. Indeed the Council publishes an annual report setting out the position as part of Cheltenham Borough Council's annual infrastructure funding statement for community infrastructure levy and section 106 [IFS22_App 2_Infrastructure Funding Statement.pdf \(cheltenham.gov.uk\)](#). The next Cabinet report on this is scheduled for the 5th December 2023.

Currently £2,325,402.72 is held following the completion of s.106 agreements but all of this has been committed to schemes within timescales set out in those agreements. Therefore, there is no danger of the Council being required to repay any money back.

9 Interim Review of Polling Districts, Places and Stations

The Executive Director for Finance, Assets and Regeneration introduced the report, saying that the Local Government Boundary Commission for England completed its review, with the order made on 18 July 2023, and changes coming into effect on 02 May 2024. The council has a statutory duty to review its polling districts, places and stations, and make sure that these are accessible to all. The consultation exercise is now complete and the recommendations ready to be put forward. He thanked everyone who shared their views, and Kim Smith and the elections team in particular for finding an alternative polling station for Battledown ward, following local concern about the closure of Holy Apostles school for the by-election earlier this year.

In response to Member questions, the Executive Director for Finance, Assets and Regeneration and the Electoral Services Manager confirmed that:

- although at present, the polling station for a county council by-election in Park and Lansdown wards would be a portakabin at the Town Hall or Salem Baptist Church rather than the usual polling stations, it is hoped that with the county boundary changes next year, these anomalies will be matched up so that people don't go to different polling stations for borough and county elections;
- although some voters may find the new polling station in Battledown more difficult to get to, the council cannot consider helping people get there. Cheltenham is unique in the number of polling stations and their proximity to voters, particularly compared with rural areas where people sometimes have to travel substantially further. The council always looks for polling stations that are as amenable as possible for voters. In Battledown, the proposed portakabin at the cricket club has good parking, and the cricket club is looking to make itself more accessible, with the clubhouse itself used as the polling station in future.

Member debate

In debate, Members made the following observations:

- with a few polling stations some way outside the ward, people may have trouble recognising the area where they live in relation to the ward where they live, which seems bizarre;
- will the Leader consider keeping the boundary working group– some wards need to be revisited, such as Benhall, which is split by a dual carriageway. Ward boundary changes should come from the local authority – we shouldn't have to wait for the boundary commission who don't know the area to make piecemeal changes that are number-based rather than community-based. As an example, in May, a small part of Hesters Way ward will end up in Tewkesbury constituency, which seems ludicrous. The boundary working group could draw up something for the future that is more representative of communities and works well;
- thanks to the team who delivered this work – it has involved a huge amount of hard work.

The Leader said most people would continue to vote in the same place as previously. Although CBC could ask the question, she doubted whether the Boundary Commission would consider re-looking at Cheltenham for at least two years, but more likely a lot longer than that.

RESOLVED (unanimously): That Council approves:-

- **All Saints Ward - creation of new polling district AC and for electors to vote at Holy Trinity Primary School for all elections except for a County Council by election when the electors will vote at Robert Harvey House**
- **Battledown Ward – to change the polling place / station for electors in polling districts BA and BC to vote at (Portakabin) Cheltenham Cricket Club, Princes Street**
- **Benhall, The Reddings & Fiddlers Green Ward – creation of new polling district CD and for electors to vote at Oasis Centre, Cassin Drive**
- **Charlton Kings Ward – to change the polling place / station from Kings Hall, Church Piece to Charlton Kings Baptist Hall, 38 Church Street**
- **Charlton Park Ward – creation of new polling district ED and for electors to vote at Cheltenham East Community Fire & Rescue Station, Keynsham Road for all elections except for County Council by election when the electors will vote at Holy Apostles Church Hall, London Road**
- **Charlton Park Ward – creation of new polling district EE and for electors to vote at Old Patesians Sports and Social Club, Everest Road for all elections except for County Council by election when the electors will vote at Leckhampton Primary School, Hall Road**
- **College Ward – creation of new polling district FD and for electors to vote at Portakabin, Town Hall, Imperial Square for all elections except for County Council by election when electors will vote at St Gregorys Old Priory, 70 Clarence Street**
- **College Ward – creation of new polling district FE and for electors to vote at Emmanuel Church, Fairfield Parade for all elections except for**

County Council by election when electors will vote at Leckhampton Baptist Hall, Pilley Lane

- **Hesters Way Ward – creation of polling district GC and for electors to vote at The Training Room, Access via the Car Park, Hesters Way Childrens Centre, Dill Avenue**
- **Lansdown Ward – creation of new polling district HD and for electors to vote at St Gregorys Old Priory, 70 Clarence Street for all elections except for County Council by election when electors will vote at Salem Baptist Hall, St Georges Road**
- **Park Ward – creation of new polling district KC and for electors to vote at Bethesda Methodist Church Hall, Great Norwood Street for all elections except for County Council by election when electors will vote at Portakabin, Town Hall, Imperial Square**
- **Pittville Ward – creation of new polling district LC and for electors to vote at Pittville Pump Room, East/West Approach Drive for all elections except County Council by election when electors will vote at St Pauls Church Centre, Access via Brunswick Street**
- **Pittville Ward – creation of new polling district LD and for electors to vote at Pittville Pump Room, East/West Approach Drive for all elections except for Parliamentary election when electors will vote at Prestbury Hall, Bouncers Lane**
- **Prestbury Ward – polling district MB to change the polling station from the Portakabin and for electors to vote at the Committee Room, St. Nicolas Church Hall, Swindon Lane**
- **Prestbury Ward - creation of new polling district MC and for electors to vote at Prestbury Hall, Bouncers Lane for all elections except for Parliamentary election when electors will vote at Pittville Pump Room East/West Approach Drive**
- **Springbank Ward – creation of new polling district NC and for electors to vote at Hesters Way Childrens Centre, Dill Avenue for all elections except for County Council by election when electors will vote at Swindon Village Hall, Church Road**
- **Up Hatherley Ward – change current polling district SA – Transfer the following streets/properties from SA to SC:-**
 - **7 to 75 and 2 to 28 Caernarvon Road**
 - **Caernarvon Court, Caernarvon Road**
 - **1 to 11 and 2 to 6 Carmarthen Road**
 - **Flint Road**
 - **Glamorgan Road**
 - **Hatherley Lane**
 - **Hatherley Mews, Hatherley Lane**
 - **267 to 313 and 282 to 320 Hatherley Road**
 - **Kingscote Avenue**

- **Kingscote Close**
- **Kingscote Grove**
- **Kingscote Road East**
- **Kingscote Road West**
- **Pembroke Road**
- **Wards Road**

Transfer 77 to 151 Caernarvon Road from polling district SA to polling district SB. The electors remaining in polling district SA to vote at St Margarets Hall, Coniston Road

- **Up Hatherley Ward – change current polling district SB to include 77 to 151 Caernarvon Road from polling district SA and for electors to vote at Hillview Community Centre, Hulbert Crescent**
- **Up Hatherley Ward – change current polling district SC and to include all of the streets and properties listed in changes to polling district SA above and for electors to vote at Up Hatherley Village Hall, Cold Pool Lane**
- **Up Hatherley Ward – creation of new polling district SD and for electors to vote at St Margarets Hall, Coniston Road for all elections except for County Council by election when electors will vote at St Stephens Parish Church, St Stephens Road**
- **Up Hatherley Ward – creation of new polling district SE and for electors to vote at St Margarets Hall, Coniston Road for all elections except for County Council by election when electors will vote at The Annexe, St Margarets Hall, Coniston Road**
- **Warden Hill Ward – Polling district TA for electors to vote at The Annexe, St Margarets Hall, Coniston Road**
- **Warden Hill Ward – creation of new polling district TD and for electors to vote at The Annexe, St Margarets Hall, Coniston Road for all elections except for County by election when electors will vote at St Stephens Parish Church, St Stephens Road**

10 Appointment of the Chair of the Overview and Scrutiny Committee

Following the resignation of the Chair of Overview and Scrutiny Committee, the Chief Executive called for nominations for his replacement.

The Leader of the Conservative group, Councillor Harman, said that, in accordance with the arrangement that the Chair should represent a group other than the majority group, he proposed Councillor Joy as Chair. She has indicated that she is prepared to take the role for the remainder of the council term.

Councillor Seacome seconded the nomination of Councillor Joy. There were no other nominations.

The Mayor invited Members to vote; Councillor Joy's election as Chair of Overview and Scrutiny was unanimously approved.

11 Notices of Motion

There were no motions on this occasion.

12 Any other item the Mayor determines as urgent and which requires a decision

There were none.

13 Local Government Act 1972 -Exempt Information

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 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

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

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

14 Exempt Minutes

The exempt minutes of the meeting held on 25 July were approved as a true record.

Cheltenham Borough Council

Council – 11 December 2023

Recommendations of the Independent Remuneration Panel (IRP) regarding Members' Scheme of Allowances

Accountable member: Leader of the Council, Councillor Rowena Hay

Accountable Officer: Corporate Director and Monitoring Officer, Claire Hughes

Accountable scrutiny committee:

Not applicable

Wards affected:

Not applicable

Key Decision: No

Executive Summary:

The Local Authorities (Members' Allowances) England Regulations 2003 requires that Members' schemes of allowances are reviewed annually and where they are linked to some form of automatic indexation, there must be a full review once in every four years. Before an authority can review its scheme of allowances it must first have considered a report from an Independent Remuneration Panel (IRP). The last full review of allowances at Cheltenham Borough Council was carried out by the IRP in 2019 and its recommendations were approved by Council in [December](#) that year. The IRP have been convened at several points since then to consider specific issues.

In September 2023, the IRP was convened to conduct a full 4 year review in preparation for the budget setting 2024/25 and their findings and recommendations are summarised in this report with the full report attached as appendix 2.

The Council is now required to consider the recommendations of the IRP and, if acceptable, to resolve to adopt them. If the Council rejects the recommendations, then the current scheme will remain in place.

Recommendations:

That the Council consider the findings of the IRP and determine whether to accept the recommendations as follows :

- 1. That the Council endorses the broader understanding of the purpose of the Basic Allowance as outlined in paragraphs 11-13 of the IRP report.**
- 2. That the Basic Allowance for 2024/25 be set at £6,645**
- 3. That the Basic Allowance for 2025/26 and beyond be reconsidered by the panel in/or around September 2024.**
- 4. That the principle that a member may only claim one Special Responsibility Allowance be continued, with the exception of the Mayor who may claim both the SRA for their role as Civic Head and Chair of the Council.**
- 5. That the Special Responsibility Allowance for the Leader of the Council be set at £21,154 for 2024/25**
- 6. That the Special Responsibility Allowance for the Deputy Leader of the Council be set at £18,745 for 2024/25.**
- 7. That the Special Responsibility Allowance for the Mayor as Civic Head be set at £7,935 and as Chair of Council £595 for 2024/25.**
- 8. That the Special Responsibility Allowance for the following roles be as shown for 2024/25 :**

Cabinet Member - £17,853

Planning Committee - £5,207

Licensing Committee - £5,207

Overview and Scrutiny Committee - £4,463

Audit, Compliance and Governance Committee - £1,785

Standards Committee - £1,190

Appointments and Remuneration Committee - £397

Independent Members of Standards Committee - £397

- 9. That the Special Responsibility Allowance for a Group Leader remains a flat structure, regardless of size, and be £793 for 2024/25.**

10. That the Special Responsibility Allowance for Vice Chairs of the following Committees be as follows for 2024/25 :

Planning Committee – £2,083

Licensing Committee - £1,770

Overview and Scrutiny Committee - £1,517

11. That no change be made at the present time to the travel and subsistence provisions of the Scheme.

12. That no change be made at the present time to the dependent care provisions of the Scheme, and that all councillors be urged to recognise their entitlement to such expenses.

1. Implications

1.1 Financial, Property and Asset implications

The proposed increases in members allowances is £31,000 representing a 7% increase on the budget, this increase will be included in the proposed draft budget that will go to Cabinet in December 2023.

Signed off by: Gemma Bell, Director of Finance and Assets,
gemma.bell@cheltenham.gov.uk

1.2 Legal implications

The Council must have regard to the views of the Independent Remuneration Panel when considering changes to the scheme of allowances.

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

1.3 Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report.

Signed off by: Claire Hughes, Corporate Director and Monitoring Officer

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

An equality impact assessment is not required for this report.

2. Background

- 2.1 The Local Authorities (Members' Allowances) England Regulations 2003 sets out the framework within which local authorities can establish and amend schemes providing for the payment of allowances to Elected and Co-opted Members of their councils. In particular the regulations provide that schemes which are linked to an index to determine annual increases in allowances must be reviewed at least once in every four years.
- 2.2 When reviewing its scheme a council may not adopt a new scheme or re-adopt an old scheme without first having considered the recommendations of an Independent Remuneration Panel (IRP) established for that purpose.
- 2.3 The existing scheme of Members' allowances has been in place since 2007 and was last reviewed in 2019. It is based on a formulaic approach which the IRP remains committed to. It provides basic allowances for all elected Members, special responsibility allowances (SRAs) paid in respect of identified roles and responsibilities, and travel and dependent carers payments. In September of each intervening year, the Democratic Services Team Leader liaises with the Chair of the IRP to decide if there are any issues which require the panel to meet.
- 2.4 Following an open recruitment process led by the Monitoring Officer, three new Panel Members were appointed in Spring 2023 to bring the membership up to 5.
- 2.5 Since 2017, increases in the basic and special responsibility allowances have been linked to the staff pay settlement. However, in 2022/2023 employee pay awards comprised a flat rate figure, repeated again in 2023/24. In considering how a flat rate should be applied to Members' Allowances, the Executive Director Finance and Assets proposed that increases to Members' Allowances be based on the average mean officer salary increase, weighted by full time equivalent. In consultation with the IRP, increases of 6.5 % and 6.1 % were awarded in 2022/23 and 2023/2024 respectively.

3. Alternative options considered

- 3.1 The review undertaken by the IRP constitutes a thorough and reasoned analysis of the allowance rates applicable to Councillors and those co-opted to serve the council. In reaching its conclusions it has taken advice and gathered a range of information and considered a range of options which are detailed in their report.

4. Consultation and feedback

- 4.1 Detailed in the IRP report.

4.1 Reasons for recommendations

The recommendations from the IRP for 2024/25 and the rationale for them are set out in the IRP report in Appendix 2 and summarised in the Executive Summary of this report.

4.2 If the panel's recommendations are accepted the new allowances will be as follows:

	Current	Proposed
Councillor – Basic Allowance	6550	6,645
Special Responsibility Allowances (SRAs)		
Leader	20,447	21,154
Deputy Leader	No current SRA	18,745
Cabinet Member	16,093	17,853
Chair of Planning Committee	4,294	5,207
Vice-Chair of Planning Committee	2,163	2,083
Chair of Licensing Committee	1,016	5,207
Vice-Chair of Licensing Committee	677	1,770
Chair of Overview & Scrutiny Committee	3,389	4,463
Vice-Chair of Overview & Scrutiny Committee	1,694	1,517
Chair of Audit, Compliance and Governance Committee	847	1,785
Chair of Appointments and Remuneration Committee	0	397
Chair of Standards Committee	375	1,190
Group Leaders	754	793
Independent Members of Standards Committee	373	397
Mayor (Chair of Council)	566	595
Mayor (Duties of Civic Head)	8,812	7,935
Deputy Mayor	1,646	1,587

5. Alternative options considered

6.1 The review undertaken by the IRP constitutes a thorough and reasoned analysis of the allowance rates applicable to Councillors and those co-opted to serve the council. In reaching its conclusions it has taken advice and gathered a range of information and considered a range of options which are detailed in their report.

6. Key Risks

6.1 As outlined in Appendix 1

Report author:

Bev Thomas, Democratic Services Team Leader
democratic.services@cheltenham.gov.uk

Appendices:

1. Risk Assessment
2. IRP Report

Background information:

[Part 6 CBC Constitution – Members' Scheme of Allowances](#)

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If some provision is not made for increasing the basic allowance and SRAs then new councillors may not be attracted to stand for the role or existing members may step down.	Chief Exec	2023	3	2	6	Reduce	The views of existing Councillors should continue to be fed back to the IRP and they should be made aware of any difficulties in attracting future councillors.	Dec 2023	Corporate Director and Monitoring Officer	
	If Members Allowances are increased there is a risk that public perception will be that councillors are receiving an increase during financially challenging times.	Chief Exec	2023	2	2	4	Accept	Recent Increases in basic and special responsibility allowances have been based on the average mean officer salary increase, weighted by full time equivalent and as detailed in the report. Members can forgo any element of their allowance should they wish to do so.	Dec 23	Corporate Director and Monitoring Officer	

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**REPORT OF THE INDEPENDENT REMUNERATION PANEL
(MEMBERS' ALLOWANCES) TO CHELTENHAM BOROUGH
COUNCIL**

DECEMBER 2023

REVIEW OF MEMBERS' ALLOWANCES – 2024/5 AND BEYOND

Introduction

1. The Local Government Act, 2000 required local authorities to produce a Scheme in respect of councillors' allowances. Under the Local Government (Members' Allowances) (England) Regulations 2003, Councils have to set up an independent remuneration panel to make recommendations on members' allowances. The Independent Remuneration Panel for the Borough Council comprises:

Graham Russell, former Head of Democratic Services with Bath & North East
Patricia Dundas, Cheltenham resident and former NHS employee
Dr Helen Francis, Cheltenham resident, voluntary sector experience
Bruce Lunt, Cheltenham resident, retired solicitor
Quentin Tallon, Cheltenham resident, former Cheltenham TUC
2. The Panel has undertaken a full review of the Scheme of Members' Allowances, as it is required to do every 4 years. We are extremely indebted to Bev Thomas and her team for her advice and support throughout the review period.
3. We wish to acknowledge also the time given by elected Members who took part in our survey questionnaire or who took the time to have face to face/virtual meetings with the Panel. This direct evidence has proved extremely valuable in shaping our recommendations and we are very grateful to those members.

Context of the Full Review of Members' Allowances

4. In accordance with legal requirements, the Scheme of Allowances has to be reviewed every 4 years, particularly with regard to the indexing arrangements for the Basic Allowance to which all members are entitled.
5. The Panel has based its review on a number of key principles as follows:
 - recognising the core values of Cheltenham Borough Council as a service provider/enabler;
 - recognising the legal framework relating to a Council which is operating an executive style of governance;
 - taking into account, and balancing, a wide range of evidence, including that relating to the direct experiences of councillors;
 - creating a sound local basis for calculating the level of Basic Allowance for all councillors;
 - the need for recommendations on Special Responsibility Allowances that clearly distinguished those member roles that involved sufficient special characteristics to justify an allowance over and above the Basic Allowance;
 - recognising that while there was very little prescription in the Regulations governing members' allowances, there was statutory guidance which should be followed.

Review Methodology

6. An important part of the evidence base for the Panel was to hear directly from elected councillors in Cheltenham. When designing our questionnaire for members' views we were mindful to balance the effort expended by members in completing the survey with the value of the information obtained.
7. The returns have given the Panel a valuable insight into the issues for councillors in performing their duties and responsibilities to the electorate and to the Council. The Panel has received feedback from 22 councillors, a 55% response rate. The detail within those responses has been most welcome and informative.

8. We have also considered comparative statistics, and in particular how Cheltenham compares with other Gloucestershire Councils and those within the South West region. As with all such information, the Panel has exercised caution in using comparator information as not all similar Councils necessarily have the same level of involvement of members.
9. Of particular value was the face to face/virtual meetings between the Panel and councillors who asked to speak with us or whom we wished to meet to gain more information about particular roles that they performed.
10. The Panel has met on 5 occasions from October to December to review the evidence and to formulate its recommendations to the Council.

The Basic Allowance

11. The Basic Allowance is to be made available to all councillors at the same level of remuneration. There is no flexibility to pay different amounts to members as a Basic Allowance. However, Members may elect to forego all or part of their allowance if they were so minded.
12. According to Government Guidance issued in 2003, the purpose of the Basic Allowance is to *"recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes"*.
13. In the context of modern local government, the Panel believes the above description does not offer enough clarity that councillors might need. The Panel has identified the following as being the main aspects of a councillor's role that should be recognised through the Basic Allowance:
 - time and effort in conducting the local representation role (*the Panel accepts evidence that this is variable and dependent upon many factors e.g. single or multi-member wards*);
 - use of home as an office/work base;
 - travel within the Borough;
 - recompense in part for the direct impact of the councillor role on the family;
 - serving on such outside bodies to which the member may be appointed;
 - participation with, and advice and support for, local projects;

- virtual/face-to-face engagement with local constituents;
- membership of the full Council, its committees, sub committees, etc. and preparation for and attendance at meetings of the bodies to which the member has been appointed;
- performing a chairing or other lead role at such meetings where the time and effort involved does not equate to a chairing role for which a special responsibility is justified;
- attendance at political group meetings;
- making a contribution towards the effective governance, administration and performance review of the Council's strategies, policies and service delivery;
- attendance at a reasonable number of training and development events, including all mandatory training events;
- IT consumables (including printing, ink and paper) broadband and telephone.

RECOMMENDATION 1: That the Council endorses this broader understanding of the purpose of the Basic Allowance.

14. Prior to the recent percentage increase of the Basic Allowance, it had been £6,174. That figure compared favourably with other District Councils within Gloucestershire, third only to Gloucester City and Tewkesbury. Against all District Councils in the South West, Cheltenham is within the top quartile of authorities.
15. The current figure has its origins in an allowance set in 2007 and based on a local formula devised by the then IRP. This formula took account of a figure close to the median gross annual earnings in the south-west (then £22,042), a councillor's average 15 hours per week on Council and constituency duties, applying a 33% reduction to account for the voluntary element of a councillor's work, and assuming a 46 week year.
16. Save for a one off increase of 15%, which took effect in 2020/21, that figure has been updated year on year in accordance with the increase in the baseline salary used in the formula.
17. The Panel believes that a formulaic approach to calculating the Basic Allowance is the most appropriate and that an updated formula reflecting the current local elements should be developed.

18. Based on the returns from members, the average figure for hours per week is 12.3. We will use this figure, together with the 46 weeks per year, in the revised formula. The Panel believes that the present 33% deduction for unremunerated hours should also be used within the revised formula.
19. The latest figures from the Office for National Statistics (ONS), from 2022, confirm that the median annual salary for the South West is £31,737.60. Prior to the recent percentage increase in salaries, this appears to the Panel to be in line with the median salary of Cheltenham Borough Council staff.
20. In summary, the Panel wishes the Council to put in place a robust structure of allowances that recognises:
 - the responsibilities and workload that councillors perform;
 - the difficulty and sensitivity for councillors in managing challenging service delivery;
 - the community's growing expectations of its councillors; and
 - the removal of a financial barrier preventing people from all sectors from standing as a councillor, which could occur if allowances were inadequate.
21. The Council is reminded that the recommendations in our report are for implementation after the May 2024 elections, so effectively for the new councillor cohort, not the existing Council.
22. **RECOMMENDATION 2: That the Basic Allowance for 2024/25 be set at £6,645.**
23. **RECOMMENDATION 3: That the Basic Allowance for 2025/26 and beyond be reconsidered by the Panel in/or around September 2024.**

Special Responsibility Allowances

24. These are the allowances that are awarded to members performing key roles within the Council which have specific and significant responsibilities and/or accountabilities and/or which demand significant time and effort.
25. The Panel has applied the following principles in determining its recommendations:

- a. the Scheme currently provides for only one SRA to be claimed by any one member, even if they hold more than one role that attracts a SRA. This is a principle that the Panel upholds and recommends should continue;
- b. the Panel considers that what the Council expects of the member to fulfil the role is pertinent, rather than any individual's approach to that role;
- c. a councillor receiving a robust basic allowance should reasonably be expected to undertake specific roles within the Council that are not overly demanding of time or effort (e.g. the occasional chairing role).

26. RECOMMENDATION 4: That the principle that a member may only claim one SRA be continued, with the exception of the Mayor who may claim both the SRA for their role as Civic Head and Chair of the Council.

- 27. In determining our recommendations on these allowances, we have looked at each member role and, based on the evidence we have received, applied a weighting for the time commitment involved, the need for any specialist knowledge and the level of responsibility and accountability.
- 28. The following paragraphs reflect our consideration of the various member roles.

Leader of the Council

- 29. The Leader of the Council's role is pivotal in achieving the Authority's strategic objectives. It is a role that embraces Borough-wide issues as well as more strategic involvement at regional and sub-regional level. The Leader provides strategic political leadership and direction.
- 30. The full Council sets the policy and budget framework within which the executive (i.e. Leader and Cabinet) has to operate. Within that framework the Leader has significant powers to act and to direct the executive. The SRA for the Leader, prior to the recent percentage increase, was £19,271.
- 31. The Panel believes that the role of Leader of the Council broadly equates to the responsibilities falling on a senior officer in local government.
- 32. Rather than use the basic allowance formula as a basis for calculating this allowance, we feel it is more transparent to apply a formula based on relevant

National Joint Council (NJC) pay scales for the top specialist role. It is believed that this principle is consistent with how the Leader's SRA has been calculated in the past.

33. The Panel was informed that the current Grade K (being the upper level) of the NJC is £58,986. This figure has been used in the formula for calculating the Leader's allowance and assuming 15 hours per week.
34. **RECOMMENDATION 5: That the special responsibility allowance for the Leader of the Council be set at £21,154 for the year 2024/25**

Deputy Leader of the Council

35. The Panel has noted the legal requirement for a deputy leader and that the role is currently carried out by a Cabinet Member – there is currently no special allowance or enhancement for the Deputy Leader role.
36. The Panel has considered evidence that the Deputy Leader must maintain sufficient knowledge and awareness of key issues so that the role can support the Leader and act fully on the Leader's behalf when required to do so. The Panel agrees that it is appropriate to recognise this important role by awarding a SRA.
37. Given that the Deputy Leader role is likely to be allocated to one of the Cabinet Members, the Panel feels that a 5% enhancement on the Cabinet Member SRA should be the basis for setting the Deputy Leader's SRA.
38. **RECOMMENDATION 6: That the special responsibility allowance for the Deputy Leader of the Council be set at £18,745 for 2024/25.**

Mayoral Role – Civic Head and Chair of Council/Deputy Mayor and Vice-Chair of Council

39. The Panel believes the special responsibility allowances of £7,935 and £595 available to the Mayor in his civic and chair of council roles respectively appropriately reflect the responsibilities of these positions. Likewise, the special responsibility allowance of £1,587 reflects the responsibilities of the Deputy Mayor in his civic role.

40. RECOMMENDATION 7 : That the Special Responsibility Allowance for the Mayor as Civic Head be set at £7,935 and as Chair of Council be set at £595 for 2024/25.

Other SRA positions

1. The Panel is committed to using a formulaic approach to calculating special responsibility allowances. Using the gross basic allowance (£9,918 i.e. without any percentage reduction for the voluntary element) – the formula takes account of estimated hours per week and has applied weightings for knowledge and responsibility. This has resulted in our recommendations listed below.
2. The Panel has however considered the wide differential between the allowances for the Chairs of the Planning and Licensing Committees. Both Committees have responsibility for regulatory decisions (which are quite separate from the executive decision-making process). Regulatory decisions have to follow a proper process and failure to do this can result in the risk of challenge. The Chairs of these committees, more so than other chairs, have a responsibility to the Council for the effective performance of their regulatory functions and for member conduct at meetings. Although always supported by lead officers, we feel that the functional leadership of these regulatory matters at member level should be recognised. Accordingly in applying our formula, we have enhanced the responsibility factor for both these roles.
3. **RECOMMENDATION 8: That the special responsibility allowance for the following roles be as shown for 2024/25:**

Cabinet member:	£17,853;
Chair of Planning Committee:	£5,207;
Chair of Licensing Committee:	£5,207;
Chair of Overview & Scrutiny Committee:	£4,463;
Chair of Audit, Compliance & Governance Committee:	£1,785;
Chair of Standards Committee:	£1,190;
Chair of Appointments and Remuneration Committee:	£397.
Independent Members of Standards Committee:	£397.
4. Another specific area we looked at was the basis on which allowances for **Group Leaders**, being an official group notified to the Monitoring Officer (we

understand the minimum legal size is two members), was set. The Panel believes that there are two distinct roles for the Leader of a recognised political group within the Council – group management issues (e.g. group policy discussions, allocating committee places) and participating in the good governance of the Council (joint discussions with other leaders on Council-wide issues and ensuring effective member engagement). The Panel explored the option of recognising both roles in a two-tier allowance for Group Leaders but decided at this time not to pursue this.

5. The Panel was of the view that whilst a larger political group is likely to necessitate more internal management of issues, it would none the less have more members, from a wider demographic and skill base than a smaller group, to provide input into Council wide issues.

RECOMMENDATION 9: That the special responsibility allowance for a Group Leader remains a flat structure, regardless of size, and be set at £793 for 2024/25.

6. The Panel also received evidence relating to the role of **Vice Chairs of Committees**. It is important to be clear on the extent to which these roles involved active participation in the work planning of the Committees, including briefing meetings with officers, thus requiring an element of ongoing knowledge and a time commitment beyond that of an ordinary committee member. Alternatively, to what extent was a vice-chair role a “just in case” stand in for the chair at meetings.
7. On balance we believe that the Vice Chairs of the Planning, Licensing and Overview and Scrutiny Committees continue to receive an SRA. Further and in light of the possible adverse cost implications to the Council in planning matters, the Panel believe the Vice Chair of that Committee receive an SRA that is closer to that of its Chair, to encourage deeper involvement.

8. **RECOMMENDATION 10: That the special responsibility allowance for Vice Chairs of the following Committees be as follows for 2024/25:**

Vice Chair of the Planning Committee:	£2,083;
Vice Chair of the Licensing Committee:	£1,770;
Vice Chair of the Overview and Scrutiny Committee:	£1,517.

Expenses

9. The Panel has scrutinised the statutory requirements upon Councils to publish expenses claimed by councillors. It had been hoped that the identification of expenses claimed could be combined with Allowances paid in the hope that expenses would be less of a red flag and depoliticise them, thereby potentially not be bar to members of the public from all walks of life wishing to become councillors. However, the Panel notes that statute dictates expenses claimed must be identifiable individually.

Travel and Subsistence

10. The Panel has noted the current position on travel and subsistence and wishes to endorse these arrangements for the future. We note that they are in line with HMRC accepted provisions.
11. **RECOMMENDATION 11: That no change be made at the present time to the travel and subsistence provisions of the Scheme.**

Dependent Carers' Allowance

12. The Panel has noted the present provisions for dependent care allowances. While it wishes to endorse the present arrangements, the Panel is concerned that there appeared to be no take up of these provisions.
13. It is an important aspect of the Scheme of Allowances that all councillors feel able to take up these entitlements, which are intended to help overcome personal barriers to standing for and remaining a councillor.
14. **RECOMMENDATION 12: That no change be made at the present time to the dependent care provisions of the Scheme, and that all councillors be urged to recognise their entitlement to such expenses.**

Graham Russell, Chair of the Independent Remuneration Panel

December 2023

Cheltenham Borough Council

Council – 11 December 2023

Statement of Community Involvement 2023

Accountable member:

Cllr Rowena Hay, Leader of the Council

Cllr Martin Horwood, Cabinet Member Customer & Regulatory Services

Accountable officer:

Tracey Birkinshaw, Director of Community & Economic Development

Ward(s) affected:

All

Key/Significant Decision:

No

Executive summary:

The Statement of Community Involvement (SCI) sets out how the community can engage with the planning system. There is a statutory requirement to review SCIs every five years and therefore an up-to-date SCI is required. A revised SCI has now been produced. Once adopted, when preparing Local Development Documents (other than the SCI), the authority must also comply with the SCI.

Recommendations:

Council is asked to:

- 1. Adopt the revised Scheme of Community Involvement, attached to the report at Appendix 2 to take effect immediately; and**
- 2. Delegate authority to the Director of Community & Economic Development, in consultation with the Leader and the Cabinet Member Customer and Regulatory Services, to prepare the Statement of Community Involvement for publication correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect the substantive content of the Statement of Community Involvement.**

1. Implications

1.1. Financial, Property and Asset implications

None arising from this report.

Signed off by: Director of Finance and Assets (Deputy Section 151 Officer)
gemma.bell@cheltenham.gov.uk

1.2. Legal implications

Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires all local planning authorities to adopt an SCI. This has to take into account the following requirements:

1. (a) Section 6 of the Neighbourhood Planning Act 2017, which states that a “statement of community involvement must set out the local planning authority’s policies for giving advice and assistance” in relation to Neighbourhood Planning. This requirement came into force on 31 July 2018.

2. (b) Regulation 4 of the Town and Country Planning (Local Planning (England) (Amendment) Regulations 2017 came into force on 6th April 2018 and requires a local planning authority to review a SCI “every five years, starting from the date of adoption of the statement of community involvement.”

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) do not require a revised SCI to go through an examination process and there is no requirement for local planning authorities to consult when reviewing and updating their Statement of Community Involvement.

The revised SCI sets out how the Council will meet the statutory requirements for consulting on various types of planning documents and through the development management process.

When adopted, the SCI must be published on the Council’s website.

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

1.3. Environmental and climate change implications

By accounting for local knowledge and facilitating community opinion into planning, this can accelerate behavioural change and adaptation measures. By ensuring communities can influence decision-making in local planning, this can provide a sense of ownership and therefore help to overcome barriers and unlock solutions (such as community owned renewable energy projects), shaping net zero resilient places, adequate planning for net zero energy infrastructure and access to the natural environment.

Signed off by: [Maizy McCann, Climate Emergency Officer, maizy.mccann@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

1.5. Equality, Diversity and Inclusion Implications

The SCI in paragraphs 1.10 to 1.14 sets out that the Council recognises that many members of the community are hard to reach or engage with for a variety of reasons and the commitment that we will try to modify traditional consultation methods where appropriate to engage with such groups and individuals. Consideration will also need to be given though to carrying out an equality impact assessment, at the appropriate stage, on the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan in order that the various consultations are made as accessible as possible to all sections of the community.

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

1.6. Performance management – monitoring and review

The statutory requirement is to review the SCI within five years of its adoption.

2. Background

- 2.1. The SCI sets out how the local authority will seek the involvement of the community in the planning of the area. All Local Planning Authorities (LPAs) are required by law to prepare a SCI and SCIs should be reviewed every 5 years. The SCI is a statement of how Cheltenham Borough Council will involve interested parties in matters relating to development in their area.
- 2.2. The previous SCI dates from 2014. There have since been changes to planning legislation that have brought new requirements and processes for the plan-making process and also for dealing with planning applications.

3. Reasons for recommendations

- 3.1. The Planning process has to comply with a variety of legal procedures in terms of public consultation and engagement. The SCI sets out how the Council will address these and how the public can expect to be engaged and kept informed. It also sets out local standards for consultation and engagement.
- 3.2. The SCI applies to planning policy, including the production of the Development Plan, i.e. the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (SLP), as well as Supplementary Planning Documents (SPDs). The SCI also sets out how Cheltenham Borough Council will involve communities in relation to the development management process in relation to planning applications and related applications. Finally, the SCI sets out how Cheltenham Borough Council will support communities in undertaking neighbourhood planning.
- 3.3. Of relevance to the SCI is the recognition of the increased use of electronic communication as a way of notifying and consulting with communities. Amongst other aspects, the SCI sets out the benefits of consultation and principles for public involvement.

4. Alternative options considered

4.1. Because the SCI is a statutory requirement, there is no suitable alternative to its production.

5. Consultation and feedback

5.1. There is no statutory requirement for consultation.

6. Key risks

6.1. As set out in Appendix 1, the risk can be avoided through having an up-to-date Statement of Community Involvement.

Report author:

John Spurling, Planning Policy Manager (Interim), john.spurling@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Statement of Community Involvement (SCI)

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
	If the Council does not have an up-to-date Statement of Community Involvement then it will not be performing part of its statutory duty	Director of Community & Economic Development	3	1	3	Avoid the risk.	Close	This risk will be mitigated by the Council decision.	11 December 2023

Appendix 2: Statement of Community Involvement



Statement of Community Involvement

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1. INTRODUCTION

What is the Statement of Community Involvement?

- 1.1 The Statement of Community Involvement (SCI) sets out how Cheltenham Borough Council (CBC) will seek the involvement of the community in the planning of the area. All Local Planning Authorities (LPAs) are required by law¹ to prepare a SCI. This SCI is a statement of CBC's policy for involving interested parties in matters relating to development in their area. The SCI sets out how CBC will involve the local community, businesses and interest groups in the planning process.
- 1.2 Paragraph 16 of the [National Planning Policy Framework \(NPPF\) \(2023\)](#) states, amongst other aspects, that *"Plans should... be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees"*. Paragraph 126 of the NPPF refers to the need for *"effective engagement between applicants, communities, local planning authorities and other interests throughout the (planning and development) process"*.
- 1.3 CBC's planning functions can be summarised broadly as follows:
- i. Plan-Making and production of guidance;
 - ii. Assistance with Neighbourhood Plan-Making;
 - iii. Decision-Making, e.g. determining planning applications; and
 - iv. Monitoring / Enforcement of planning permissions.
- 1.4 'Community' refers to all interested parties that live, work or do business in the area and includes residents, businesses, community and interest groups, neighbourhood planning forums, landowners, developers, adjoining local authorities, government agencies.
- 1.5 The planning system is plan-led, and any planning application must be determined in line with the Development Plan (Local and Neighbourhood Plans) unless material considerations² indicate otherwise.

Reviewing the SCI

- 1.6 Regulation [10A\(1\)b of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#) requires that the SCI is reviewed every 5 years. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) reflect the reforms in the [Localism Act 2011 \(as amended\)](#). The previous SCI dates from 2014. There have since been changes to planning legislation that have brought new requirements and processes for producing

¹ Section 18 of the [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)

² The [Planningportal](#) gives an indication of what a material consideration could be

Plans and also for dealing with planning applications. Of relevance to the SCI is a simplified process for plan preparation and the recognition of the increased use of electronic communication as a way of notifying and consulting with communities.

Benefits of Consultation

- 1.7 Greater opportunities for community involvement can benefit communities by:
- i. Providing a means for people to express their views, such as on the services that they want and that services are provided in the interests of the community;
 - ii. Providing an opportunity to influence the decision-making process and shape the future of the area;
 - iii. Complementing and supporting the strategic planning process and the delivery of infrastructure, development and services across the area;
 - iv. Providing a greater sense of ownership and accountability for CBC's decision-making;
 - v. Gaining a better understanding of community needs, improving community cohesion and fostering a sense of inclusion;
 - vi. Time and money efficiencies through quicker decision-making and speedier implementation of schemes and policies;
 - vii. Fostering a better understanding of the way that CBC services (particularly planning) work;
 - viii. Increasing input to problem solving and suggestions of new ideas; and
 - ix. Improving participation in services.

Principles for Community Involvement

- 1.8 In order to meet the vision and enable future monitoring of the SCI the following principles have been set. CBC will:
- i. Ensure that the purpose of the consultation is clear;
 - ii. Ensure that consultation will be accessible to the community, through using plain English and highlighting that information can be provided in different formats or languages upon request and providing a point of contact;
 - iii. Engage with communities, including hard to reach groups, at the earliest opportunity including using community networks and forums as well as wider online media channels;
 - iv. Ensure that consultation methods are appropriate;
 - v. Ensure that consultation is meaningful;

- vi. Ensure processes are transparent, accountable and easy to understand; and
- vii. Be proactive about consultation and use a range of appropriate methods where these will widen the opportunity to contribute.
- viii. Notify engaged consultees in advance of key events and decisions in the consultation process.
- ix. Such notification will be through low-cost means only such as web postings and email.

Involving the Community

- 1.9 The SCI aims to ensure that all interested members of the community get involved in the consultation process, whether that be responding to a planning application or commenting on a planning policy consultation.
- 1.10 In terms of plan-making and production of guidance, as well as assistance with Neighbourhood plan-making, the Council is required to consult certain organisations and bodies.
- 1.11 [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#) sets out a list of specific and general consultation bodies, to be involved in the consultation process when preparing Local Plans and Supplementary Planning Documents (SPDs). Under the Regulations, CBC consult with specific consultation bodies which they consider may have an interest in the subject and the general consultation bodies which it considers are appropriate. General consultation bodies are bodies representing the interests of certain parts of the local community. These bodies fall into a number of groups, as follows:
 - i. Voluntary bodies;
 - ii. Racial, ethnic or national groups;
 - iii. Religious groups;
 - iv. Disabled persons groups; and
 - v. Business groups.
- 1.12 As well as the 'specific' and 'general' consultation bodies³, CBC will also consult "such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations"⁴. CBC recognise that

³ These are the consultation bodies as defined through [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

⁴ Regulation 18(2)(c) of [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

many members of the community are hard to reach or engage with for a variety of reasons. We will try to modify traditional consultation methods where appropriate to engage with such groups and individuals. This includes:

- i. People belonging to race, cultural and ethnic groups;
- ii. People who are male or female;
- iii. People who intend to plan or undergo or who are undergoing or have undergone gender reassignment;
- iv. People of different ages, including children and older people;
- v. People with disabilities and / or mental health conditions;
- vi. People who have a religion or belief, or who do not;
- vii. People who are gay, lesbian, bisexual, heterosexual;
- viii. People who are married or in a Civil Partnership;
- ix. People who are pregnant or subject to maternity agreements;
- x. People who are living on low incomes.

1.13 A database is maintained, which contains contact details of individuals, groups and other bodies that wish to be kept informed of consultations relating to planning policy documents. People can request that they are added to the consultation database.

1.14 Cheltenham BC will make use of different methods of consulting, which may include those listed below.

Consultation Methods	Details
Webpages	Containing links to all consultation documents
Digital engagement methods	May include digital engagement platforms; Online polling / surveying; Webinars/online events; Digital collaboration tools; Map based and spatial tools

Emails or letters	Sent to contacts in database
Surveys and questionnaires	To be completed online or on paper
Public events	Designed for residents and other interested parties
Stakeholder workshops	To inform and to gain feedback from various stakeholders
Member briefing session	Elected members
Press releases	Information provided to media outlets
Social networking sites and online present	e.g. Facebook, Instagram, LinkedIn and Twitter
Using existing networks	e.g. Local Nature Partnership

- 1.15 The [Town and Country Planning \(Development Management Procedure\) \(England\) Order \(DMPO\) 2015 \(as amended\)](#) and [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(as amended\)](#) set out the statutory consultation bodies for different types of planning applications, the minimum consultation periods and the statutory consultation process for consulting on planning applications.
- 1.16 For Neighbourhood Planning, [The Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) set out various requirements, including those relating to Neighbourhood Development Plans.

Role of Councillors

- 1.17 Councillors play an important role in the preparation of and final decision-making on local planning policy as well as in decision-making such as determining some planning applications. Councillors on the Planning Committee are under a specific duty to determine applications based on material considerations.

2. LOCAL PLANS

Introduction to Local Plans

- 2.1 As set out in the glossary to the NPPF, Local Plans are “A Plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two”.
- 2.2 CBC will maintain a Local Development Scheme which, amongst other matters, will specify a timetable for the preparation of any Local Plan. CBC will also keep under review the matters which may be expected to affect the development of their area of the planning of its development. CBC may also keep under review matters in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority.
- 2.3 CBC will consult beyond statutory consultees and will aim for a town wide consultation by holding public consultation events at appropriate stages in the plan-making process.

Consultation Requirements

- 2.4 All consultations on Local Plans will comply with the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#) by achieving the following as a minimum:
 - i. There will be at least two formal consultation periods, known as the ‘Regulation 18’ consultation stage(s) and ‘Regulation 19’ pre-submission representation stage(s);
 - ii. Each consultation will have published on the website a statement that sets out any consultation that has already taken place and how comments / representations to the consultation can be made. The statement is for information and is not itself being consulted upon.;
 - iii. All formal consultation periods will be open to comments for a minimum of six weeks;
 - iv. Consultation documents will be made available at the Council office and public libraries through free access to a computer and the internet. Documents can also be provided in other formats and languages upon request;
 - v. To enable assistive technologies and avoid digital exclusion, public comments will be accepted through the provided internet portal, in writing and by email; and
 - vi. CBC will also ensure that the relevant evidence base documents are accessible online.

Regulation 18 Stage

- 2.5 This stage is primarily intended to be an open discussion of the issues and options that relate to

the topic. This stage provides an opportunity to influence the direction of the Plan at an early point in the plan making process. The discussions should reflect that freedom. A range of approaches can be appropriate at this stage, in order to be able to explore the issues in detail. There can be more than one phase of consultation at this stage.

- 2.6 Responses received on social media (twitter and Facebook for example) will not be considered as formal representations in relation to consultations.

Regulation 19 Stage – Proposed Submission

- 2.7 This stage is important to ensure that everyone expresses their formal view on a ‘Proposed Submission’ draft of the Plan and then potentially to be heard at a Local Plan examination which will be presided over by an independent planning inspector.
- 2.8 Responses received on social media (twitter and Facebook for example) will not be considered as formal representations in relation to consultations. Consultation responses made at this stage will be made publicly available in full.

Examination Stage

- 2.9 When CBC submit the plan to the Secretary of State⁵ for examination, CBC will submit a ‘statement of consultation’ that, amongst other aspects, will summarise the main issues raised through representations. There may need to be further formal consultation carried out during the examination stage on potential modifications to the Plan. This is at the discretion of the planning inspector⁶.

⁵ The Secretary of State will appoint a planning inspector

⁶ The Planning Inspectorate produce a ‘[Procedure Guide for Local Plan Examinations](#)’, which is described as a “*Guide aimed at all those involved in the process and concerned with the procedural aspects of examining a local plan*”

3. NEIGHBOURHOOD PLANS

Introduction to Neighbourhood Plans

- 3.1 Neighbourhood Plans are produced by Qualifying Bodies (QB)⁷, rather than CBC. The QB and CBC follow various requirements, including those within [The Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#), to progress a Neighbourhood Plan. The QB follow various requirements to progress a Neighbourhood Plan and must carry out their own consultation before they submit it to CBC. CBC must then publicise the document and invite representations before sending it to independent examination.
- 3.2 [The Neighbourhood Planning Act 2017 \(as amended\)](#) sets out that the SCI is required to set out the Council's policies for giving advice or assistance to the QB in preparing a Neighbourhood Development Plan or Development Order. The table below sets out the support that Cheltenham Borough Council will provide in terms of neighbourhood planning.

Neighbourhood Planning Stage	Responsibility	Cheltenham Borough Council Support
Deciding to prepare a neighbourhood plan or development order	Parish Councils or Designated Neighbourhood Forum in non-parished areas (Qualifying Body	We will discuss your ideas for doing a neighbourhood plan to establish if a plan is suitable for your community. We will outline some initial aspects to help you consider whether to proceed. If you are in a non-parished area, we will tell you how to apply to be a Designated Neighbourhood Forum.
Designating the Neighbourhood Area	Qualifying Body	We will review the application and make the necessary arrangements to designate the neighbourhood area. Where necessary, the

⁷ Section 38A (12) of the [Planning and Compulsory Purchase Act 2004 \(as amended\)](#) sets out that a “‘qualifying body’ means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area...”

		Council will undertake a consultation on the proposed area.
Preparing the Neighbourhood Development Plan	Qualifying Body	
Public consultation on a draft Neighbourhood Development Plan (Regulation 14)	Qualifying Body Responsible for the consultation arrangements on the draft plan and for bringing it to the attention of people who live, work or run a business in the designated neighbourhood area.	We will review the plan for environmental assessment requirements and other legislation including whether the NDP is likely to meet the legal requirements, i.e. the basic conditions, which include whether the NDP is in general conformity with the adopted Development Plan.
Submission of the draft neighbourhood plan to the local authority (Regulation 16)	Qualifying Body submits the plan. Cheltenham Borough Council responsible for next steps	We will make the arrangements to publicise (consult on) the plan for a minimum of 6 weeks and will, in conjunction with the Qualifying Body, appoint the independent examiner.
Examination of the Neighbourhood Plan	Cheltenham Borough Council / Examiner	We will make any necessary arrangements for the holding of the examination. On receipt of the examiner's report, we will work with the Qualifying Body to incorporate any recommended changes to the plan
Referendum	Cheltenham Borough Council	Responsible for arranging and holding the

		referendum
Neighbourhood Plan formally 'Made'	Cheltenham Borough Council	We will hold a Council meeting, providing more than 50% of those taking part in the referendum vote in favour of the plan being made part of the Development Plan, for the Neighbourhood Plan to be formally made provided none of the legislative exceptions apply. We will publish details of the plan and notify the Qualifying Body, and anyone known to have an interest in it

Consultation Requirements

- 3.3 With regard to applications made to the LPA relating to the Neighbourhood Plan, as long as the QB satisfies various requirements then CBC will publicise the plan proposal. CBC will comply with the following as a minimum:
- i. There will be one formal consultation period, known as 'Regulation 16'⁸;
 - ii. The consultation period will be open to comments for a minimum of six weeks;
 - iii. To enable assistive technologies and avoid digital exclusion, public comments will be accepted through the provided internet portal, in writing and by email; and
 - iv. Consultation documents will be made available at relevant Councils' offices and public libraries through free access to a computer and the internet.
- 3.4 Responses received on social media (twitter and Facebook for example) will not be considered as formal representations in relation to consultations.

⁸ As per [The Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)

4. SUPPLEMENTARY PLANNING DOCUMENTS (SPDs)

Introduction to SPDs

- 4.1 Supplementary Planning Documents (SPDs) add further detail to the policies in the Development Plan. As set out in the glossary to the [NPPE](#), *“They (SPDs) can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan”.*

Consultation Requirements

- 4.2 All consultations on SPDs will comply with the following as a minimum.
- i. There will be at least one formal consultation period, known as the ‘Regulation 12’⁹ stage;
 - ii. Each consultation will have published on the website a statement that sets out any consultation that has already taken place and how comments / representations to the consultation can be made. The statement is for information and is not itself being consulted upon;
 - iii. All formal consultation periods will be open to comments for a minimum of four weeks;
 - iv. To enable assistive technologies and avoid digital exclusion, public comments will be accepted through the provided internet portal, in writing and by email;
 - v. Consultation documents will be made available at CBC’s office and public libraries through free access to a computer and the internet; and
 - vi. CBC will also ensure that all the relevant evidence base documents are accessible online.

Regulation 12 - 13 Stage

- 4.3 Regulation 12 is the only consultation stage for SPDs although there can be more than one phase at the discretion of CBC. This stage provides an opportunity to influence the direction of the SPD.
- 4.4 Responses received on social media (twitter and Facebook for example) will not be considered as formal representations in relation to consultations. Consultation responses will be made publicly available in full.

⁹ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

5. PLANNING APPLICATIONS AND RELATED APPLICATIONS

Introduction to Planning Applications and related applications

- 5.1 Development management is the “process whereby a local planning authority receives and considers the merits of a planning application and whether it should be given permission having regard to the development plan and all other material considerations”¹⁰. Whilst the focus for community engagement in planning is at the plan making stage, as part of the process to determine these applications, it is important that community have the opportunity to have their say. Whilst planning applications are the main type of applications, there are other types of applications including listed buildings and tree applications.
- 5.2 Planning applications usually consist of stages:
- i. Pre-application discussions between the applicant and CBC. However, this is not a public matter;
 - ii. Pre-application public consultation by the applicant which, whilst not usually mandatory¹¹, is strongly encouraged by CBC;
 - iii. Submission of the planning application;
 - iv. Publicity and consultation by CBC on the planning application;
 - v. Determining the application and making the decision available; and
 - vi. Discharging planning conditions where relevant.

Pre-application Discussions

- 5.3 There is no requirement on CBC to consult during the pre-application stage. However, applicants for planning permission should consider consulting widely with the community.
- 5.4 The [NPPE](#), under the heading of ‘Pre-application engagement and front-loading’ sets out the advantages of early engagement. Paragraph 40 states *“Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications”*.

¹⁰ From the glossary on the [Planningportal](#)

¹¹ Exceptions include the installation for the harnessing of wind power for energy production subject to certain criteria

- 5.5 CBC encourages all potential applicants to discuss their proposals with CBC and all other relevant statutory and non-statutory bodies before submitting their planning application. CBC have produced a [‘Planning: Pre-Applications Services Guidance Note’ \(October 2022\)](#), which, amongst other aspects, sets out the benefits of seeking pre-application advice as well as the fee schedule.

The Planning Application

- 5.6 Once a planning application has been found to be valid, details of the application, including the application form, plans and accompanying documents are placed on CBC’s website.
- 5.7 Notifications giving links to further information about planning applications are sent to consultees with a request for their comments. CBC will consult statutory consultees as required by the [Town and Country Planning \(Development Management Procedure\) \(England\) Order \(DMPO\) 2015 \(as amended\)](#), Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and where relevant the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(as amended\)](#) and may consult other non-statutory consultees depending on the type, nature, scale and location of the proposed development.
- 5.8 CBC is required by law to bring all planning applications to the attention of the public. The Council must accord with the methods of publicity specified in the DMPO 2015 (as amended).
- 5.9 The DMPO 2015 (as amended) requires CBC to use one or more of the following methods of community engagement dependent on the type, nature and scale of the application:
- i. Public Notice(s) erected at the site;
 - ii. Notification letter to the local Parish Council(s);
 - iii. Advertisement(s) in a local newspaper; and
 - iv. Notification letters to neighbours.
- 5.10 In addition, CBC will publish a ‘weekly list’ of planning applications and can be viewed on the Councils website via PublicAccess Members of the public who have signed up via Public Access for application alerts will receive an email notification for when tracked applications are progressed. Councillors will be notified where planning applications involve the negotiation of a Section 106 agreement in their Ward.
- 5.11 Consultation on planning applications will only commence once the application has been validated in accordance with National Requirements¹². A minimum period of 21 days for non-Environmental Impact Assessment (EIA) and a minimum of 30 days for EIA development will then be allowed for representations to be made. Certain types of applications will only require a

¹² [Planning application forms and fees](#)

minimum period of 14 days consultation, i.e. applications for permission in principle.

- 5.12 For planning applications (where appropriate), neighbour notification letters sent to the occupiers of properties immediately adjoining the site. Depending on the context of the site, the Case Officer will review whether any wider notification is appropriate. Notification will be sent to the relevant Parish Council clerk for the area where the development proposal is situated. Internal and external statutory consultees are also notified of relevant applications.
- 5.13 For certain applications (such as major applications; applications for listed building consent; applications for developments affecting the setting of a listed building or a conservation area), a site notice is displayed as close as possible to the proposed development site and a notice will be placed in the local press.
- 5.14 Representations must be submitted in writing either online via the Council's PublicAccess¹³ website, letter or e-mail and will be recorded. The adopted Scheme of Delegation means that the majority of applications are determined under officer delegated powers. However, some complex or controversial applications may be decided at Planning Committee. Members of the public are advised that they may address the committee directly by registering to speak.
- 5.15 When someone chooses to make a response to comments on a planning application, CBC ask that they are made in timely manner and within the consultation period set. Any comments on planning applications should relate only to material considerations, which are matters that should be taken into account in deciding a planning application. Further information about material considerations can be found on the Government's PPG¹⁴ and the Planning Portal¹⁵. All comments must contain the name and address of the author, and we cannot consider anonymous comments.
- 5.16 Any material changes to the submitted application may result in a re-notification or re-advertisement of the application. This will include notifying all those members of the public who sent in representations on the original proposals.

Determining the Application and Making the Decision

- 5.17 Applications are determined under officer delegated powers or by members at Planning Committee through the adopted officer Schedule of Delegation. Information on the dates of Committees are available on CBC's website. Any representations from members of the public will be summarised in the Committee or Delegated Officer Report. Committee Reports and agendas are published on the Wednesday of the week before the Committee meeting and will be available

¹³ [Planning applications - view and comment online](#)

¹⁴ The [Government's Planning Practice Guidance \(PPG\)](#) provides information on determining planning applications including what a material consideration could be

¹⁵ The [Planningportal](#) gives an indication of what a material consideration could be

on the Council's website¹⁶.

Notification of Decision

- 5.18 Copies of the decision notice will be sent to the applicant/agent and the decision will be available to view on CBC's website. Members of the public can also view a copy of the decision notice and officers report where relevant.

Appeals

- 5.19 Where an applicant chooses to appeal against the decision, CBC will notify all those who made representations on the original application and inform them when and where the appeal is to be heard. All appeals are dealt with by the Planning Inspectorate.

Monitoring and Enforcement

- 5.20 CBC is responsible for monitoring the planning permissions it has granted and for investigating any complaints about these developments. CBC is responsible for investigating alleged breaches of planning control and unauthorised development and will, if appropriate, take enforcement action against any breaches of planning control. Where negotiation fails to resolve a breach of planning control or where a retrospective application would be inappropriate or is refused, CBC will consider whether to take formal enforcement action. CBC can serve legal notices to stop breaches of planning control, require unauthorised breaches of planning control to cease and require the removal of structures or buildings that do not have planning permission. Further details can be found in CBC's Local Enforcement Plan (Planning)¹⁷.

¹⁶ [Planning Committee meeting dates, agendas and minutes](#)

¹⁷ [Local Enforcement Plan \(Planning\)](#)

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Cheltenham Borough Council

Cabinet – 5th December 2023/Council 11th December

2023/24 Treasury Mid-term Report – position at 30th

September 2023

Accountable member:

Cllr Peter Jeffries – Cabinet Member for Finance and Assets

Accountable officer:

Gemma Bell - Director of Finance and Assets (Deputy Section 151 Officer)

Accountable scrutiny committee:

Treasury Management Panel

Ward(s) affected:

All

Key/Significant Decision:

No

Executive summary:

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities for the first six months of this financial year and highlights compliance with the Council's policies previously approved by members in March 2023. The Treasury Management Strategy for 2023/24 has been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the council to approve treasury management semi-annual and annual

reports.

Recommendations: That Council:

- **considers and notes the contents of this summary report of the treasury management activity during the first six months of 2023/24.**
-

1. Main Points

- 1.1. On 20 March 2023, Council approved the Authority's treasury management strategy for 2023/24. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.
- 1.2. General Fund borrowing costs in the first 6 months to 30th September 2023 are higher than forecast in 2023/24 budget, showing an expected overspend for the year £516,809 due to the Bank Rate being 1% higher than predicted in November 2022.
- 1.3. Investment interest is expected to be slightly down by £38,000 against the estimated budget for 2023/24. The capital value of pooled funds continues to be affected by prevailing economic conditions in the world markets. Overall pooled funds have an unrealised capital loss of £959,669 or 13.71%. A breakdown of the fund's performance is shown in section 5.7 table 5.
- 1.4. The Council complied with all the Prudential Indicators for 2023/24 as set in the budget by Council in March 2023.

2. Economic Background

- 2.1. The UK inflation remained stubbornly high over much the period compared to the US and euro zone, keeping expectations elevated of how much further the Bank of England (BoE) would hike rates compared to the regions. However, inflation data published in the latter part of the period undershot expectations, causing financial markets to reassess the peak in BoE Bank Rate. This was followed very soon after by the BoE deciding to keep Bank Rate on hold at 5.25% in September, against expectation for another 0.25% rise.
- 2.2. Inflation continued to fall from its peak as annual headline CPI declined to 6.7% in August 2023, remaining the same in the previous month against expectations for a tick back up to 7.0%. The largest downward contribution came from food prices. The core rate also surprised on the downside, falling to 6.2% from 6.9% compared to predictions for it to only edge down to 6.8%.
- 2.3. The Bank of England's Monetary Policy Committee continued tightening monetary policy over most of the period, taking Bank Rate to 5.25% in August. Against expectations of a further hike in September, the Committee voted 5-4 to maintain Bank Rate at 5.25%. Each of the four dissenters were in favour of another 0.25%

increase.

- 2.4. Following the September MPC meeting, Arlingclose, the authority's treasury adviser, modestly revised its interest forecast to reflect the central view that 5.25% will now be the peak in Bank Rate. In the short term the risks are to the upside if inflation increases again, but over the remaining part of the time horizon the risks are to the downside from economic activity weakening more than expected.
- 2.5. Economic growth in the UK remained relatively weak over the period. In calendar Q2 2023, the economy expanded by 0.2%. However, monthly GDP data showed a 0.5% contraction in July, the largest fall to date in 2023 and worse than the 0.2% decline predicted which could be an indication the monetary tightening cycle is starting to cause recessionary or at the very least stagnating economic conditions.
- 2.6. July data showed the unemployment rate increased to 4.3% (3mth/year). Pay growth was 8.5% for total pay (including bonuses) and 7.8% for regular pay, which for the latter was the highest recorded annual growth rate. Adjusting for inflation, pay growth in real terms were positive at 1.2% and 0.6% for total pay and regular pay respectively.

3. Credit review

- 3.1. Having completed a review of its credit advice on unsecured deposits at UK and non-UK banks following concerns of a wider financial crisis after the collapse of Silicon Valley Bank purchase of Credit Suisse by UBS, as well as other well-publicised banking sector issues, in March 2023, Arlingclose reduced the advised maximum duration limit for all banks on its recommended counterparty list to 35 days. This stance continued to be maintained at the end of the period being reported on.
- 3.2. Following the issue of a Section 114 notice, in September Arlingclose advised against undertaking new lending to Birmingham City Council, and later in the month cut its recommended duration on Warrington Borough Council to a maximum of 100 days.
- 3.3. Arlingclose continued to monitor and assess credit default swap levels for signs of credit stress but made no changes to the counterparty list or recommended durations. Nevertheless, heightened market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

4. Treasury Management Summary position as of 31st March 2023

- 4.1. On 31st March 2023, the Authority had net borrowing of £166.328m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.23 Actual £m
General Fund CFR	125.425
HRA CFR	66.715
Total CFR	192.140
External borrowing	179.111
Less : Internal borrowing	(12.000)
Less: Usable reserves	(13.003)
Less: Working capital	(0.680)
Add: Treasury Investments	12.900
Net borrowing	166.328

Borrowing

- 4.2. CIPFA's 2021 Prudential Code is clear that local authorities must not borrow to invest primarily for financial return and that it is not prudent for local authorities to make any investment or spending decision that will increase the capital financing requirement, and so may lead to new borrowing, unless directly and primarily related to the functions of the Authority.
- 4.3. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield and this Authority intends to avoid this activity in order to retain its access to PWLB loans.
- 4.4. As outlined in the treasury strategy, the Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective. The Authority's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.
- 4.5. UK gilt yields were volatile, mainly facing upward pressure since early April following signs that UK growth had been more resilient, inflation stickier than expected, and that the Bank of England saw persistently higher rates through 2023/24 as key to dampening domestic demand.
- 4.6. There was a substantial rise in the cost of both short- and long-term borrowing over the last 18 months. Bank Rate rose by 1% from 4.25% at the beginning of April to 5.25% at the end of September.
- 4.7. PWLB borrowing rates, rose and broadly remained at elevated levels. On 30th September 2023, the PWLB certainty rates for 50-year loans were at 5.43%. Their equivalents on 31st March 2023 were 4.41% respectively.

Table 2: Treasury Management Summary

			31.3.23 Balance £m	Movement £m	30.9.23 Balance £m	30.9.23 Rate %
Long-term borrowing			116.111	(0.779)	115.332	3.15
Short-term borrowing			63.000	3.100	66.100	5.20
Total borrowing			179.111	2.321	181.432	3.90
Long-term investments				6.868		
Short-term investments			7.878	0.000	14.746	5.28
Cash and cash equivalents			0.000		0.000	-
			4.905	0.335	5.240	5.24
Total investments			12.783	7.203	19.986	5.02
Net borrowing			166.328	(4.882)	161.446	

- 4.7. The balance as can be seen in Table 2 shows a reduced figure of £161.446m as of 30th September 2023 compared with the balance held on 1st April 2023 due to further investment loans to the airport, during 2023. Short-term borrowing costs have risen significantly due to the higher interest rates than what was expected back in November 2022, and are now expected to be £843k higher than budgeted. The Housing Revenue Account (HRA) will re-imburse the General Fund £326,879 for their share of the debt costs, which will see a re-alignment to the revised budget for 2023/24.
- 4.8. Current temporary borrowing of £66.1m has been used over several years to fund capital expenditure as an alternative to taking out longer term borrowing which was much more expensive at the time. Although temporary borrowing is much more expensive now, long-term borrowing is still 60-80 basis points more expensive. In time we believe rates will start to fall next year, and the Council will liaise with Arlingclose first before any changes in strategy are required.
- 4.9. The outstanding loans on 30th September 2023 are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.23 Balance £m	2023/24 Movement £m	30.9.23 Balance £m	30.9.23 Rate %
Public Works Loan Board	102.211	(0.779)	101.432	3.06
Banks (LOBO)	7.000	(2.000)	5.000	3.95
Banks (fixed-term)	8.900	0	8.900	3.82
Local authorities (short-term)	61.000	5.100	66.100	5.20
Total borrowing	179.111	2.321	181.432	3.90

4.10. LOBO loans: The Authority currently holds £5m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. Bayerische Landesbank loan of £2m was repaid in September 2023 when it opted to raise the rate on the loan from 4.99% to 6.99%. The council exercised its rights to repay the loan early without any premiums due.

5. Investments

5.1. The CIPFA Treasury Management Code now defines treasury management investments as those investments which arise from the Authority's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use during business.

5.2. The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the six-month period the council's investment balance ranged between £14m and £25m due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.23 Balance £m	Net Movement £m	30.9.23 Balance £m	30.9.23 Rate of Return %
Money Market Funds/ Call Accounts	4.905	(9.405)	3.704	1.76
Pooled Funds	7.000	-	7.000	4.40
Other investments	8.886	3.225	9.282	5.39
Total Investments	20.791	(6.180)	19.986	5.02

- 5.3. Both the CIPFA Code and Government Guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment.
- 5.4. As demonstrated by the liability benchmark in this report, the Authority expects to be a long-term investor and treasury investments therefore include both short-term low risk instruments to manage day-to-day cash flows and longer-term instruments where limited additional risk is accepted in return for higher investment income to support local public services.
- 5.5. Bank Rate increased by 1%, from 4.25% at the beginning of April to 5.25% by the end of September. Short-dated cash rates rose commensurately, with 3-month rates rising to around 5.25% and 12-month rates to nearly 6%. Investment income was budgeted to be £1.176m in the Council's 2023/24 budget, set in February 2023. The Council has reviewed its expectations for investment income in 2023/24 and has assumed after looking at the returns over the first 6 months that the income could be lower by £16k, so the revised budget will be amended in line with the expected fall. This was due to investment balances being lower than expected as the treasury team were using cash balances to reduce day to day borrowing for cashflow purposes.
- 5.6. £7m of the Authority's investments are held in externally managed strategic pooled equity, multi-asset and property funds where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. These funds have generated an average total return of 4.40% for the first 6 months of this financial year which is used to support services in year. Because the Council's externally managed funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Council's investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns will exceed cash interest rate.

5.7. Table 5: Pooled Funds

FUND NAME	Initial Investment	1 April 2023 Fund Value	30 th Sept 23 Fund Value	Dividends paid out in 2023/24 as at 30 Sept	Gain / (Loss) for 2023/24	Gain / (Loss) to Initial Principal
	£	£	£	£	£	£
CCLA Property Fund	3,000,000	2,704,632	2,673,658	67,650	(30,974)	(326,342)
Schroders Income Maximiser Fund *	2,000,000	1,528,554	1,488,630	68,731	(39,924)	(511,370)
CCLA Diversified Income Fund	2,000,000	1,884,988	1,878,043	36,778	(6,945)	(121,957)
Total	7,000,000	6,118,174	6,040,331	173,159	(77,843)	(959,669)

- * The Schroders Income Maximiser Fund has purchased shares within the oil and gas industry, which accounts 6.01% of the total amount invested in the fund (8.65% Sept 2022). This equates to £120,200 of the original £2m invested into the fund by this council (£173,000 Sept 2022). The Fund Manager is looking to ease out of investing within the oil and gas industries which has reduced from 14% in September 2021. The dividend returns are currently returning over 6.8%. There are no plans at present to sell this investment as the fund is valued below the initial investment, which would need to be funded by revenue. As opportunities to support the climate ambitions of the Council arise, they will be considered. However, the treasury management function is controlled by statute and by professional guidelines and the first priorities of treasury must remain security, liquidity, and yield.

Economic Outlook for the rest of 2022/20235.8. Table 7: Interest rate forecast

	Current	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26
Official Bank Rate													
Upside Risk	0.00	0.25	0.50	0.50	0.75	0.75	0.75	0.75	0.75	0.75	0.75	1.00	1.00
Arlingclose Central Case	5.25	5.25	5.25	5.25	5.00	4.75	4.25	4.00	3.75	3.50	3.25	3.00	3.00
Downside Risk	0.00	0.00	-0.25	-0.50	-0.75	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00	-1.00

Arlingclose now expects Bank Rate to have peaked at 5.25% but near-term rate cuts are unlikely, although downside risks will increase as the UK economy likely slides into recession and inflation falls more quickly.

- 5.9. The much-repeated message from the MPC is that monetary policy will remain tight as inflation is expected to moderate to target only slowly. In the Bank's forecast, wage

and services inflation, in particular, will the keep CPI above the 2% target until 2026.

5.10. Inflation is expected to fall over the next 12 months. The path to the target will not be smooth, with higher energy prices and base effects interrupting the downtrend at times. The MPC's attention will remain on underlying inflation measures and wage data. Arlingclose believe policy rates will remain at the peak for another 10 months, or until the MPC is comfortable the risk of further 'second-round' effects has diminished.

5.11. Arlingclose expects long-term gilt yields to eventually fall from current levels (amid continued volatility) reflecting the lower medium-term path for Bank Rate. However, yields will remain relatively higher than in the past, due to quantitative tightening and significant bond supply. This will have an impact on long-term PWLB rates and other lenders going forward, and after consulting with Arlingclose, the council may look to take out long-term borrowing if the time and rates fit within the business plans.

6. Compliance

6.1. The Director of Finance and Assets reports that all treasury management activities undertaken during the first six months of 2023/24 complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.

Table 8: Debt Limits

	30.9.23 Actual £m	2023/24 Operational Boundary £m	2023/24 Authorised Limit £m	Complied? Yes/No
Total debt	181.432	262.000	274.000	Yes

Council approved in March 2023 the authorised borrowing limit and operational boundary limit are increased to the new levels as shown above in table 8. Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

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	30.9.23 Actual	2022/23 Target	Complied?
Portfolio average credit rating	A+	A-	Yes

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. This indicator covers the risk of replacement loans being unavailable, not interest rate risk. The upper and lower limits on the maturity structure of all borrowing were:

	30.9.23 Actual	Upper Limit	Lower Limit	Complied?
Under 12 months	38.53%	50%	0%	YES
12 months and within 24 months	0.78%	50%	0%	YES
24 months and within 5 years	0.79%	100%	0%	YES
5 years and within 10 years	7.45%	100%	0%	YES
10 years and above	52.45%	100%	0%	YES

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Liability Benchmark - This new indicator compares the Council's actual existing borrowing against a liability benchmark that has been calculated to show the lowest risk level of borrowing. The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. It represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level of £10m required to manage day-to-day cash flow.

	31.3.23 Actual £m	31.3.24 Forecast £m	31.3.25 Forecast £m	31.3.26 Forecast £m
Loans CFR	192.140	211.700	233.100	257.000
External borrowing	179.111	117.600	116.100	114.700
Internal (over) borrowing	13.029	94.100	117.000	142.300
Less: Balance sheet resources	(25.683)	(25.683)	(25.683)	(25.683)
Investments (new borrowing)	12.900	(68.417)	(91.317)	(116.617)
Net loans requirement	167.328	186.017	207.417	231.317
Plus: Liquidity allowance	10.000	10.000	10.000	10.000
Liability benchmark	177.328	196.017	217.417	241.317
Existing Net Borrowing	161.446			

7. Consultation

- 7.1. Arlingclose the Council's treasury advisors have supported officers in preparing the treasury activities over the first 6 months of this financial year.
-

8. Implications

8.1. Financial implications

As detailed throughout this report.

Signed off by: Gemma Bell, Director of Finance and Assets (Deputy s151 Officer), 01242 264124

8.2. Legal implications

None arising from the report recommendations.

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

8.3. HR implications

None arising from the report recommendations.

8.4. Environmental and climate change implications

The Council does have some exposure to investments in a pooled fund which has shares with oil and gas companies. This is detailed in Section 5.7 of the report. As a responsible investor, the Council is committed to considering environmental, social, and governance (ESG) issues, and has a particular interest in taking action against climate change and pursuing activities that have a positive social impact.

Signed off by: Louise Forey, Climate Emergency Programme Officer, 01242 264297

8.5. Property/asset implications

None specific directly arising from the recommendations.

Signed off by: Gemma Bell, Director of Finance and Assets, 01242 264124

8.6. Corporate policy framework implications

Taking action to ensure overspends are reduced as far as possible by the end of the financial year will help ensure that the council can continue to deliver its corporate objectives as set out in the 2019-2023 Corporate Plan.

Signed off by: Richard Gibson, Head of Communities, Wellbeing and Partnerships, 01242 264280

9. Performance management – monitoring and review

- 9.1. The budget position will continue to be monitored by the Finance team throughout the year and a revised budget will be presented to the December Cabinet with the 2024/25 draft budget proposal.
-

Report author:

Andrew Sherbourne, Capital and Treasury Management Accountant

Appendices:

1. Risk Assessment

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
	LOBO Loans - If £5m of these loans is recalled by the banks if they choose to exercise their option then we would need to have the resources on the day to repay. Alternative borrowing arrangements at today's current rates would be favourable for the Council	Gemma Bell, Director of Finance and Assets	1	2	2	Accept and Monitor	If the loans are recalled the council could take out temporary borrowing/ new long term borrowing through the PWLB or sale of units held in Pooled Funds. Any capital receipts available could also be used to repay debt.	Gemma Bell, Director of Finance and Assets	Ongoing
	If the assumptions made within the strategies change, then the aspirations within the capital programme may become unaffordable	ED Finance and Assets	3	2	6	Accept and Monitor	The Treasury Management Strategy and Prudential and Treasury Indicators reflect various assumptions of future interest rate movements and Government support for capital expenditure. These will be continually monitored and any necessary amendments will be made in accordance with the Strategy	ED Finance and Assets	Ongoing
	If the assumptions made within the strategies change, then the projected returns and the return of the initial investments may not be	ED Finance and Assets	3	2	6	Accept and Monitor	The Treasury Management Strategy and Prudential and Treasury Indicators reflect various	ED Finance and Assets	Ongoing

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
	received.						assumptions of future interest rate movements and Government support for capital expenditure. These will be continually monitored and any necessary amendments will be made in accordance with the Strategy		
	If thorough due diligence is not undertaken when pursuing PRS schemes, the Council may not meet all of the criteria set out within its capital and investment strategies.	ED Finance and Assets	4	2	8	Accept & Monitor	Due diligence is of paramount importance. All of our investments have individual business cases that are subject to thorough risk assessment and stress testing and we also stress test the whole housing to ensure all risks are captured and properly controlled. Where appropriate to the size and scale of the project we also commission independent technical, legal, accounting, risk management, property, taxation advice	ED Finance and Assets	Ongoing

Cheltenham Borough Council

Council – 11 December 2023

Local Council Tax Support Scheme 2024/25

Accountable member:

Councillor Peter Jeffries, Cabinet Member Finance and Assets

Accountable officer:

Jayne Gilpin, Head of Revenues and Benefits

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

Each year the council is required to consider and approve its Local Council Tax Support Scheme for working age customers. Cabinet is being asked to adopt the proposed scheme and recommend that Council approves it as the Council's scheme for 2024/25.

Recommendations:That Council:

1. Approves the Local Council Tax Support Scheme 2024/25 for working age customers in Appendix 4 and summarised in Appendix 5
 2. Gives authority to the Executive Director for Finance Assets and Regeneration in consultation with the Cabinet Member Finance and Assets to uprate any premiums, allowances and determine the income levels in line with any increase in Welfare Benefits by 23 February 2024
-

1. Implications

1.1 Financial, Property and Asset implications

Since 2013/14 the Local Council Tax Support (LCTS) scheme operates in a similar way to other council tax discounts, such as for empty properties or single person occupiers. Rather than being

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accounted for as a benefit cash payment, the council tax base is reduced. Whilst this has no impact for the individual council taxpayer, a lower council tax base reduces the tax yield to this Council, Gloucestershire County Council, Gloucestershire Police Authority and parish councils. Any Government funding towards the scheme was rolled into revenue support grant, which ceased for this council in 2018/19. We must therefore must fund our share of the cost of the scheme.

The proposal to continue with the scheme in 2024/24 and confirm the income levels once the increase in welfare benefits is known will ensure that the same level of support is provided to our most vulnerable residents.

Signed off by: Gemma Bell, Director of Finance and Assets gemma.bell@cheltenham.gov.uk

1.2 Legal implications

The Local Council Tax Support Scheme “LCTS” is required under section 13A of the Local Government Finance Act 1992 (“the Act”). The Act states that for each financial year, billing authorities must consider whether to revise their LCTS scheme or replace it with another scheme.

The prescribed regulations set out the matters that must be included in such a scheme. Before making any changes, the local authority must, in the following order:-

1. consult with any major precepting authorities
2. publish the draft scheme
3. consult other parties likely to have an interest in the scheme

The prescribed regulations also set out the matters that must be included in such a scheme. The authority is required to publish the scheme in such manner as they think fit

Signed off by: Vikki Fennell, Senior Lawyer, Vikki.fennell@onelegal.org.uk

1.3 Environmental and climate change implications

There are no environmental and climate change implicates arising from the content of the report or recommendations.

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham’s future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

The Local Council Tax Support Scheme continues to provide 100% support to low income households and no changes to the scheme conditions are being proposed. We monitor whether any groups are adversely affected by the scheme part of the annual review and aim to mitigate them. An equality impact assessment in in Appendix 2.

Performance management – monitoring and review

The proposed scheme if approved will be monitored closely by officers throughout the year and will be reviewed before developing the scheme for 2025/26

2 Background

- 2.1 Prior to each financial year the Council is required to determine a Local Council Tax Support Scheme to help working age people on low incomes pay their council tax.
- 2.2 The Council is also required to administer, but cannot alter, the national council tax support scheme for pension age customers.
- 2.3 The local council tax support scheme works in a similar way to other council tax discounts. The tax base is reduced due to the amount awarded and therefore the income from council tax is reduced. The full cost is met by this council, Gloucestershire County Council, Gloucestershire Police Authority and the parish councils in proportion to the share of the council tax.
- 2.4 The local council tax support scheme for working age people from 2013/14 to 2018/19 in Cheltenham continued to mirror the previous council tax benefit scheme whilst the majority of Councils reduced support and no longer offer 100% reduction.
- 2.5 In 2019/20 a council tax support scheme based on five income bands was introduced in with the highest band providing support at 100% of the council tax liability. Support then reduces to 80%, 60%, 40% and 20% as household income increases.
- 2.6 The scheme ensures that 100% support continues to be available for the most vulnerable residents.

3 Local Council Tax Support Scheme Caseload

- 3.1 As at October 2023 just under £4.3 million was being awarded to 4,483 working age recipients. 2,700 of these recipients, which is 60%, are receiving the maximum 100% support due to being on the lowest incomes.
- 3.2 The caseload did rise by more than 25% during the coronavirus pandemic and although it has reduced significantly, it remains above pre-pandemic levels.
- 3.3 The number has so far remained stable during 2023/24 and is not expected to change significantly during 2024/25.

4 Reasons for Recommendation

- 4.1 The proposed scheme for 2024/25, as summarised in appendix 5, continues to be based on five income bands with the highest band providing support at 100% of the council tax liability, reducing to 20% as household income increases.
- 4.2 The income levels for each band are increased each year to keep in line with increases in welfare benefits. This ensures that we continue to provide the same level of support to low income households.
- 4.3 Although the Government has announced the increase for most welfare benefits next year the full uprating details for all benefits and allowances are not yet available. Authority is being sought from Council for the Executive Director for Finance, Assets and Regeneration in consultation with the

Cabinet Member Finance and Assets, to apply the appropriate increase to the income bands once the increase for all welfare benefits has been confirmed.

4.4 This will ensure that the most vulnerable individuals and families continue to receive the highest level of support.

4.5 No other changes are being proposed to the scheme conditions for 2024/25.

4.6 A discretionary hardship relief scheme is in place which can support customers with exceptional circumstances and/or financial hardship

5 Alternative options considered

5.1 None. The Council is required to approve a Local Council Tax Support Scheme for working age people

6 Consultation and feedback

6.1 A consultation exercise was undertaken between 22 August 2023 and 2 October 2023 seeking views on whether the Council should continue to ensure that the most vulnerable residents receive 100% support.

6.2 The consultation attracted 30 responses. Of the 30 respondents, 20 (67%) either agreed or strongly agreed that 100% support should continue, 4 (13%) were neutral and 6 (20%) either disagreed or strongly disagreed to continue with 100% support.

6.3 Detail of the consultation results are in Appendix 3

7 Key risks

7.1 The risks are in appendix 1

Report author:

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

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. Consultation analysis and responses
- iv. Summary of draft scheme
- v. Scheme conditions for 2024/25

Background information:

1. The Local Government Finance Act 1992, amended by the Local Government Finance Act 2012
<http://www.legislation.gov.uk/ukpga/2012/17/contents>
2. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/2885/contents/made>

3. The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017
http://www.legislation.gov.uk/uksi/2017/1305/pdfs/uksi_20171305_en.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 the caseload increases significantly the cost to the council, in the form reduced council tax income, will increase	Jayne Gilpin	2	3	6	Accept	Monthly monitoring and an annual review of the scheme	Jayne Gilpin	Ongoing
	If the income bands are not increased in line with welfare benefits support for vulnerable households could reduce. This would cause reputational damage to the Council	Jayne Gilpin	1	1	2	Avoid	Uprate in line with increase in welfare benefits once known	23/02/2024	23/02/20

Community impact assessments – for services, policies and projects

What is a community impact assessment?	1
Background	1
Step 1: About the service, policy or project	Error! Bookmark not defined.
Step 2: What do you already know about your existing and potential customers?	Error! Bookmark not defined.
Step 3: Assessing community impact	Error! Bookmark not defined.
Step 4: What are the differences?	Error! Bookmark not defined.
Step 5: Taking things forward	Error! Bookmark not defined.

What is a community impact assessment?

A community impact assessment is an important part of our commitment to delivering better services for our communities. The form will help us find out what impact or consequences our functions, policies, procedures and projects have on our communities, as well as employees and potential employees

By undertaking an impact assessment, we are able to:

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

Background

Name of service / policy / project and date	Revenues and Benefits. Council Tax Support Policy from 1 April 2024.	
Lead officer	Jayne Gilpin, Head of Revenues and Benefits	

Other people involved in completing this form	David Wyatt, Deputy Revenues and Benefits Manager

Step 1 - About the service / policy / project

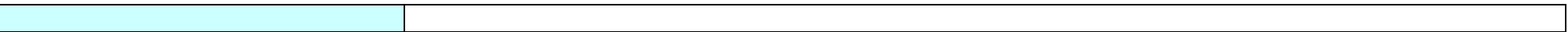
What is the aim of the service / policy / project and what outcomes is it contributing to	Council tax support is provided to around 6,600 households in Cheltenham at an annual cost of just under £6.8m. This includes working and pension age claimants. Approximately 68% of these households are of working age. The cost of the council tax support scheme is met by this council and the precepting authorities who are the county council and the police. The share of the cost is the same as the share of the council tax. Prior to April 2013, council tax payers on a low income could apply for council tax benefit to help pay their Council Tax. Under this national scheme and in accordance with the regulations, council tax payers could receive benefit of up to 100% of their council tax liability. The Council then received full funding from the government for all council tax benefit awards made. From April 2013, Councils became responsible for designing their own local council tax support (CTS) scheme <u>for working age people only</u>. The Government also reduced the funding given to Councils to pay for the scheme. Cheltenham Borough Council introduced its local council tax support scheme in April 2013 which more or less replicated the council tax benefit scheme. <u>Council tax support for pensioners was not localised and continues to be provided for by a national scheme.</u> Each year the Council has to decide whether to make changes to the administration of its council tax support scheme for working age applicants in the borough. From 1 April 2019, Cheltenham Borough Council introduced a revised local council tax support scheme which increased the contribution that some people receiving help must make towards their council tax bills. From 1 April 2020, further changes were made to the scheme to provide further support to those people who receive a limited work capability payment in their Universal Credit. The Council is now in the position of considering a local council tax support scheme with effect from 1 April 2024. This year we have consulted on a proposed scheme from 1 April 2024. The aim of the service is to retain the existing council tax support scheme from 1 April 2024 and keep the current income bands in place (subject to an annual uplift) to ensure that the most vulnerable customers still receive 100% support.

Who are the primary customers of the service / policy / project and how do they / will they benefit	It is important to note that any proposed council tax support scheme will not affect pensioners. These people are protected and their council tax support will continue to be awarded on the basis of the scheme prescribed by Central Government. The scheme will apply to working age people only who currently receive council tax support or apply in the future for help to have their council tax discounted. The scheme will apply without exception from 1 April 2024. The working age customers who continue to require support or who claim council tax support in the future will provide evidence of their income and capital and the people living in their household. The level of income a person is determined to have will be derived from detailed scheme rules. Once the level of income has been derived, the band in which this income level falls will decide what level of support can be provided. There will be five income bands and the support provided will be either 20%, 40%, 60%, 80% or 100% of the charge. The amount of council support awarded is paid direct to the council tax account as a discount and the person then pays the reduced amount by instalments.
How and where is the service / policy / project implemented	The Revenues and Benefits service, based at the Municipal Offices provides the service to customers and the revised council tax support scheme will be implemented from there.
What potential barriers might already exist to achieving these outcomes	A draft council tax support scheme must be written, taking into account views from the public consultation, the views of the Cabinet Member for Finance and the financial forecasting that has been undertaken. Forecasting utilising software provided by Civica Open Revenues, has been used to model a proposed scheme, identifying those who will be affected by the scheme. The proposed scheme will be submitted to the November Cabinet for consideration. Subject to agreement, the scheme will be published in draft on the Council's web site and further comments invited. The final report and proposed scheme will be presented at Full Council in December 2023.

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	Every applicant making a claim for council tax support provides the following personal information: - the date of birth, sex and nationality of each person in the household - the income of each person in the household, including non-dependants (for example grown up children) - the capital of each person in the household - whether any person has a disability - whether the person is in a same sex relationship The information obtained from the customer is not for statistical purposes. The information is obtained only to be able to determine a council tax support entitlement. No data is held on the system relating to: - sexual orientation

	• ethnicity and/or race • religion or belief Information may be held, subject to the customer volunteering it on the following: • pregnancy and/or maternity/paternity • gender reassignment
What does it tell you about who uses your service / policy and those that don't?	People are accessing the service as they do not have enough household income to pay their council tax. The reason for claiming assistance is purely financial. There are no other advantages. It tells us that those who do not claim assistance and pay their council tax from their household income do not require the same level of financial support as those that do. The information and data held tells us the following information: • the age of the customer and others in the household • the number of men and women claiming council tax support • the number of customers who have responsibility for a child or children • the number of people in the household • whether there are any disabilities • the household income • whether any capital is held
What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?	No adverse feedback has been provided from consultation with customers and stakeholder groups. The service is made widely available to ensure that all members of the community can access it. Application forms are available and can be emailed or posted to customers. The application form is also available to be downloaded on line. A visiting service is provided for those customers who are unable to visit the council offices and require assistance with form filling in their homes. There are various other options available in the town centre for people to take advice on claiming council tax support including advice agencies like CCP and CAB. Customers identified as having difficulties in paying their council tax are also invited to make claims for council tax support. This is built into the council tax recovery processes and is a preferred option to taking enforcement action.
If not, who do you have plans to consult with about the service / policy / project?	Not applicable.



Step 3 - Assessing community 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
People from black and minority ethnic groups	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are male or female	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are transitioning from one gender to another	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
Older people / children and young people	Council tax support is awarded to any age group (over 18) if their financial position warrants help. This includes people of working age and pension age	The local council tax support scheme only applies to those customers of working age. Therefore this group of people aged 18 to 67 will be directly impacted upon	The council tax support scheme could remain unchanged but this is an unlikely option. Support will be made available to customers affected	There will be an impact on some customers due to their financial position and the household income they have
People with disabilities and mental health challenges	Council tax support is awarded to any age group (over 18) if their financial position warrants help. This includes people of working age and pension age. There are provisions in the scheme to ignore certain disability benefits and this will continue so that the most vulnerable of customers still receive 100% support	There may be some impact on a few customers due to their financial position and the household income they have, but the impact is being moderated by introducing enhancements to the scheme for these customers. The customers with disabilities that are affected will be those who have additional income, for example, a partner with earnings	The council tax support scheme could remain unchanged but this is an unlikely option. Support will be made available to customers affected	There will be an impact on some customers due to their financial position and the household income they have

People who have a particular religion or belief	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are attracted to their own sex, the opposite sex or to both sexes.	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are married or in a Civil Partnership	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	No specific impact identified
People who are pregnant or who are on maternity leave	No specific benefits to this group	No specific disadvantages to this group	There is no requirement to do things differently to benefit this group	There will be an impact on some customers due to their financial position and the household income they have
Other groups or communities	No specific benefits to these groups or communities	No specific disadvantages to these groups or communities	There is no requirement to do things differently to benefit these groups	No specific impact identified

Step 4 - what are the differences

Are any groups affected in different ways to others as a result of the service / policy / project?	Yes. Councils became responsible for designing their own local council tax support scheme for <u>working age people only</u>. The Government also reduced the funding given to Councils to pay for the scheme. Cheltenham Borough Council introduced its local council tax support scheme in April 2013 which more or less replicated the council tax benefit scheme. <u>Council tax support for pensioners was not localised and continues to be provided for by a national scheme.</u> As a result of this people of working age are affected by a local council tax support scheme. The Government produced its own Equality Impact Assessment in 2012 prior to the introduction of localised support being introduced. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf In localising support for council tax, the Government believes that local schemes should provide support for the most vulnerable, including vulnerable pensioners. The Government has concluded that support for vulnerable pensioners should be delivered through a national framework of criteria and allowances. Local authorities already have clearly defined responsibilities in relation to, and awareness of, the most vulnerable groups and individuals other than pensioners in their areas. This includes, for example, through their responsibilities under: • The Child Poverty Act 2010, which imposes a duty on local authorities to have regard to and address child poverty and their partners, to reduce and mitigate the effects of child poverty in their local areas; • The Disabled Persons (Services, Consultation and Representation) Act 1986, and Chronically Sick and Disabled Persons Act 1970, which include a range of duties relating to the welfare needs of disabled people; • The Housing Act 1996, which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups.
Does your service / policy / project either directly or indirectly discriminate?	The council tax support scheme will directly discriminate against people of working age. However the Government's view is that by giving local authorities a significant degree of control over how a reduction in expenditure is achieved, allowing councils to balance local priorities and their own financial circumstances. Reducing the costs of support for council tax is a contribution to the Government's vital programme of deficit reduction. Giving local authorities a financial stake in the provision of support for council tax and so a greater stake in the economic future of their local area, so supporting the Government's wider agenda to enable stronger, balanced economic growth across the country. This reform creates stronger incentives for councils to get people back into work and so support the positive work incentives that are being introduced through the Government's implementation of Universal Credit.
If yes, what can be done to improve this?	The council tax support scheme forecasting has identified that protection can be given to the most vulnerable working age people in the borough. It is proposed in the draft scheme that those customers who receive "passported" benefits including Job Seeker's Allowance, Income Support and Employment and Support Allowance will continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax.

Are there any other ways in which the service / project can help support priority communities in Cheltenham?	Yes. The proposed draft scheme has been designed to protect where possible and provide greater financial assistance to priority communities. The banded income scheme has been designed with the following elements to ensure that within the scheme certain priority communities face less of an impact: • child benefit and maintenance payments made in respect of children are wholly disregarded • a weekly disregard of up to £175 (for one child) or £300 (two children or more) will apply to customers who pay child care and who fit the qualifying conditions • an additional £100 weekly disregard will apply for each disabled child living in the household • an earnings disregard of £10 per week will apply to those customers who fit the qualifying conditions • Attendance Allowance, Personal Independence Payments, Disability Living Allowance, the Limited Work Capability element paid within Universal Credit and War Pensions will be wholly disregarded • customers who receive Job Seeker's Allowance, Income Support and Employment and Support Allowance will continue to receive up to 100% support ensuring that they continue to pay no (or very little) council tax

Step 5 – taking things forward

What are the key actions to be carried out and how will they be resourced and monitored?	A draft scheme will be devised which will encompass the views of the people who completed the on line consultation survey and the political steer. The scheme will be presented to Cabinet in November 2023 with a recommendation that it is adopted from 1 April 2024 as the Council's preferred council tax support scheme. The draft scheme, subject to Cabinet approval will be published on line inviting further comments from the public. The final scheme will then be presented to Full Council in December 2023 seeking Council approval.
Who will play a role in the decision-making process?	The Head of Revenues and Benefits and the Deputy Revenues and Benefits Manager will devise the draft scheme to be presented to the elected Members of the Council. The decision to implement the new scheme and on what basis will be taken by the elected Members at the Full Council meeting scheduled for December 2023.
What are your / the project's learning and development needs?	Full training will be provided to Revenues and Benefits staff ahead of the annual billing exercise in March 2024 which will reinforce the scheme conditions.
How will you capture these actions in your service / project planning?	The proposed scheme to be introduced from 1 April 2024 is not expected to impact on service planning. However the scheme implementation forms part of the annual Council Tax and uprating of benefits exercise. This exercise is carried out during February each year and will be overseen by the Head of Revenues and Benefits and the Deputy Revenues and Benefits Manager.

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Council tax support scheme consultation 2024-25

<https://haveyoursay.cheltenham.gov.uk/revenues-and-benefits/council-tax-support-scheme-consultation-2024-25>

This report was created on Tuesday 03 October 2023 at 08:27

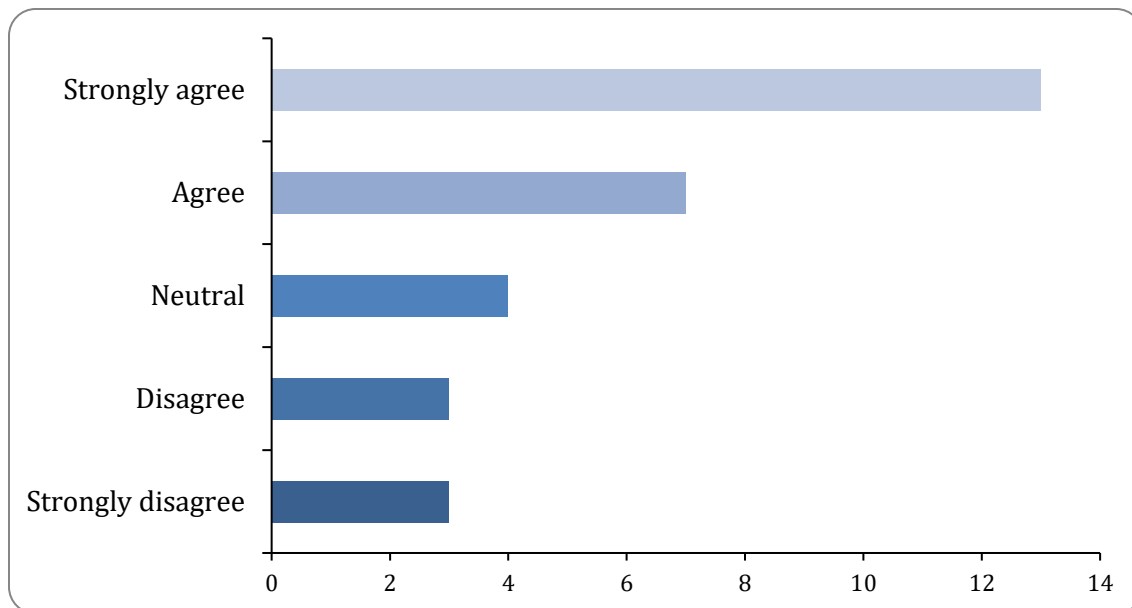
The activity ran from 22/08/2023 to 02/10/2023

Responses to this survey: **30**

1: Under the current scheme a person can receive 100% council tax support and does not have to make any contribution towards their council tax payments. Do you think that people should continue to receive 100% help towards their council tax?

Question 1

There were 30 responses to this part of the question.



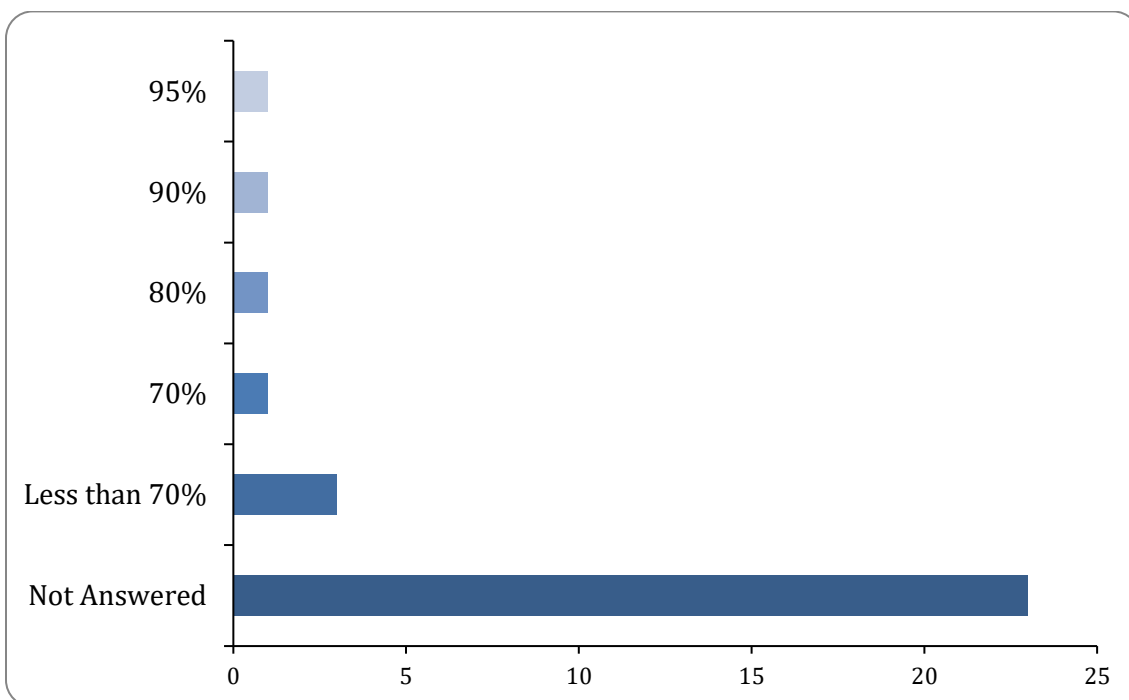
Option	Total	Percent
Strongly agree	13	43.33%
Agree	7	23.33%
Neutral	4	13.33%
Disagree	3	10.00%

Strongly disagree	3	10.00%
Not Answered	0	0.00%

2: If you disagree or strongly disagree at question 1, what do you think the maximum amount of help should be?

Question 2

There were 7 responses to this part of the question.

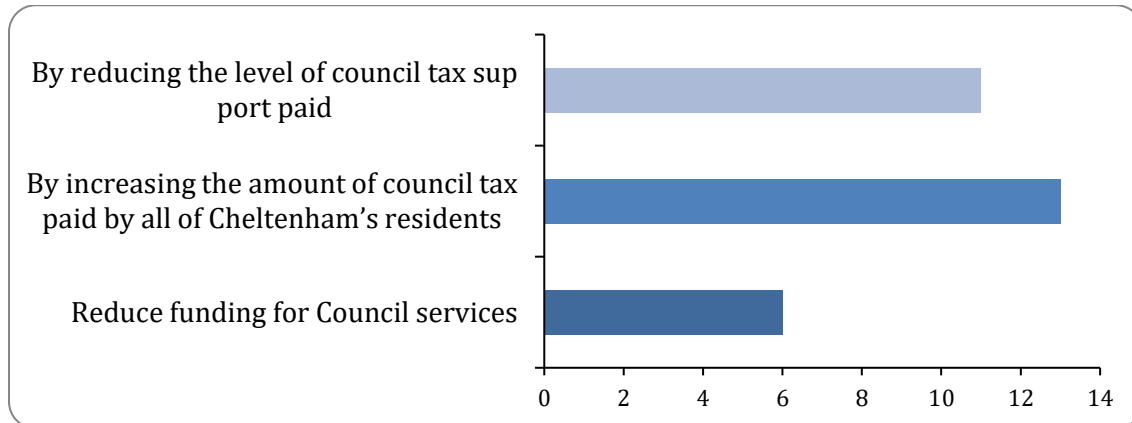


Option	Total	Percent
95%	1	3.33%
90%	1	3.33%
80%	1	3.33%
75%	0	0.00%
70%	1	3.33%
Less than 70%	3	10.00%
Not Answered	23	76.67%

3: How do you think the Council should continue to fund its council tax support scheme from April 2024?

Question 3

There were 30 responses to this part of the question.



Option	Total	Percent
By reducing the level of council tax support paid	11	36.67%
By increasing the amount of council tax paid by all of Cheltenham's residents	13	43.33%
Reduce funding for Council services	6	20.00%
Other - Please specify below	0	0.00%
Not Answered	0	0.00%

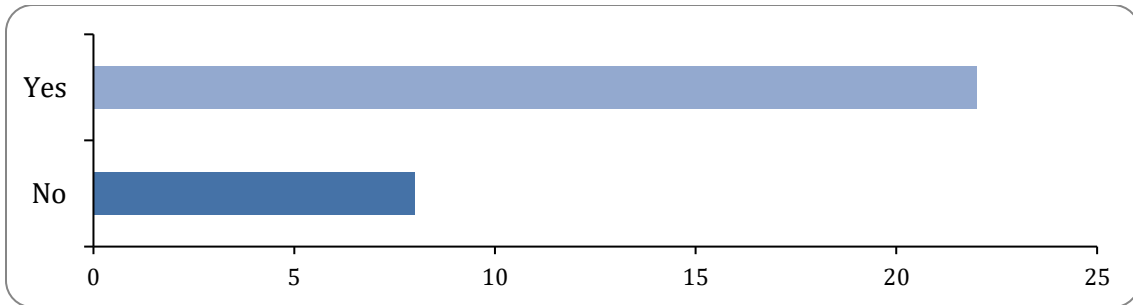
Other

There were 2 responses to this part of the question.

4: Are you a resident of the Cheltenham Borough area?

Question 4

There were 30 responses to this part of the question.

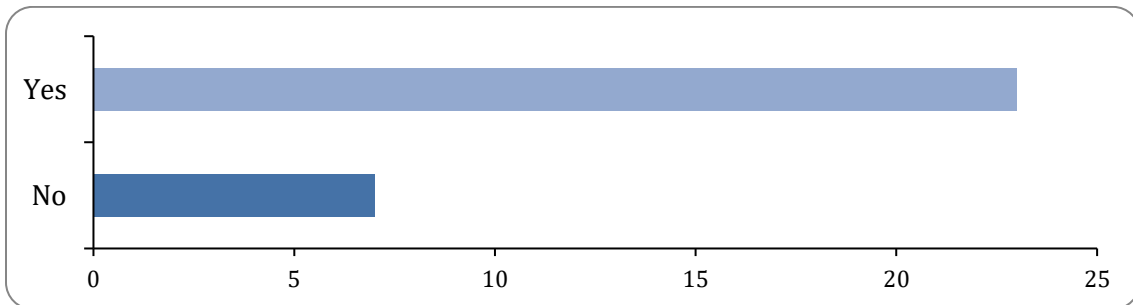


Option	Total	Percent
Yes	22	73.33%
No	8	26.67%
Not Answered	0	0.00%

5: Are you registered for council tax?

Question 5

There were 30 responses to this part of the question.

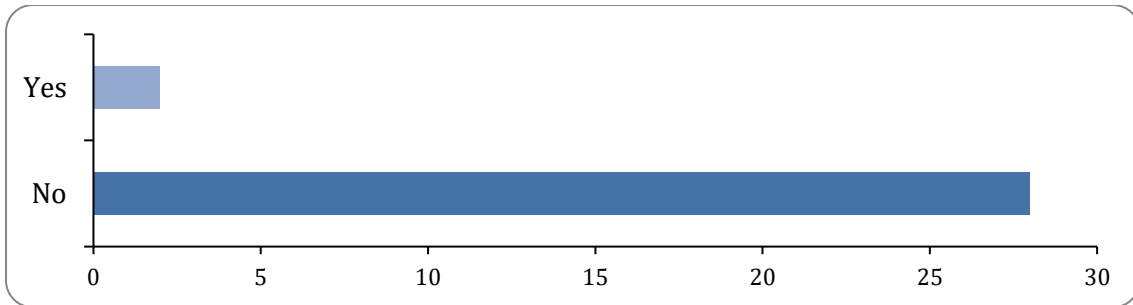


Option	Total	Percent
Yes	23	76.67%
No	7	23.33%
Not Answered	0	0.00%

6: Do you currently receive council tax support?

Question 6

There were 30 responses to this part of the question.

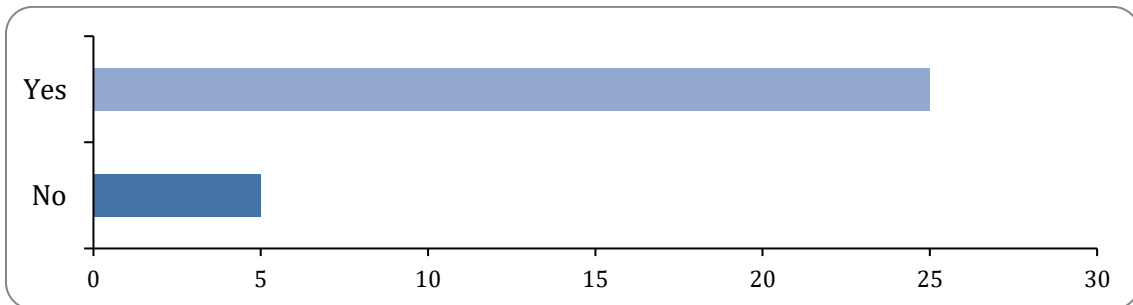


Option	Total	Percent
Yes	2	6.67%
No	28	93.33%
Not Answered	0	0.00%

7: Are you in employment?

Question 7

There were 30 responses to this part of the question.

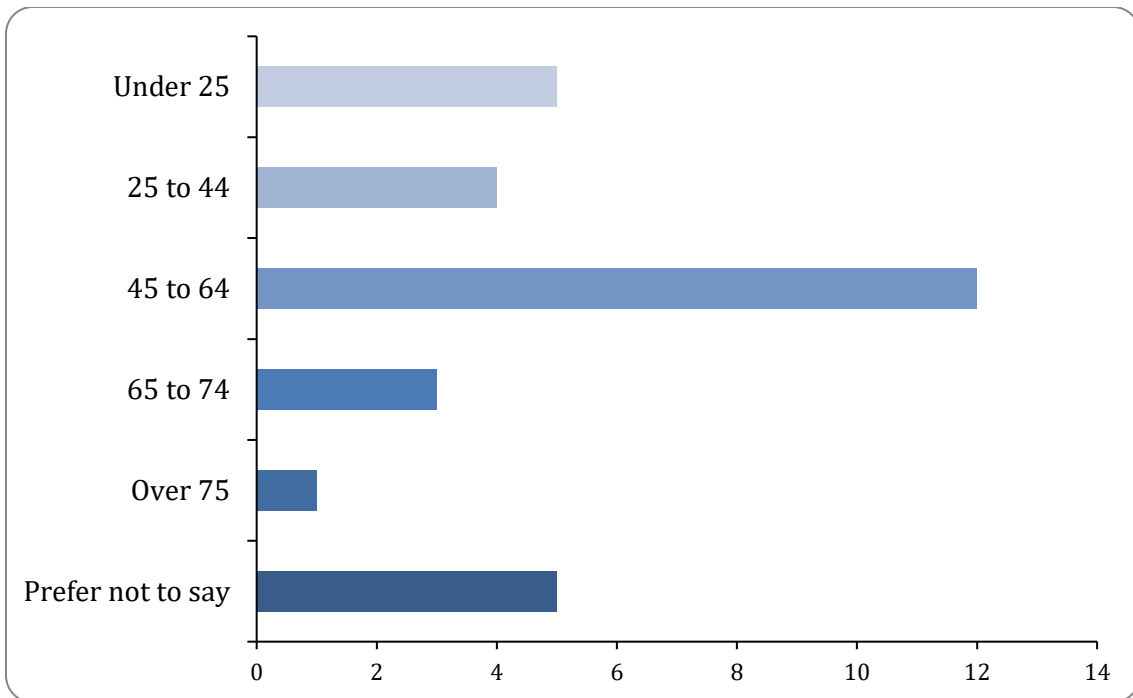


Option	Total	Percent
Yes	25	83.33%
No	5	16.67%
Not Answered	0	0.00%

8: What is your age group?

Question 7

There were 30 responses to this part of the question.

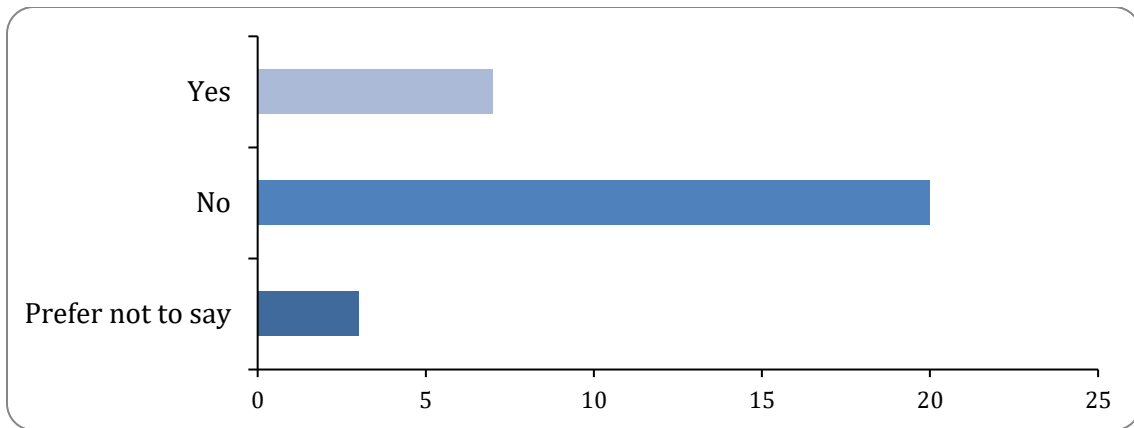


Option	Total	Percent
Under 25	5	16.67%
25 to 44	4	13.33%
45 to 64	12	40.00%
65 to 74	3	10.00%
Over 75	1	3.33%
Prefer not to say	5	16.67%
Not Answered	0	0.00%

9: Do you have a disability?

Question 10

There were 30 responses to this part of the question.



Option	Total	Percent
Yes	7	23.33%
No	20	66.67%
Prefer not to say	3	10.00%
Not Answered	0	0.00%

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Cheltenham Borough Council

Local council tax support scheme for working age customers
S13A and Schedule 1A of the Local Government Finance Act 1992

2024/25

Details of support to be given for working age customers during the financial year 2024/25

Section 1 (Council tax support scheme)

1. Introduction to the council tax support banded income scheme

Sections 2-8 (Definitions and interpretation)

2. Interpretation – an explanation of the terms used within this scheme
3. Definition of non-dependant
4. Requirement to provide a National Insurance number
5. Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit
6. Remunerative work
7. Persons subject to immigration control – excluded from claiming under this scheme
8. Temporary absence (period of absence)

Section 9-11 (The family for council tax support purposes)

9. Membership of a family
10. Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person
11. Circumstances in which a child or young person is to be treated as being or not being a member of the household

Section 12-29 & Schedules 1 & 2 (Definition and treatment of income for council tax support)

12. Calculation of income and capital of members of applicant's family and of a polygamous marriage
13. Circumstances in which the capital and income of a non-dependant is to be treated as applicant's
14. Calculation of income on a weekly basis
15. Treatment of child care charges
16. Average weekly earnings of employed earners
17. Average weekly earnings of self-employed earners
18. Average weekly income other than earnings
19. Calculation of average weekly income from tax credits
20. Calculation of weekly income
21. Disregard of changes in tax, contributions, etc.

- 22. Earnings of employed earners
- 23. Calculation of net earnings of employed earners
- 24. Earnings of self-employed earners
- 25. Calculation of net profit of self-employed earners
- 26. Deduction of tax and contributions of self-employed earners
- 27. Calculation of income other than earnings
- 28. Capital treated as income
- 29. Notional income

Sections 30-39 & Schedule 4 (Definition and the treatment of capital for council tax support)

- 30. Capital limit
- 31. Calculation of capital
- 32. Disregard of capital of child and young person
- 33. Income treated as capital
- 34. Calculation of capital in the United Kingdom
- 35. Calculation of capital outside the United Kingdom
- 36. Notional capital
- 37. Diminishing notional capital rule
- 38. Capital jointly held
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Council tax support scheme

Section 1

Details of support to be given to working age customers for the financial year 2024/25

1.0 Introduction to the council tax support scheme

1.1 The following scheme has been adopted by the Council on **xxxxx** 2023 in respect of the period 1 April 2024 – 31 March 2025.

1.2 This document details how the scheme will operate for working age customers and, in accordance with Section 13A of the Local Government Finance Act 1992, specifies who will be entitled to a reduction under the scheme, Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Local Government Finance Act 1992 (as amended) and is effective from 1 April 2019 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and the Local Government Finance Act 1992 (as amended).

The Council has **no** discretion in relation to the calculation of council tax support in respect of the pension age scheme other than the full disregard of war pension and war disablement pension and it is designed to provide broadly the same level of support provided within the previous (Council Tax Benefit) scheme.

1.4 Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

- a. has not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit and he/she or their partner, is a person on income support, on an income-based job seekers allowance, or on an income-related employment and support allowance.

1.5 The scheme shall not apply to any applicant who is subject to immigration control under Section 115 of the Immigration and Asylum Act 1999 and non-economically active EEA nationals.

1.6 To obtain support the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit;
- b. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- c. is not deemed to be absent from the dwelling;
- d. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- e. be somebody in respect of whom a maximum council tax reduction amount can be calculated;
- f. not have capital above £6,000;
- g. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's income falls into one of the income bands or the applicant or partner is in receipt of Income Support, Jobseekers Allowance (income based) or Employment and Support Allowance (income related); and
- h. have made a valid application for support.

1.7 Applicants entitled to a maximum reduction under this scheme fall into the income band 1 percentage reduction less any non-dependant deductions. Applicants who fall into income band 1 are:

- a. applicants whose calculated weekly income, in accordance with this scheme, is within the income range for income band 1; or
- b. an applicant is in receipt of either;
 - (i) Income Support
 - (ii) Job Seeker's Allowance (Income Based)
 - (iii) Employment and Support Allowance (Income Related)

1.8 Any award of council tax support will be applied to the annual liability after any discounts and non-dependant deductions have been applied. The annual liability will be restricted to a council tax band E if the applicant lives in a property that has either a council tax band F, G or H. The reduction applied will be equal to a percentage of the liability. The percentage of support will be based on the income of the applicant and partner(s) according to the specified income bands.

1.9 The income bands are numbered 1 to 5 and apply to the income range and related percentage reduction. The income range is the combined income of the applicant and their partner(s). Where the combined weekly income falls on or within a range, then the related council tax support percentage is applied against the net annual liability calculated in 1.8 above. The income bands are:

Income Band	Single person	Couple	Lone parent with children	Couple with children	Maximum percentage entitlement
	Income £				
Band 1	000.00 to 100.00	000.00 to 155	000.00 to 193	000.00 to 253	100%
Band 2	100.01 to 138	155.01 to 203	193.01 to 220	253.01 to 308	80%
Band 3	138.01 to 165	203.01 to 253	220.01 to 275	308.01 to 363	60%
Band 4	165.01 to 193	253.01 to 308	275.01 to 336	363.01 to 418	40%
Band 5	193.01 to 220	308.01 to 363	336.01 to 392	418.01 to 480	20%

1.10 These income bands will apply unless the Government makes fundamental changes to welfare benefits, including Universal Credit, in the year 2024-25. If a high inflationary increase is applied to welfare benefits, the values above may need to be uprated to ensure that those applicants who the Council aims to provide 100% support to, still receive this full support during 2024-25.

- 1.11 If the Government announce increases to welfare benefits in year, after the council tax support scheme has been approved, the Council reserves the right to be able to disregard these increases in income to ensure that applicants continue to receive the intended level of support.

Sections 2-8

Definitions and interpretation

2.0 Interpretation – an explanation of the terms used within this scheme

2.1 In this scheme-

‘the Act’ means the Social Security Contributions and Benefits Act 1992;

‘the Administration Act’ means the Social Security Administration Act 1992;

‘the 1973 Act’ means of Employment and Training Act 1992;

‘the 1992 Act’ means the Local Government Finance Act 1992;

‘the 2000 Act’ means the Electronic Communications Act 2000;

‘Abbeyfield Home’ means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

‘adoption leave’ means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

‘an AFIP’ means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;

‘applicant’ means a person who the authority designates as able to claim council tax support – for the purposes of this scheme all references are in the masculine gender but apply equally to male and female;

‘application’ means an application for a reduction under this scheme;

‘appropriate DWP office’ means an office of the Department for Work and Pensions dealing with state pension credit or office which is normally open to the public for the receipt of claims for income support, a job seeker’s allowance or an employment and support allowance;

‘assessment period’ means such period as is prescribed in sections 19 to 21 over which income falls to be calculated;

‘attendance allowance’ means-

- (a) an attendance allowance under Part 3 of the Act;
- (b) an increase of disablement pension under section 104 or 105 of the Act;
- (c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;
- (d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

‘the authority’ means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

‘basic rate’, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act);

‘the Caxton Foundation’ means the charitable trust of that name established on 28 March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

‘child’ means a person under the age of 16;

‘child benefit’ has the meaning given by section 141 of SCCBA;

‘the Children Order’ means the Children (Northern Ireland) Order 1995;

‘child tax credit’ means a child tax credit under section 8 of the Tax Credits Act 2002;

‘claim’ means a claim for council tax support;

‘close relative’ means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

‘concessionary payment’ means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act are charged;

‘contributory employment and support allowance’ means an allowance under Part 1 of the Welfare Reform Act 2007(d) as amended by the provisions of schedule 3, and part 1pf the schedule14, to the welfare reform Act 2012 9e) that remove references to an income-related allowance and a contributory allowance under part 1 of the welfare Reform act 2007 as that part has effect apart from the provisions”

‘converted employment and support allowance’ means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

‘council tax support scheme’ has the same meaning as **‘council tax reduction or reduction’**

‘council tax support’ means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

‘couple’ means;

- (a) a man and a woman who are married to each other and are members of the same household;
- (b) a man and a woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes;

‘date of claim’ means the date on which the application or claim is made, or treated as made, for the purposes of this scheme

‘designated authority’ means any of the following;
the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

‘designated office’ means the office designated by the authority for the receipt of claims for council tax support;

- (a) by notice upon or with a form approved by it for the purposes of claiming council tax support; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
- (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

‘disability living allowance’ means a disability living allowance under section 71 of the Act;

‘dwelling’ has the same meaning in section 3 or 72 of the 1992 Act;

‘earnings’ has the meaning prescribed in section 25 or, as the case may be, 27;

‘the Eileen Trust’ means the charitable trust of that name established on 29 March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

‘electronic communication’ has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

‘employed earner’ is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or maternity pay;

‘Employment and Support Allowance Regulations’ means the Employment and Support Allowance Regulations 2008;

‘Employment and Support Allowance (Existing Awards) Regulations’ means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) Existing Awards) Regulations 2010;

‘the Employment, Skills and Enterprise Scheme’ means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes, etc) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

‘employment zone’ means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a job seeker’s allowance to obtain sustainable employment;

‘employment zone contractor’ means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

‘enactment’ includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

‘extended support’ means a payment of council tax support payable pursuant to section 60;

‘extended support period’ means the period for which an extended support is payable in accordance with section 60A or 61A of this scheme;

‘extended support (qualifying contributory benefits)’ means a payment of council tax support payable pursuant to section 61;

‘family’ has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;

‘a guaranteed income payment’ means a payment made under article 15(1)(c) (injury benefits) or (29)(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

‘he, him, his’ also refers to the feminine within this scheme

‘housing benefit’ means housing benefit under Part 7 of the Act; **‘the Housing Benefit Regulations’** means the Housing Benefit Regulations 2006;

‘Immigration and Asylum Act’ means the Immigration and Asylum Act 1999;

‘income band’ is the number allocated to the income range and related percentage;

‘an income-based jobseeker’s allowance’ and **‘a joint-claim jobseeker’s allowance’** have the meanings given by section 1(4) of the Jobseekers Act 1995;

‘income-related employment and support allowance’ means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

‘Income Support Regulations’ means the Income Support (General) Regulations 1987(a);

‘the Independent Living Fund (2006)’ means the Trust of that name established by a deed dated 10 April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

‘invalid carriage or other vehicle’ means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

‘Jobseekers Act’ means the Jobseekers Act 1995; **‘Jobseeker’s Allowance Regulations’** means Jobseeker’s Allowance Regulations 1996;

‘limited capability for work’ has the meaning given in section 1(4) of the Welfare Reform Act;

‘limited capability for work-related activity’ has the meaning given in 2(5) of the Welfare Reform Act 2007;

‘the London Bombing Relief Charitable Fund’ means the company limited by guarantee (number 5505072), and registered charity of that name established on 11 July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7 July 2005;

‘lone parent’ means a person who has no partner and who is responsible for a member of the same household as a child or young person;

‘the Macfarlane (Special Payments) Trust’ means the trust of that name, established on 29 January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

‘the Macfarlane (Special Payments) (No2) Trust’ means the trust of that name, established on 3 May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

‘the Macfarlane Trust’ means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

‘main phase employment and support allowance’ means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

‘the Mandatory Work Activity Scheme’ means a scheme within section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes, etc) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting applicants to improve their prospect of obtaining employment;

‘maternity leave’ means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

‘member of a couple’ means a member of a married or unmarried couple;

‘MFET Limited’ means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

‘mobility supplement’ means a supplement to which paragraph 9 of Schedule 4 refers;

‘net earnings’ means such earnings as are calculated in accordance with section 26;

‘net profit’ means such profit as is calculated in accordance with section 28;

‘new dwelling’ means, for the purposes of the definition of ‘second authority’ and sections 60C, and 61C the dwelling to which a applicant has moved, or is about to move, in which the applicant is or will be resident;

‘non-dependant’ has the meaning prescribed in section 3;

‘non-dependant deduction’ means a deduction that is to be made under section 55;

‘occasional assistance’ means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of;

- (a) meeting, or helping to meet an immediate short-term need;
 - (i) arising out of an exceptional event or exceptional circumstances, or
 - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- (b) enabling qualifying individuals to establish or maintain a settled home, and-
 - (i) ‘local authority’ has the meaning given by section 270(1) of the Local Government Act 1972; and
 - (ii) ‘qualifying individuals’ means individuals who have been, or without the assistance might otherwise be:
 - (aa) in prison, hospital, an establishment providing residential care or other institution, or;
 - (bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government Act 1972;

‘occupational pension’ means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

‘occupational pension scheme’ has the same meaning as in section 1 of the Pension Schemes Act 1993

‘partner’ in relation to a person, means

- (a) where that person is a member of a couple, the other member of that couple;
- (b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- (c) where that person is polygamously married and has an award of Universal Credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

‘paternity leave’ means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

‘payment’ includes part of a payment;

‘pensionable age’ has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

‘pension fund holder’ means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

‘pensioner’ a person who has attained the age at which pension credit can be claimed;

‘person affected’ shall be construed as a person to whom the authority decides is affected by any decision made by the council;

‘personal independence payment’ has the meaning given by Part 4 of the Welfare Reform Act 2012;

‘person treated as not being in Great Britain’ has the meaning given by section 7;

‘personal pension scheme’ means-

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;
- b. an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

‘policy of life insurance’ means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

‘polygamous marriage’ means a marriage to which section 133(1) of the Act refers namely;

- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
- (b) either a party to the marriage has for the time being any spouse additional to the party.

‘public authority’ includes any person certain of whose functions are functions of a public nature;

‘qualifying contributory benefit’ means’

- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;

‘qualifying course’ means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker’s Allowance Regulations 1996;

‘qualifying income-related benefit’ means

- (a) income support;
- (b) income-based job seeker’s allowance;
- (c) income-related employment and support allowance;

‘qualifying person’ means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

‘reduction week’ means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

‘relative’ means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

‘relevant authority’ means an authority administering council tax reduction;

‘relevant week’ In relation to any particular day, means the week within which the day in question falls;

‘remunerative work’ has the meaning prescribed in section 6;

‘rent’ means ‘eligible rent’ to which regulation 12 of the Housing Benefit Regulations refers less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;

‘self-employed earner’ is to be construed in accordance with section 2(1)(b) of the Act;

‘self-employment route’ means assistance in pursuing self-employed earner’s employment whilst participating in-

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc); or
- (c) the Employment, Skills and Enterprise Scheme;

‘Service user’ means an applicant participating as a service user are to –

- (a) a person who is being consulted by or on behalf of-
 - (1) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
 - (2) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services
- in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or
- (b) the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph”

‘the Skipton Fund’ means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25 march 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions.

‘State Pension Credit Act’ means the State Pension Credit Act 2002;

‘student’ has the meaning prescribed in section 43;

‘subsistence allowance’ means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

‘support or reduction week’ means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

‘the Tax Credits Act’ means the Tax Credits Act 2002;

‘tax year’ means a period beginning with 6 April in one year and ending with 5 April in the next;

‘training allowance’ means an allowance (whether by way of periodical grants or otherwise) payable-

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

‘the Trusts’ means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust;

‘Universal Credit’ means any payment of Universal Credit payable under the Welfare Reform Act 2012;

‘war disablement pension’ means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

‘war pension’ means a war disablement pension, a war widow’s pension or a war widower’s pension;

war widow’s pension’ means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

war widower’s pension’ means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘week’ means a period of seven days beginning with a Monday;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; and

‘young person’ has the meaning prescribed in section 9(1) and in section 142 of the SSCBA.

2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.

2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.

- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.5 For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.6 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.7 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- 3.0 Definition of non-dependant**
- 3.1 In this scheme, 'non dependant' means any person, except someone to whom section 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the applicant's family;
 - b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
 - c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
 - d. subject to section 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
 - e. subject to section 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
 - f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom section 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant-

- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner, or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax support scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance number

4.1 No person shall be entitled to support unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming support.

4.2 This subsection is satisfied in relation to a person if-

- a. the claim for support is accompanied by;
 - i a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

4.3 Section 4.2 shall not apply-

- a. in the case of a child or young person in respect of whom council tax support is claimed;
- b. to a person who;
 - i. is a person in respect of whom a claim for council tax support is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
- a. has not previously been allocated a national insurance number.

5.0 Persons who have attained the qualifying age for state pension credit or who are of working age and who have a partner who has attained the qualifying age for state pension credit

5.1 This scheme for working age applicants still applies to a person in relation to any person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit.

5.2 This scheme applies to a person if;

- (i) he has not attained the qualifying age for state pension credit; or
- (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
 - (a) a person on income support, on income-based jobseeker's allowance or income based employment and support allowance; or

- (b) a person with an award of Universal Credit.

6.0 Remunerative work

- 6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- 6.2 Subject to section 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;
- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
 - b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.
- 6.3 Where, for the purposes of section 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in section 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based job seeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.

7.0 Persons subject to Immigration Control – excluded from claiming under this scheme persons treated as not being in Great Britain

- 7.1 The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- 7.2 Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

- 7.4 For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with;
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC;
 - (aa) regulation¹⁴ of the EEA regulations, but only in a case where the right exists under that regulation because the person is –
 - 1. a jobseeker for the purpose of the definition of “qualified person” in reg 6(1) of those regulations or
 - 2. a family member (within the meaning of reg 7 of those regulations) of such a jobseeker;
 - (ab) Article 45 of the Treaty on the functioning of the European Union (a) (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland);
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine employment of their rights as a European Union citizen).
- 7.5 A person falls within this sub-paragraph if the person is;
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 (b) where that leave is-
 - (1) discretionary leave to enter or remain in the United Kingdom,
 - (2) leave to remain under the Destitution Domestic Violence concession[©] which came into effect on 1st April 2012, or
 - (3) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 (d);
 - (f) a person who has humanitarian protection granted under those rules;
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
 - (h) in receipt of income support, or on an income related employment and support allowance;
 - (ha) in receipt of an income based jobseekers allowance and has a right to reside other than a right to reside falling within paragraph (7.4); or
 - (i) a person who is treated as a worker for the purpose of the definition of ²qualified person² in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (immigration and Worker Authorisation) Regulations 2013 (e) (right of residence of a Croatian who is an “accession state national subject to worker authorisation”)
- 7.6 A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first consecutive postings, habitually resident in the United Kingdom.

7.8 In this paragraph

'claim for asylum' has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

'EEA Regulations' means the Immigration (European Economic Area) Regulations 2006:

Persons subject to immigration control

7.9 Subject to paragraph (1A)" persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme. "(1A) a person who is a national of a state which has ratified the European Convention on Social and medical Assistance(f) (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961)and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purposes of paragraph (1)"

7.10 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

8.0 Temporary absence (period of absence)

8.1 Where a person is absent from the dwelling throughout any day then no support shall be payable

8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from the dwelling, be a prescribed person under paragraph 8.1.

8.3 In paragraph 8.2, a 'period of temporary absence' means-

- a. a period of absence not exceeding 4 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 4 weeks.

Sections 9 – 11

The family for council tax support purposes

9.0 Membership of a family

9.1 Within the council tax support scheme, 'family' means;

- a. a married or unmarried couple;
- b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
- c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
- d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
- e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
- f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'
A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. Those conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training' and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

9.2 Section 9.1 the definition of child or young person shall not apply to a person who is;

- a. on income support;
- b. an income-based jobseeker's allowance or an income-related employment and support allowance;
- c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.

9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom section 9.3 applies

10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of section 9.1 as normally living with;

- a. the person who is receiving child benefit in respect of him; or
- b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household

11.1 Subject to sections 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

- 11.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of the Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
 - b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to section 11.4, section 11.1 shall not apply to a child or young person who is not living with the applicant and he-
- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom section 11.3a) applies as being a member of the applicant's household in any reduction week where;
- a. that child or young person lives with the applicant for part or all of that reduction week; and
 - b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Sections 12 – 29

Definition and the treatment of income for council tax support purposes

- 12.0 **Calculation of income and capital of members of applicant's family and of a polygamous marriage**
- 12.1 The income and capital of:
- (a) an applicant; and
 - (b) any partner of that applicant,
- is to be calculated in accordance with the provisions of this Part.
- 12.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

- 12.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

Calculation of income and capital: persons who have an award of Universal Credit

- 12.4 In determining the income of an applicant
- a. who has, or
 - b. who (jointly with his partner) has,
- an award of Universal Credit the authority must, subject to the following provisions of this paragraph, use the calculation of the income prior to any earnings disregard of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of Universal Credit.
- 12.5 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) any sum to be disregarded under paragraphs of Schedule 1 to this scheme (sums to be disregarded in the calculation of earnings);
 - (b) any sum to be disregarded under paragraphs of Schedule 2 to this scheme (sums to be disregarded in the calculation of income other than earnings)
- 12.6 The amount for the award of Universal Credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.
- 12.7 Section 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)
- 12.8 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of Universal Credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

13.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's

- 13.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax support scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.
- 13.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under section 13.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

14.0 Calculation of income on a weekly basis

- 14.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions, etc) the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in section 15.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

14.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

14.3 The maximum deduction to which section 14.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

14.4 For the purposes of section 14.1 'income' includes capital treated as income under section 28 (capital treated as income) and income, which an applicant is treated as possessing under section 29 (notional income).

15.0 Treatment of child care charges

15.1 This section applies where an applicant is incurring relevant child-care charges and;

- a. is a lone parent and is engaged in remunerative work;
- b. is a member of a couple both of whom are engaged in remunerative work; or
- c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or a sentence).

15.2 For the purposes of section 15.1 and subject to section 15.4, a person to whom section 15.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he-

- a. is paid statutory sick pay;
- b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
- c. is paid an employment and support allowance;
- d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
- e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

15.3 This paragraph applies to a person who was engaged in remunerative work immediately before

- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 15.4 In a case to which section 15.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 15.5 Relevant child care charges are those charges for care to which sections 15.6 and 15.7 apply, and shall be calculated on a weekly basis in accordance with section 15.10.
- 15.6 The charges are paid by the applicant for care, which is provided
 - a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 15.7 The charges are paid for care, which is provided by one, or more of the care providers listed in section 15.8 and are not paid-
 - a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 15.8 The care to which section 15.7 refers may be provided;
 - a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12, or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
 - e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or day care within the meaning of that Act; or
 - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
 - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or

- i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- m. by a person who is not a relative of the child wholly or mainly in the child's home.

15.9 In sections 15.6 and 15.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

15.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing care.

15.11 For the purposes of section 15.1 c) the other member of a couple is incapacitated where

- a. the support component or the work-related activity component on account of his having limited capability for work
- b. the other member is treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the other member is treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances-
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii) (iv) or (v) above;
 - ix. main phase employment and support
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005;

- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those subparagraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

15.12 For the purposes of section 15.11 once section 15.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

15.13 For the purposes of section 15.11, once section 15.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

15.14 For the purposes of sections 15.6 and 15.8 a), a person is disabled if he is a person-

- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
- b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

15.15 For the purposes of section 15.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in section 15.16 ('the relevant period') provided that-

- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- b. the applicant is incurring relevant child care charges within the meaning of section 15.5; and
- c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act, statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

15.16 For the purposes of section 15.15 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on-

- a. the date that leave ends;
- b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

15.17 In sections 15.15 and 15.16

- a. **‘qualifying support’** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
- b. **‘child care element’** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

16.0 Average weekly earnings of employed earners

16.1 Where an applicant’s income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment-

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 16.1a i) or ii) applies; where an applicant’s earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

16.2 Where the applicant has been in his employment for less than the period specified in section 16.1a)(i) or (ii)

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant’s employer to furnish an estimate of the applicant’s likely weekly earnings over such period as the authority may require and the applicant’s average weekly earnings shall be estimated by reference to that estimate.

16.3 Where the amount of an applicant’s earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

16.4 For the purposes of this section the applicant’s earnings shall be calculated in accordance with sections 22 and 23.

17.0 Average weekly earnings of self-employed earners

17.1 Where an applicant’s income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

17.2 For the purposes of this section the applicant’s earnings shall be calculated in accordance with sections 24 and 25 of this scheme.

18.0 Average weekly income other than earnings

18.1 An applicant’s income which does not consist of earnings shall, except where section 15.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing

in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 2 of this scheme.

18.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.

18.3 For the purposes of this section income other than earnings shall be calculated in accordance with sections 27 to 29 of this scheme.

19.0 Calculation of average weekly income from tax credits

19.1 This section applies where an applicant receives a tax credit.

19.2 Where this sections applies, the period over which a tax credit is to be taken into account shall be the period set out in section 19.3

19.3 Where the instalment in respect of which payment of a tax credit is made is;

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- c. a two-weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four-weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid;

19.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

20.0 Calculation of weekly income

20.1 For the purposes of sections 16 (average weekly earnings of employed earners); 18 (average weekly income other than earnings) and 19 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined-
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

20.2 For the purpose of section 17 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

21.0 Disregard of changes in tax, contributions, etc

21.1 In calculating the applicant's income the appropriate authority may disregard any legislative change

- a. in the basic or other rates of income tax;
- b. in the amount of any personal tax relief;
- c. in the rates of social security contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small earnings exception in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C, or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

22.0 Earnings of employed earners

22.1 Subject to section 22.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes-

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of-
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- i. any payment or remuneration made under section 28, 34, 64, 68, or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

22.2 Earnings shall not include-

- a. subject to section 22.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension;
- d. any payment in respect of expenses arising out of the applicant's participation as a service user.

22.3 Section 22.2a) shall not apply in respect of any non-cash voucher referred to in section 22.1m).

23.0 Calculation of net earnings of employed earners

23.1 For the purposes of section 16 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to section 23.2, be his net earnings.

23.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in Schedule 1.

- 23.3 For the purposes of section 23.1 net earnings shall, except where section 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;
- a. any amount deducted from those earnings by way of
 - (i) income tax;
 - ii) primary Class 1 contributions under the Act;
 - b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - c. one-half of the amount calculated in accordance with section 23.5 in respect of any qualifying contribution payable by the applicant; and
 - d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.
- 23.4 In this section ‘qualifying contribution’ means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 23.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined-
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 23.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 16 (average weekly earnings of employed earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less-
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.
- 24.0 Earnings of self-employed earners**
- 24.1 Subject to section 24.2, ‘earnings’ in the case of employment as a self-employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.
- 24.2 ‘Earnings’ shall not include any payment (in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor shall it include any sports award.

24.3 This paragraph applies to-

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any-
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

24.4 Where the applicant's earnings consist of any items to which section 24.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by

- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 1 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

25.0 Calculation of net profit of self-employed earners

25.1 For the purposes of section 17 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less-
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with section 25.11 in respect of any qualifying premium.

25.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph Schedule 1.

25.3 For the purposes of section 25.1a) the net profit of the employment must, except where section 25.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to sections 25.5 to 25.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with section 25.11 in respect of any qualifying premium.

25.4 For the purposes of section 25.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to sections 25.5 to 25.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

- 25.5 Subject to section 25.6 no deduction shall be made under section 25.3a or 25.4, in respect of-
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 25.6 A deduction shall be made under section 25.3a) or 25.4 in respect of the repayment of capital on any loan used for-
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
- 25.7 The authority shall refuse to make deduction in respect of any expenses under section 25.3a) or 25.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 25.8 For the avoidance of doubt-
- a. deduction shall not be made under section 25.3a) or 25.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of-
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 25.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. National Insurance contributions payable under the Act, calculated in accordance with section 26 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with section 25.1 in respect of any qualifying contribution
- 25.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 25.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
 - b. in any case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

25.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

26.0 Deduction of tax and contributions of self-employed earners

26.1 The amount to be deducted in respect of income tax under section 25.1b)i), 25.3b)i) or 25.9a)i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

26.2 The amount to be deducted in respect of national insurance contributions under sections 25.11b)i); 25.3b)ii) or 25.9a) shall be the total of-

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small earnings exceptions) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

26.3 In this section 'chargeable incomes' means-

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under section (25.3)(a) or, as the case may be, (25.4) of section 25;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

27.0 Calculation of income other than earnings

27.1 For the purposes of section 18 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to sections 24.2 to 24.4, be his gross income and any capital treated as income under section 28 (capital treated as income).

27.2 There is to be disregarded from the calculation of an applicant's gross income under section 27.2, any sum, where applicable, specified in Schedule 2.

27.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under section 27.1 shall be the gross amount payable.

27.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

27.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under section 21.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

- 27.6 In section 27.5 'tax year' means a period beginning with 6 April in one year and ending with 5 April in the next.
- 27.7 Section 27.8 and 27.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 27.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of section 27.1 in respect of a person to whom section 27.7 applies, shall be calculated by applying the formula-

$$\frac{A-(B \times C)}{D}$$
Where
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under section 48.5.
B = the number of support weeks from the support week immediately following that which includes the first day of that academic year to the support week which includes the day on which the person abandoned, or was dismissed from, his course;
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under section 48.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
D = the number of support weeks in the assessment period.
- 27.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of section 27.1 in respect of a person to whom section 27.8 applies, shall be calculated by applying the formula in section 27.8 but as if-
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under section 48.5.
- 27.10 In this section-'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 40 to 42, 'assessment period' means-
- in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
 - in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes-
 - the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - the last day of the last quarter for which an instalment of the relevant payment was payable to that person.
- whichever of those dates is earlier
'quarter' in relation to an assessment period means a period in that year beginning on;
- 1 January and ending on 31 March;
 - 1 April and ending on 30 June;

- c. 1 July and ending on 31 August; or
- d. 1 September and ending on 31 December;

'relevant payment' means either a student loan or an amount intended for the maintenance of dependants referred to in section 43.7 or both.

27.11 For the avoidance of doubt there shall be included as income to be taken into account under section 27.1

- a. any payment to which section 22.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under section 3 of Schedule 8 to the Immigration and Asylum Act 1999.

28.0 Capital treated as income

28.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with sections 28 to 39 of this scheme exceeds £6,000, be treated as income.

28.2 Any payment received under an annuity shall be treated as income.

28.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

28.4 Any Career Development Load paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income.

28.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of period payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

29.0 Notional Income

29.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

29.2 Except in the case of-

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which section 46(2)(a) of Schedule 4 (capital to be disregarded) applies which is administered in the way referred to in section 46(1)(a);
- e. any sum to which section 47(a) of Schedule 4 refers;
- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or
- h. working tax credit;
- i. any sum to which section 29.11 applies;

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

29.3 Any payment of income, other than a payment of income specified in section 29.4 made-

- a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-section a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - b. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of that family.

29.4 Section 29.3 shall not apply in respect of a payment of income made-

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, The Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation-
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a previous participation in the Mandatory Work Activity Scheme;
- e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where-
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any income apart from that payment.

29.5 Where an applicant is in receipt of any benefit (other than council tax support) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1 April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1 April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

29.6 Subject to section 29.7, where-

- a. applicant performs a service for another person; and

- b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

29.7 Section 29.6 shall not apply-

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with-
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Job Seeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

29.8 In section 29.7(c) 'work placement' means practical work experience which is not undertaken in expectation of payment

29.9 Where an applicant is treated as possessing any income under any of section 29.1 to 29.5, the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

29.10 Where an applicant is treated as possessing any earnings under section 29.6 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 23 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- c. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

29.11 Sections 29.1, 29.2, 29.3 and 29.6 shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation as a service user.

Sections 30 - 39

**Definition and the treatment of capital for
council tax support purposes**

30.0 Capital Limit

- 30.1 For the purposes of this scheme, the prescribed amount is £6,000 and no support shall be granted when the applicant has an amount greater than this level.

31.0 Calculation of capital

- 31.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to section 31.2, be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 33 (income treated as capital).
- 31.2 There shall be disregarded from the calculation of an applicant's capital under section 31.1, any capital, where applicable, specified in Schedule 4.

32.0 Disregard of capital of child and young person

- 32.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

33.0 Income treated as capital

- 33.1 Any bounty derived from employment and paid at intervals of at least one year shall be treated as capital.
- 33.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.
- 33.3 Any holiday pay which is not earnings under section 22(1)(d) (earnings of employed earners) shall be treated as capital.
- 33.4 Except any income derived from capital disregarded under sections 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 4, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- 33.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.
- 33.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.
- 33.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- 33.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.
- 33.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

34.0 Calculation of capital in the United Kingdom

34.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less-

- a. where there would be expenses attributable to the sale, 10 per cent; and
- b. the amount of any encumbrance secured on it;

35.0 Calculation of capital outside the United Kingdom

35.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
 - b. in a case where there is such prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,
- less, where there would be expenses attributable to sale, 10 per cent, and the amount of any encumbrances secured on it.

36.0 Notional capital

36.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 37 (diminishing notional capital rule).

36.2 Except in the case of

- (a) a discretionary trust; or
 - (b) a trust derived from a payment made in consequence of a personal injury; or
 - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
 - (e) any sum to which section 46(2)(a) of Schedule 4 (capital to be disregarded) applies which is administered in the way referred to in section 46(1)(a); or
 - (f) any sum to which section 47(a) of Schedule 4 refers; or
 - (g) child tax credit; or
 - (h) working tax credit,
- any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

36.3 Any payment of capital, other than a payment of capital specified in section 36.4, made

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the

case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- 36.4 Section 36.3 shall not apply in respect of payment of capital made
- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation to the London Bombing Relief Charitable Fund;
 - (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme
 - (bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (d) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where-
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

36.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such case

- a. the value of his holding in that company shall, notwithstanding section 31 (calculation of capital) be disregarded; and
- b. he shall, subject to section 36.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

36.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under section 36.5 shall be disregarded.

36.7 Where an applicant is treated as possessing capital under any of sections 36.1 to 36.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital which he does possess.

37.0 Diminishing notional capital rule

37.1 Where an applicant is treated as possessing capital under section 36.1 (notional capital), the amount which he is treated as possessing;

- a. in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in section 37.2 are satisfied;
 - or

- (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under section 37.3;
- b. in the case of a week in respect of which section 37.1(a) does not apply but where
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in section 37.4 is satisfied, shall be reduced by the amount determined under section 37.4

37.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the condition that

- a. he is in receipt of council tax support; and
- b. but for section 36.1, he would have received an additional amount of council tax support in that week.

37.3 In a case to which section 37.2 applies, the amount of the reduction for the purposes of section 37.1(a) shall be equal to the aggregate of

- a. the additional amount to which sub-section 37.2(b) refers;
- b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which section 37.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which section 37.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which section 37.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
- e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which section 37.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

37.4 Subject to section 37.5, for the purposes of section 37.1(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for section 36.1, and in such a case the amount of the reduction shall be equal to the aggregate of

- a. the amount of council tax support to which the applicant would have been entitled in the relevant week and for the purposes of this sub-paragraph is the amount in respect of a part-week, that amount shall be determined by dividing the amount of council tax support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
- b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to-
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,
 and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
- a. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which

he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;

- b. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
- c. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7;

37.5 The amount determined under section 37.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax support and the conditions in section 37.6 are satisfied, and in such a case-

- a. sub-paragraphs (a) to (d) of section 37.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to section 37.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

37.6 The conditions are that

- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under section 36.1;
 - (ii) in a case where there has been at least one re-determination in accordance with section 37.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- b. the applicant would have been entitled to council tax support but for section 36.1

37.7 The amount as re-determined pursuant to section 37.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

37.8 For the purposes of this section

- a. 'part-week'
 - (i) in section 37.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in section 37.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in section 37.4(c), (d) and (e) means-
 - aa. a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - bb. any other period of less than a week for which it is payable;

- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purposes of determining his entitlement to council tax reduction; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to the council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;
and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

38.0 Capital jointly held

- 38.1 Except where an applicant possesses capital which is disregarded under section 36(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

39.0 Calculation of tariff income from capital

- 39.1 No tariff income will be applied.

Sections 40 - 53

Definition and the treatment of students for council tax support purposes

40.0 Student related definitions

- 40.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds" which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or

e. Financial Contingency Funds made available by the Welsh Ministers;

‘college of further education’ means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

‘contribution’ means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- b. any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder’s expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder’s parents;
 - (iii) the holders parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
 - (iii) the holder’s spouse or civil partner;

‘course of study’ means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

‘covenant income’ means the gross income payable to a full-time student under a Deed of Covenant by his parent;

‘education authority’ means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

‘full-time course of study’ means a full time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out-
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves-
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21

hours per week, according to the number of hours set out in a document signed on behalf of the college;

‘full-time student’ means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

‘grant’ (except in the definition of ‘access funds’) means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

‘grant income’ means

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

‘higher education’ means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; **‘last day of the course’** means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

‘period of study’ means-

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year’s start and ending with either-
 - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- d. in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

‘periods of experience’ means periods of work experience which form part of a sandwich course;

‘qualifying course’ means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations;

‘modular course’ means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

‘sandwich course’ has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland) Regulations 2007 or regulations 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

‘standard maintenance grant’ means-

- a. except where paragraph (b) or (c) applies; in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (‘the 2003 Regulations’) for such a student;

- b. except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- c. in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- d. in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

'student' means a person, other than a person in receipt of a training allowance, who is attending or undertaking-

- a. a course of study at an educational establishment; or
- b. a qualifying course;

'student loan' means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Student's Allowances (Scotland) Regulations 2007

40.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- a. in the case of person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- b. in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

40.3 For the purposes of sub-paragraph (a) of section 40.2, the period referred to in that sub-paragraph shall include;

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

41.0 Treatment of students

41.1 The following sections relate to students who claim council tax support

42.0 Students who are excluded from entitlement to council tax support

42.1 Students (except those specified in section 42.3) are not able to claim council tax support under the Council's support scheme.

42.2 To be eligible for support, the student must be liable for council tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full-time student or a persons from abroad within the meaning of section 7 of this scheme (persons from abroad).

42.3 Section 42.2 shall not apply to a student

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (ii) in respect of whom
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

For the purposes of section 42.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

42.4 For the purposes of section 42.3, once section 42.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

- 42.5 In section 42.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- 42.6 A full-time student to whom sub-paragraph (i) of section 42.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- 42.7 Section 42.2 shall not apply to a full-time student for the period specified in section 42.8 if;
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in section 42.8.
- 42.8 The period specified for the purposes of section 42.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course, which shall first occur.
- 43.0 Calculation of grant income**
- 43.1 The amount of a student's grant income to be taken into account shall, subject to sections 43.2 and 43.3, be the whole of his grant income.
- 43.2 There shall be excluded from a student's grant income any payment;
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant;
 - (i) of higher education bursary for care leavers made under Part 111 of the Children Act 1989.
- 43.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 43.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education

(Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

- 43.5 Subject to sections 43.6 and 43.7, a student's grant income shall be apportioned;
- (a) subject to section 43.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 43.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 43.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither section 43.6 nor section 47 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 43.8 In the case of a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.
- 44.0 Calculation of covenant income where a contribution is assessed**
- 44.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to section 44.3, the amount of the contribution.
- 44.2 The weekly amount of the student's covenant shall be determined-
- (a) by dividing the amount of income which falls to be taken into account under section 44.1 by 52 or 53, whichever is reasonable in the circumstances;
- 44.3 For the purposes of section 44.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under section 43.2(g) (calculation of grant income) falls short of the amount specified in section 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).
- 45.0 Covenant income where no grant income or no contribution is assessed**
- 45.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;
- (a) any sums intended for any expenditure specified in section 43.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;

- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under section 43.2(f) and 43.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income.

45.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of section 45.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under section 43.2 (a) to (e); and
- (b) the amount to be disregarded under section 45.1(c) shall be abated by an amount equal to the amount of any sums disregarded under section 43.2(f) and (g) and 43.3.

46.0 Student Covenant Income and Grant Income – non disregard

46.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 2 to this scheme.

47.0 Other amounts to be disregarded

47.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in section 43.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under sections 43.2 or 43.3, 44.3, 45.1(a) or (c) or 48.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

48.0 Treatment of student loans

48.1 A student loan shall be treated as income.

48.2 In calculating the weekly amount of the loan to be taken into account as income

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with, the last day of the course;
- (b) in respect of an academic year of a course which starts other than on 1 September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1 September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1 September or the first day of the autumn term,
 and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
 - (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows, the first day of the autumn term,
 and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

48.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

48.4 Where a student is treated as possessing a student loan under section 48.3, the amount of the student loan to be taken into account as income shall be, subject to section 48.5

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

48.5 There shall be deducted from the amount of income taken into account under section 48.4

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

49.0 Treatment of fee loans and treatment of payments from access funds

49.1 A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded income.

49.2 This paragraph applies to payments from access funds that are not payments to which section 52.2 or 52.3 (income treated as capital) applies.

49.3 A payment from access funds, other than a payment to which section 49.4 applies, shall be disregarded as income.

49.4 Subject to section 49.5 of this section and section 35 of Schedule 2,

- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
- (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

49.5 Where a payment from access funds is made-

- (a) on or after 1 September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student, that payment shall be disregarded as income.

50.0 Disregard of contribution

50.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

51.0 Further disregards of student's income

51.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

52.0 Income treated as capital

52.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

52.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

52.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of payment.

53.0 Disregard of changes occurring during summer vacation

53.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

Sections 54 - 65

The calculation and amount of council tax support

54.0 Maximum council tax support

- 54.1 Subject to sections 54.2 to 54.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;
- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act. The annual liability will also be restricted to a council tax band E if the applicant lives in a property that has either a council tax band F, G or H.
 - (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under section 55 (non-dependant deductions).
- 54.2 In calculating a person's maximum council tax support any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.
- 54.3 Subject to section 54.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom section 42.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with section 54.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.
- 54.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, section 54.3 shall not apply in his case.
- 55.0 Non-dependant deductions**
- 55.1 Subject to the following provisions of this section, the non-dependant deductions in respect of a day referred to in section 54 (maximum council tax support) shall be;
- (a) in respect of a non-dependant aged 18 or over in remunerative work, £12.85 x 1/7;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.20 x 1/7.
- 55.2 In the case of a non-dependant aged 18 or over to whom section 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is-
- (a) less than £224.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
 - (b) not less than £224.00, but less than £389.00, the deduction to be made under this section shall be £8.55
 - (c) not less than £389.00, but less than £484.00, the deduction to be made under this section shall be £10.70;
- 55.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 55.4 In applying the provisions of section 55.2 in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 55.5 Where in respect of a day-

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouse and civil partners); and
- (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

55.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is-

- (a) blind or treated as blind; or
- (b) receiving in respect of himself
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
- (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (d) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

55.7 No deduction shall be made in respect of a non-dependant if;

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of section 44.0 (Students); or
- (d) he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - (i) 'patient' has the meaning given within this scheme, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

55.8 No deduction shall be made in respect of a non-dependant;

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment
- (b) and support allowance; or
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- (c) who is entitled to an award of Universal Credit where the award is calculated on the basis that the person does not have any earned income. – earned income has the meaning given in regulation 52 of the Universal Credit regulations 2013(a)

55.9 In the application of section 55.2 there shall be disregarded from his weekly gross income-

- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

56.0 Extended support

56.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to extended support where;

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner-
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

56.2 For the purpose of section 56.1c, an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

56.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

56.4 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where-

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in section 56.1(b).

56.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, the regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

57.0 Duration of extended support period

57.1 Where an applicant is entitled to a support reduction, the extended support period starts on the first day of the support week immediately following the support week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

57.2 For the purpose of section 57.1, an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

57.3 The extended support period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended support is payable has no liability for council tax, if that occurs first.

58.0 Amount of extended support

58.1 For any week during the extended support period the amount of the extended support payable to an applicant shall be the higher of-

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any support week during the extended support period, if section 56 (extended support) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 56 did not apply to the applicant.

58.2 Section 58.1 does not apply in the case of a mover.

58.3 Where an applicant is in receipt of extended support under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended support period.

59.0 Extended support – movers

59.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

59.2 The amount of the extended support payable from the Monday from which this section applies until the end of the extended support period shall be the amount of council tax support which was payable to the mover for the last support week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

59.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended support may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

59.4 Where-

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of extended support from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended support until the end of the extended support period.

60.0 Relationship between extended support and entitlement to council tax support under the general conditions of entitlement

60.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in section 56(b), that award will not cease until the end of the extended support period.

60.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended support payable in accordance with section 58.1(a) or 59.2 (amount of extended support – movers).

61.0 Extended support (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended support (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last support week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

61.2 An applicant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where:

- (a) the applicant ceased to be entitled to council tax support because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in section 61.1(b).

62.0 Duration of extended support period (qualifying contributory benefits)

62.1 Where an applicant is entitled to extended support (qualifying contributory benefits), the extended support period starts on the first day of the support week immediately following the support week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

62.2 For the purpose of section 62.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

62.3 The extended support period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended support (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

63.0 Amount of extended support (qualifying contributory benefits)

- 63.1 For any week during the extended support period the amount of the extended support (qualifying contributory benefits) payable to an applicant shall be the higher of;
- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
 - (b) the amount of council tax support to which the applicant would be entitled under the general conditions of entitlement for any support week during the extended support period, if section 61 (extended reductions (qualifying contributory benefits) did not apply to the applicant; or
 - (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

63.2 Section 63.1 does not apply in the case of a mover.

63.3 Where an applicant is in receipt of extended support (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended support period.

64.0 Extended support (qualifying contributory benefits) – movers

64.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

64.2 The amount of the extended support (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended support period shall be the amount of council tax support which was payable to the mover for the last support week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

64.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended support (qualifying contributory benefits) may take the form of a payment from the appropriate authority to-

the second authority; or
the mover directly.

64.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of extended support (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended support (qualifying contributory benefits) until the end of the extended support period.

65.0 Relationship between extended support (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement

65.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in section 61.1(b) that award will not cease until the end of the extended support period.

65.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with section 63.1(a) or 64.2 (amount of extended support – movers).

Sections 66 - 67

Dates on which entitlement and changes of circumstances are to take effect

66.0 Date on which entitlement is to begin

- 66.1 Subject to section 66.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the week following the date on which that claim is made or is treated as made.
- 66.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in that week in which his claim is made or is treated as made, he shall be so entitled from that week.

67.0 Date on which change of circumstances is to take effect

- 67.1 Except in cases where section 21 (disregards of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefits Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.
- 67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same week would, but for this paragraph, take effect in different weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first

day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Section 68 - 75

Claiming and the treatment of claims for council tax support purposes

68.0 Making an application

68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act; and;

- (a) a deputy has been appointed by the Court of Protection with power to claim or, as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power, or a power to apply, or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005, or otherwise;

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may, if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

69.0 Procedure by which a person may apply for a reduction under the authority's scheme

69.1 Paragraphs 2 to 7 apply to an application made under the authority's scheme.

69.2 An application may be made;

- (a) in writing using the approved form or by using the on line claim form provided on the Council's website, or
- (b) where the authority has published a telephone number for the purpose of receiving such applications, by telephone, or
- (c) by submitting a claim for Universal Credit to the Department for Work and Pensions, the content of which and the Universal Credit award will be used to determine council tax support.

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because-

- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
- the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

69.5 (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.6 In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

69.8 Notwithstanding other paragraphs within the section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

(1) Where an applicant;

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
 - (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period), the application is to be treated as made on the date determined in accordance with sub-paragraph
- (2) That date is the latest of;
- a. the first day from which the applicant had continuous good cause;
 - b. the day six months before the date the application was made;
 - c. the day six months before the date when the applicant requested that the application should include a past period.

70.0 Date on which an application is made

- 70.1 (a) in a case where;
- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of Universal Credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or Universal Credit was received,
- the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or Universal Credit arising from that claim;
- (b) in a case where;
- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of Universal Credit,
 - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
 - (iii) the application is received at the designated office within one month of the date of the change,
- the date on which the change takes place;
- (c) in a case where;
- (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,
- the date of the death or the separation;
- (d) except where paragraph (c) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (e) in any other case, the date on which an application is received at the designated office.
- 70.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
- have been entitled to that allowance.

70.3 Where there is a defect in an application by telephone;

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

70.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

70.5 The conditions are that-

- (a) where the authority receives the properly completed application, or the information requested to complete it, or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where an application is not on the approved form or further information requested by the authority applies;
 - (i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;
 - (ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
 in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

70.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

70.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;

- (a) in the case of an application made by;
 - (i) a pensioner, or
 - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,
 the seventeenth reduction week following the date on which the application is made, or
- (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

70.8 In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

71.0 Submission of evidence electronically

71.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim.

72.0 Use of telephone provided evidence

72.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim.

73.0 Information and evidence

73.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

73.2 This sub-paragraph is satisfied in relation to a person if-

- (a) the application is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated;And
 - (ii) the information or evidence enabling it to be so allocated.

73.3 Sub-paragraph (2) does not apply;

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

73.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

73.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

73.6 Where the authority makes a request under sub-paragraph (4), it must;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

73.7 This sub-paragraph applies to any of the following payments;

- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

- (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 58.9.

73.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

74.0 Amendment and withdrawal of application

74.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

74.2 Where the application was made by telephone the amendment may also be made by telephone.

74.3 Any application amended is to be treated as if it had been amended in the first instance.

74.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

74.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

74.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

74.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

75.0 Duty to notify changes of circumstances

75.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;

- (a) between the making of an application and a decision being made on it, or
- (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.

75.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;

- (a) in writing, or by using the on line claim form provided on the Council's website
- (b) by telephone-
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case, within a period of one calendar month beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

- 75.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 75.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income based jobseeker's allowance or an income-related employment and support allowance or Universal Credit.
- 75.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 75.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within alternative maximum council tax support scheme, giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.
- 75.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the effective date used by the authority will be the Monday of the week following the receipt of the notification.

Sections 76 - 83

Decisions, decision notices and awards of council tax support

76.0 Decisions by the authority

- 76.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

77.0 Notification of decision

- 77.1 The authority must notify in writing any person affected by a decision made by it under its scheme;
- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
 - (b) in any other case where there is a reduction in the amount of council tax support payable, within 14 days of that decision or as soon as reasonably practicable thereafter.
- 77.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;
- (a) informing the person affected of the duty imposed by 75.1;
 - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

77.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

77.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

77.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision, request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

77.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

77.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

77.8 This sub-paragraph applies to-

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
 - (i) a deputy appointed by the Court of Protection with power to claim or, as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- (c) a person appointed by the authority to act for a person unable to act.

78.0 Time and manner of granting council tax support

78.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be appropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

78.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

78.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is sufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

78.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

79.0 Persons to whom support is to be paid

79.1 Subject to section 81 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

79.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

80.0 Shortfall in support

80.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.

81.0 Payment on the death of the person entitled

81.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the support which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

82.0 Offsetting

82.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

83.0 Payment where there is joint and several liability

83.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
 - (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulations 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,
- it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

83.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

83.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

Sections 84 - 87

**Collection, holding and forwarding of information
for council tax support purposes**

84.0 Use of information from and to the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC)

84.1 The authority will use information provided by the DWP and HMRC for the purposes of council tax support, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012.

84.2 Where required by the relevant department and where required by law, the authority will share information obtained for council tax support with the DWP or HMRC as appropriate.

85.0 Collection of information

85.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from-

- (a) persons making claims for council tax support;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

85.2 The authority may verify relevant information supplied to, or obtained.

86.0 Recording and holding information

86.1 The authority may

- (a) may make a record of such information; and

- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax support.

87.0 Forwarding of information

87.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax support to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax support.

Sections 88 - 91

Revisions, written statements, termination of council tax support

88.0 Persons affected by decisions

88.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or, as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

89.0 Revisions of decisions

89.1 Subject to the provisions in this scheme, a relevant decision ("the original decision") may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

89.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- (i) one month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

90.0 Written statements

90.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to council tax

support. The request must be received within one month of the date of notification being issued by the authority.

91.0 Terminations

91.1 The authority may terminate support in whole or in part the council tax support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to council tax support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

91.2 The authority may terminate, in whole or in part the council tax support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to council tax support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for council tax.

Section 92

Appeals against the authority's decisions

92.0 Procedure by which a person may make an appeal against certain decisions of the authority

92.1 A person who is aggrieved by a decision of the authority, which affects;

- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

92.2 The authority must

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

92.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

Section 93

Procedure for applying for a discretionary reduction

93.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

93.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

93.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

Section 94 - 100

Electronic communication

94.0 Interpretation

94.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

95.0 Conditions for the use of electronic communication

95.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

95.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

95.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

95.4 The second condition is that the person uses an approved method of:

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

95.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

95.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

95.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

95.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

96.0 Use of intermediaries

- 96.1 The authority may use intermediaries in connection with;
- (a) the delivery of any information by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with the matters.

97.0 Effect of delivering information by means of electronic communication

- 97.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority's scheme on the day the condition imposed;
- (a) by this section; and
 - (b) by or under an enactment,
- are satisfied.
- 97.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- 97.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

98.0 Proof of identity of sender or recipient of information

- 98.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of-
- (a) the sender of any information delivered by means of an electronic communication to an official computer system, or
 - (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

99.0 Proof of delivery of information

- 99.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- 99.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- 99.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

100.0 Proof of content of information

- 100.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 101

Counter fraud and compliance

101.0 Counter fraud and compliance

- 101.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to:
- a. Prevent and detect fraudulent claims and actions in respect of council tax support;
 - b. Carry out investigations fairly, professionally and in accordance with the law; and
 - c. Ensure that sanctions are applied in appropriate cases
- 101.2 The authority believes that is important to minimise the opportunity for fraud and;
- a. will implement rigorous procedures for the verification of claims for council tax support;
 - b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
 - c. will actively tackle fraud where it occurs in accordance with this scheme;
 - d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
 - e. will in all cases seek to recover all outstanding council tax.
- 101.3 Where the Council has evidence of fraud and/or error, it reserves the right to withhold and/or recalculate Council Tax Support, whether or not the claimant is in receipt of a benefit administered by the Department for Work and Pensions.
- 101.4 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within section 101.1 to 101.3 can be carried out successfully.

Schedule 1

Sums to be disregarded in the calculation of earnings

1. Where the applicant is either single or one of a couple and a member of that couple is in employment, a maximum £10 weekly disregard will be applied to earnings.

Schedule 2

Sums to be disregarded in the calculation of income other than earnings

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
4. Any payment in respect of any expenses incurred or to be incurred by an applicant who is-
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 29.0 (notional income).
5. Any payment in respect of expenses arising out of the applicant's participation as a service user.
6. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
7. Where an applicant is on income support, an income-based job seeker's allowance or employment and support allowance the whole of his income. Those in the work related activity group or support group will also have the whole of this income disregarded if they do not receive Universal Credit.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on income-based jobseeker's allowance, the whole of the applicant's income.
9. Where the applicant, or the person who was the partner of the applicant on 31 March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5 April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
10. Any disability living allowance or personal independence payment or AFIP
11. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
12. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
13. Any attendance allowance.
14. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
15. 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);

- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (h) an Armed Forces Compensation Scheme payment.

16. Any payment made to the applicant by a child or young person or a non-dependant.

- 17.** (1) Any payment made to the applicant in respect of a person who is a member of his family-
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowance Schemes)
 - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

18. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made

- (a) by a local authority under-
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

19. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by-

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;

- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006.

20. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

21. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

22. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to-

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
- (b) meet any amount due by way of premiums on-
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

23. Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.

24. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund).

25. Any payment under Part 10 of the Act (Christmas bonus for pensioners).

26. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of-

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;
 - (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
 - (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
 but only for a period from the date of the payment until the end of the two years from that person's death.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
 - (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
 but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

27. Any housing benefit, the housing element and the limited work capability of Universal Credit. Where the assessment of Universal Credit includes a housing element and/or a limited work capability element, this will be disregarded from the Universal Credit award. The remaining award amount will then be treated as income without exception.
28. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
29. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
- (2) In paragraph (1)
'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
- (a) the Child Support Act 1991;
 - (b) the Child Support (Northern Ireland) Order 1991;
 - (c) a court order;
 - (d) a consent order;
 - (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
- 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.
30. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.
31. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
32. Any payment of child benefit.
33. If the Government announce increases to welfare benefits in year, after the council tax support scheme has been approved, the Council reserves the right to be able to disregard these increases in income to ensure that applicants continue to receive the intended level of support.

Schedule 3

Disabled child additional disregard

1. An additional disregard of £100 per week will be applied to the total income of the claimant and partner(s) for each disabled child or young person whom the claimant or a partner is responsible and who is a member of the claimant's household. The child or young person -
 - (i) is in receipt of disability living allowance or is no longer in receipt of such allowance because they are a patient, provided that that the child or young person continues to be a member of the family, or
 - (ii) is blind or treated as blind, or
 - (iii) is a child or young person in respect of whom section 145A of the Act (entitlement to child benefit after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, or
 - (iv) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of regulations made under section 86(1) (hospital in-patients) of the 2012 Act be so in receipt, provided that the young person continues to be a member of the family, or
 - (v) is a young person who is in receipt of armed forces independence payment.

Schedule 4

Capital to be disregarded

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
5. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
6. Any premises occupied in whole or in part-
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
7. Where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

9. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
10.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where-
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;for a period of 26 weeks from the date on which the claim for council tax support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
 - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
 - (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
11.
 - (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
 - (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowancebut only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.
 - (g) Universal Credit regulations 2013(b)
 - (2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is
 - (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
 - (b) received by the applicant in full on or after 14 October 2001;sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.
 - (2) For the purposes of sub-paragraph (2), 'the award of council tax support' means-
 - (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and

- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

- 12.** Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacements or improvement.
- 13.** Any sum-
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 14.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
- i. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 15.** Where the funds of a trust are derived from a payment made in consequence of a personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 16.**
- (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
 - (2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
 - (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
 - (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 17.** The value of the right to receive any income under a life interest or from a life rent.

18. The surrender value of any policy of life insurance.
19. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
20. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, of section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
21.
 - (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
 - (2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
22. Any social fund payment made pursuant to Part 8 of the Act.
23. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
24. Any capital which, by virtue of sections 28 or 48 (capital treated as income, treatment of student loans) is to be treated as income.
25. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
26.
 - (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
 - (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefits of-
 - (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
 - (2) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of-

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where-

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
 but only for a period from the date of the payment until the end of two years from that person's death.

(4) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
 but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

27. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

28. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

29. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
30. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
31. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
32. The value of the right to receive an occupational or personal pension.
33. The value of any funds held under a personal pension scheme.
34. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
35. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
36. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used-
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made-
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies),
but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

42. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).

43. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

44. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

45. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.

46. (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from;

(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

47. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from

(a) award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

48. Any payment to the applicant as holder of the Victoria Cross or George Cross.

49. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

- 50.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 51.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to-
- (i) regulations made under section 518 of the Education Act 1996;
- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to;
- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
- (ii) regulations made under section 181 of that Act;
- or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 52.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 53.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 54.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1 February 2001 in consequence of the imprisonment or interment of-
- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner;
- by the Japanese during the Second World War, £10,000.
- 55.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;

- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending-
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person-
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is-
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to-
- (a) a person referred to in sub-paragraph (3)(a), that subparagraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending-
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attainswhichever is the latest.
- (5) In this paragraph, a reference to a person-
- (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;

(c) acting in place of the diagnosed person's parents, at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

- (6) In this paragraph-
 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jacob disease;
 'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jacob disease for the benefit of persons eligible for payments in accordance with its provisions;
 'trust payment' means a payment under a relevant trust.

56. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who died, during the Second World War.

57. (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.

58. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

59. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

60. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

61. Any payments to an applicant made under section 49 of the Children and Families Act 2014(a) (personal budgets and direct payments)

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Summary of council tax support scheme 2024-25

The council tax support scheme from 1 April 2024 for working age people will continue to be based on income bands.

The scheme will apply to working age people only who currently receive council tax support or apply in the future for help to have their council tax discounted. The new scheme will apply without exception from 1 April 2024.

It is important to note that changes to the council tax support scheme will not affect pensioners. These people are protected and their council tax support will continue to be awarded on the basis of the scheme prescribed by Central Government.

The following income bands will apply and the percentage of council tax support awarded will be 100%, 80%, 60%, 40% or 20% of the maximum eligible council tax.

There are different bands for single claimants, lone parents, couples and for people with children as illustrated below.

Income Band	Single person	Couple	Lone parent with children	Couple with children	Maximum percentage entitlement
Income £					
Band 1	0.00 to 100.00	0.00 to 155.00	0.00 to 193.00	0.00 to 253.00	100%
Band 2	100.01 to 138.00	155.01 to 203.00	193.01 to 220.00	253.01 to 308.00	80%
Band 3	138.01 to 165.00	203.01 to 253.00	220.01 to 275.00	308.01 to 363.00	60%
Band 4	165.01 to 193.00	253.01 to 308.00	275.01 to 336.00	363.01 to 418.00	40%
Band 5	193.01 to 220.00	308.01 to 363.00	336.01 to 392.00	418.01 to 480.00	20%

The above income band figures will be uprated in line with the increases in the rate rates for social security benefits and Universal Credit

Claimants who receive Income Support, Job Seeker's Allowance (Income Based) or Employment and Support Allowance (Income Related) will fall into band 1 and will be entitled to up to 100% council tax support.

The income will be calculated, net of any allowable disregards and the if the income calculated falls into one of the following income bands, council tax support will be payable. If the net income exceeds the maximum income in band 5 then no council tax support will be payable.

Under the current council tax support scheme if a person has an income change of more than 5p a week their entitlement to support will change by just 1p per week. With the new scheme, if the income change results in the income remaining within a band, then no recalculation of the council tax support will take place.

For example, if a single person reports that their weekly income has increased from £112 to £123 per week, they will remain in Band 2 and the discount they will continue to receive is 80%.

Qualifying for council tax support

A person must have a council tax liability to be able to claim council tax support and the property must be occupied by the tax payer. Council tax support is a council tax discount and if awarded it will reduce a person's council tax payments. The level of discount awarded is based on the income and capital the claimant and partner has, whether they have dependent children or other grown ups living in the household, referred to as non dependants. Other factors such as certain expenses to assist with childcare payments, disabilities and whether a person falls into a group considered to require more support will also be taken into consideration.

Eligible Council Tax

The eligible council tax used in the calculation of council tax support will be the net amount payable, taking into account discounts already awarded, for a dwelling that is occupied.

The only exception to this is if the tax payer lives in a property that has an F, G or H banding. For people claiming council tax support, their maximum eligible council tax will be restricted to a band E and the maximum council tax support they can receive is 100% of the band E charge.

Capital limit

If a single person or couple claiming council tax support have over £6,000 in combined capital there will be no entitlement to council tax support and the full amount of council tax will be payable. There are no exceptions to this rule. An assumed income from savings will not be applied to capital less than £6,000.

Non dependant deductions

A non dependant is a person living in the council tax support claimant's home but they are not stated as a liable person on the council tax bill. They are normally a grown up child or an elderly relative living with the claimant. Deductions will normally be made from the eligible council tax for each non dependant living in the household. The deductions are based on the

non dependant's gross income and whether they are working. The deductions and earnings bands are increased from 1 April each year.

A non dependant deduction will not be made if the claimant or their partner receives one of the following incomes:

- Attendance Allowance or Constant Attendance Allowance
- The daily living component of Personal Independence Payment
- The care component of Disability Living Allowance
- An armed forces independence payment

Or if the claimant or partner is severely sight impaired, blind or has recently regained sight.

Earned income disregards

A maximum weekly disregard of £10 will apply to the combined earnings of the claimant and partner. If both a claimant and their partner are working the earnings disregard will be £10 in total and will not be awarded per person.

Income disregards – child benefit

Child benefit for all children will be disregarded in full and will not be used in the income calculation.

Income disregards – maintenance in respect of a child

Maintenance payments received in respect of a child or children will be disregarded in full and will not be used in the income calculation, subject to qualifying conditions.

Income disregards - Housing Element (Universal Credit)

The housing costs element of a person's Universal Credit award will be disregarded in full.
* Please see examples at the end of this document.

Income disregards – other income

Under this scheme, as part of our ongoing commitment to support disabled people, the following incomes will continue to be disregarded and will not be used as income in the calculation of council tax support:

- Personal Independence Payment
- Attendance Allowance
- Constant Attendance Allowance
- Disability Living Allowance
- Limited Work Capability element of Universal Credit
- War Disablement Pension
- War Widow's Pension
- Christmas bonus paid by DWP
- Employment & Support Allowance – work related and support (non UC recipients only)

Other disregards - childcare

To support incentives to work for those working over 16 hours, a weekly childcare disregard will be applied to earnings of up to a maximum of £175, where child care is paid for one child, or up to a maximum of £300 where childcare is paid for more than one child, subject to further qualifying conditions.

Other disregards - disabled child or children

An additional income disregard of £100 per week will be applied to household income for each child who:

- Is severely sight impaired, blind or has recently regained their sight, or
- Receives Personal Independence Payment or Disability Living Allowance

Absences abroad for up to four weeks

Council tax support will be paid during a temporary absence abroad providing that the period of the absence does not exceed four weeks. If the planned period of absence is greater than four weeks the claim for council tax support will end from the date of departure and the claimant will have to claim again following the return to their home address.

Backdating claims

A claim for council tax support can be backdated for a maximum period of six months from the date of the claim if the claimant can demonstrate a good reason for not having claimed sooner. The claimant must provide a written request for backdated council tax support and provide full reasons for the delay in claiming.

Discretionary Hardship Relief Scheme

The scheme may result in some claimants being adversely affected which may lead to hardship. As there is a need to protect the most vulnerable households, the Discretionary Hardship Relief scheme which falls within the local council tax support scheme, is designed to provide additional financial support to those tax payers who are facing either exceptional hardship or extraordinary circumstances. Subject to conditions a tax payer could be awarded a payment under the Council's Discretionary Hardship Relief scheme. An application will need to be made and it will be considered in accordance with the Council's policy.

* Examples relating to the disregard of the Housing Element within Universal Credit:

The housing costs element of a person's Universal Credit award will be disregarded in full up to the level of the Net UC award.

Example 1

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	368.74	Net UC Award	848.74
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £848.74 - £480.00 (Housing Element) = £368.74 pcm or £85.09 per week.

Example 2

Where the UC award is subject to a managed payment direct to a landlord and this is included as an "other adjustment", the Net UC award will be aggregated with the managed payment as follows:

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	368.74	Net UC Award	848.74
Carer Element		Tariff Income	
Limited work capability		Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	320.00
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £368.74 + £480.00 = £848.74 - £480.00 (Housing Element) = £368.74 pcm or £85.09 per week.

Example 3

Sometimes the value of the Net UC Award and the managed payment will be less than the Housing Element. In these instances the Housing Element will be disregarded up to the value of the Net UC Award and the managed payment.

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	368.74	Net UC Award	123.93
Carer Element		Tariff Income	
Limited work capability		Household Earnings	724.81
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme will be £123.93 - £480.00 (Housing Element) = £NIL + £724.81 wages pcm or £167.26 per week (less the standard earnings disregard).

* Example relating to the disregard of the Housing Element and Limited Work Capability element within Universal Credit:

Example 4

Universal Credit Maximum Amount		Universal Credit Incomes	
Standard Allowance	368.74	Net UC Award	1238.80
Carer Element		Tariff Income	
Limited work capability	390.06	Household Earnings	
Child Element		Applicable Income	
Childcare Element		Other adjustments	
Housing Element	480.00		

Therefore the person's income to be taken into account for the purpose of the banded scheme is £368.74 + £390.06 + £480.00 = £1238.80 - £390.06 (Limited Work Capability element) - £480.00 (Housing Element) = £368.74 pcm or £85.09 per week.

These are the exceptions and all other elements of Universal Credit will be taken fully into account as income.

Cheltenham Borough Council

Council – 11 December 2023

Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan – Public Consultation (Regulation 18)

Accountable member:

Cllr Hay, Leader

Accountable officer:

Tracey Birkinshaw, Director Communities & Economic Development

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

In July 2023, Cheltenham, Gloucester and Tewkesbury Councils resolved to work together to prepare a single Strategic and Local Plan (SLP). This will replace the existing Joint Core Strategy (JCS) and district local plans. At this formative stage in the process, the task is to undertake public consultation on broad spatial options and policy issues in line with Regulation 18 of the relevant legislation. The statutory purpose of the consultation is to ask people what they think the Plan should contain and help inform emerging priorities. No policy or site allocation proposals are therefore being put forward at this stage. That will follow at a subsequent step in the Regulation 18 process in early 2025.

In summary, the consultation document contains a draft Vision and Strategic Objectives and poses a number of questions around options for addressing climate change and nature recovery, the amount and location of future housing and economic development, Gypsies and traveller accommodation, retail and town centres and infrastructure. The document as presented is at an early stage of our plan making and the purpose of this consultation is to gain the views of all our stakeholders – nothing at this stage is ruled in or out and all elements of the SLP is open for debate as outlined in section 3 of this report.

It is being proposed to publish the document and invite comment from our various communities, the development industry, infrastructure/service providers and others with an interest in growth for a period of not less than 8 weeks commencing in December 2023. This will allow for the consultation spanning the Christmas period.

Cheltenham is the last of the 3 councils to consider the consultation document for approval with Gloucester and Tewkesbury agreeing the document unanimously with no changes.

Recommendations:

- 1. The Strategic and Local Plan Consultation Document (Appendix 1) be approved for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.**
 - 2. Authority be delegated to the Director of Communities & Economic Development, in consultation with the Leader, to prepare visual representations to illustrate the general location of development options for inclusion in the consultation document, and to make any other necessary minor amendments, corrections and additions to the document prior to publication for consultation.**
 - 3. Council to note the update provided at appendix 3 in respect of the Honeybourne Line extension debated at Council on 19th June 2023.**
-

1. Implications

1.1 Financial, Property and Asset implications

A budget of £220k per year per district council (Cheltenham, Gloucester and Tewkesbury) was agreed earlier in the year after work was commissioned to evaluate the resources needed to produce the next strategic and local plan. This includes the base contribution of £60k which is currently paid by the Council. The £220k contribution in 2023/24 will be in part funded by an earmarked reserve with the remaining amount and future profile of funding being reflected in the budget papers for 2024/25. There are no direct property or asset implications of the recommendations for approval in this report but some of our future decisions on our land, buildings and development opportunities will be influenced by the implementation of the Strategic Local Plan. In addition, Gloucestershire County Council contribute £60k per year.

Signed off by: Director of Finance & Assets, gemma.bell@cheltenham.gov.uk

1.2 Legal implications

In preparing a local plan, under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, a local planning authority must notify:

- consultation bodies that may have an interest in the subject of the proposed local plan/as the local planning authority considers appropriate; and
- such residents and other persons carrying on business in the local planning authority's area which it considers appropriate to invite representations

of the subject matter of the local plan which it proposes to prepare and invite them to make representations about what a local plan with that subject ought to contain.

The local planning authority must take into account any representations made to them in response to those invitations and may carry out more than one Regulation 18 consultation in preparing a local plan. There is no minimum period for consultation at this stage of the plan making process, as opposed to the Pre-

Submission stage which requires a minimum of 6 weeks.

Under section 19(3) of the Planning and Compulsory Purchase Act 2004 in preparing the local plan the authority must also comply with their statement of community involvement.

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

1.3 Environmental and climate change implications

The SLP will be a plan to meet development needs in a way which achieves sustainable development, including addressing the causes of climate change, mitigating its effects and promoting nature recovery. The SLP will also include policies to safeguard against other environmental effects of development. All local plans are required to be informed throughout their preparation by a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment. A draft SA report has been prepared to inform this Regulation 18 stage, including evaluating the likely sustainability effects of the draft vision, objectives, and spatial options.

The emerging Plan is also required to be accompanied by a Habitats Regulations Assessment (HRA) to ensure adverse impacts on international habitats sites are avoided or, where this is not possible, effectively mitigated. A draft HRA has similarly been prepared to inform this Regulation 18 stage.

Both documents will be available to view on-line. This is an iterative process and future versions will inform decision making on the emerging Plan as the SLP progresses.

Signed off by: Climate Emergency Officer Maizy.McCann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Making Cheltenham the Cyber Capital of the UK
- Working with residents, communities and businesses to help make Cheltenham #netzero by 2030
- Increasing the number of affordable homes through our £180m housing investment plan
- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity

1.5 Equality, Diversity and Inclusion Implications

Assessed at later stages. The emerging SLP will be accompanied by Equalities and Health Impact Assessments

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

1.6 Performance management – monitoring and review

The outcome of the proposed consultation will be used to frame the preparation of a draft Plan in line with the Local Development Scheme and the statutory procedures.

2 Background

2.1 In July 2023, the Borough Council approved a Local Development Scheme (LDS) for the

preparation of a new Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (SLP). Around the same time, Tewkesbury Borough Council and Gloucester City Council approved a similar LDS, supporting the progression of the SLP.

- 2.2 The SLP will set out the strategic development strategy; development requirements (for example new homes and jobs); cross-boundary strategic and other policies where there is value in a consistent approach; and 'locality policies', which address issues and opportunities of only local significance.
- 2.3 Once adopted, the SLP will supersede the adopted Joint Core Strategy (JCS), Tewkesbury Borough Plan, the district plans for Cheltenham and Gloucester councils and any saved policies, in their entirety.
- 2.4 The purpose of this report is to seek approval from Council to hold the first full consultation on the emerging SLP.

3 Purpose of the consultation

- 3.1 We all know it's good to talk and talking about planning for our area is no exception. This is why the Regulation 18 consultation is an important part of having an open and honest conversation with our stakeholders whether this be residents, interested groups, businesses, visitors or developers. As we move through the journey on the preparation of the SLP there will be areas of the plan that will generate lots of interest, particularly when a proposal involves change, but we need to navigate change in a positive way, and this includes understanding the different priorities of stakeholders. We hope that our stakeholders will embrace the process and be engaged in the areas that matter to them.
- 3.2 At this early stage, the purpose of the consultation is to:
 - Introduce the concept of the SLP, the timeframe it should cover and explore the issues the SLP should seek to address.
 - Present and consult on a draft Vision and draft Strategic Objectives, drawing on existing plans and council priorities, strategies and commitments.
 - Explore what will constitute a 'strategic matter' where a single cross-authority policy approach is necessary or desirable, and what are local matters relevant to individual councils or localities only.
 - Consider how the SLP can deliver the legal requirement to adapt and mitigate the implications of climate change, and testing how the statutory development plan can be used to drive action.
 - Consider how much development, such as new homes, retail, employment and infrastructure the SLP should plan for.
 - Consider the alternative options for meeting development needs in ways that deliver genuinely sustainable development, drawing on an updated understanding of the capacity of the main urban areas to accommodate development on brownfield and other sites. To this end, six growth 'scenarios' are identified in the draft document.
- 3.3 At this formative stage in the process, the statutory purpose of a Regulation 18 consultation is to ask people what they think the Plan should contain and help inform emerging priorities. At this

stage we are not yet drilling down into specific policies or identifying land for allocation, this will unfold as we develop the second stage of Regulation 18 and when we get to Regulation 19, this will present a plan we consider is appropriate, robust and sound for submission to the Planning Inspectorate. Accordingly, the consultation document relies on emerging evidence, some of which is new and some updating on that of the JCS. Evidence preparation is an ongoing workstream and will be informed by the findings of the Regulation 18 consultation. There are gaps and we welcome views from stakeholders around how we tackle these.

- 3.4 Once approved by all three SLP authorities, consultation will commence. Cheltenham is the last of the 3 councils to consider the consultation document for approval with Gloucester and Tewkesbury agreeing the document unanimously with no changes.
- 3.5 Consultation will be undertaken in accordance with each council's adopted Statement of Community Involvement (SCI). The consultation will be framed around a series of key questions, supported by events and consultation methods appropriate to the scope of the consultation. It is being proposed to publish the document and invite comment from our various communities, the development industry, infrastructure/service providers and others with an interest in growth for a period of not less than 8 weeks commencing in December 2023. Whilst consultations typically run for a 6-week period, the extended deadline would take into account the intervening Christmas period. As noted above, this is an early stage and part of a stepped Regulation 18 consultation with nothing at this stage ruled in or out.
- 3.6 For the purposes of this consultation a suite of visual representations will be included to help readers of the document interpret the six development scenarios spatially (i.e. in a graphic based format). It should be borne in mind that these will be abstract only at this time and for illustrative purposes as we are not yet at the stage of identifying sites for land allocation. Work is ongoing in respect of the design of these visuals, hence recommendation 2 of this paper.
- 3.7 The consultation document will be accompanied by an emerging evidence base. This will include the Housing and Economic Land Availability Assessment (HELAA) which Government requires local planning authorities to maintain. The HELAA is a preliminary assessment, including mapping, of individual sites which have been submitted to the Council for consideration as development options. It is important to note, however, that ***the inclusion of land on any accompanying maps or diagrams does not mean it is to be regarded as suitable or even available for development; nor that it will be supported by the local planning authorities. Decisions on preferred options for any sites and locations will only emerge at later stages in the plan-making process*** (as set out below).
- 3.8 The adopted LDS identifies the intended programme for the preparation of the SLP. Following the consultation, which is being proposed in this report, focus will turn to the preparation of a Draft Preferred Options SLP which will include a draft strategy, site allocations and policies. It is scheduled to be published for consultation in early 2025 (also under Regulation 18). To support that stage, it will be necessary to have undertaken a comprehensive body of evidence to justify the Plan and demonstrate its deliverability, including for example detailed transport modelling, an assessment of different site alternatives, and a new assessment of the need for new homes and employment land.
- 3.9 This will be followed by Publication of the Pre-Submission draft SLP (under Regulation 19) in early 2026, followed by Submission to the Secretary of State for independent examination.

4 Report back on progress on engagement with Gloucestershire Warwickshire Steam Railway

4.1 Related to the preparation of the SLP is the Council motion debated on 19th June 2023, relating to the potential opportunity for a northern extension of the Honeybourne Line, between the Prince of Wales Stadium and Swindon Lane and:

- a) potential for this corridor of land to become a sustainable transport link and linear park as far as Swindon Lane, improving public health and boosting the environment.
- b) The potential for this land to help link the main railway line and the town centre to Gloucestershire Warwickshire Steam Railway (GWSR), boosting local tourism.

4.2 Appendix 3 provides an update.

5 Reasons for recommendations

5.1 The recommendations of this report enable a key stage of the preparation of the SLP to be actioned.

6 Alternative options considered

6.1 The approach to preparing the SLP was agreed via the [Local Development Scheme](#) adopted by Cabinet on 25th July 2023.

7 Consultation and feedback

7.1 Ongoing engagement via SLP Joint Advisory Group, Cheltenham Planning & Liaison Member Working Group together with collective engagement across the 3 councils member groups to ensure joined up discussion.

8 Key risks

8.1 The main risk at this stage relates to the Government's proposal for reform to the planning system, some details of which may emerge during the consultation period. However, the scope of the consultation and the questions that are asked will be relevant regardless of any proposed changes to the planning system.

8.2 As part of the consultation events will be held at external venues. Risk assessments will be undertaken to ensure the safety of staff and the community.

Report author:

Tracey Birkinshaw, Director Communities & Economic Development,
tracey.birkinshaw@cheltenham.gov.uk

Appendices:

- 1. Risk Assessment
- 2. Draft Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan Consultation Document (Regulation 18)
- 3. Council Motion 19th June 2023: Honeybourne Line extension UPDATE

Background information:

[Local Development Scheme](#)

Supporting SLP evidence base (available to view online alongside the draft Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan Consultation Document when formally published for Regulation 18 consultation).

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
ID342	If there is a failure to gain political consensus across the partners to reach key milestones & failure to adequately resource work then this would impact on reaching milestones which would lead to delay, costs, lack of delivering statutory part of development plan & potential special measures.	Tracey Birkinshaw	4	4	16	Reduce	Partnership agreement drafted and budget agreed. Joint Advisory Group (JAG) SLP Task Group and SLP Steering Group Planning & Liaison Member Working Group and joint Member meetings SLP Programme Management Support from the Planning Advisory Service (PAS)	SLP Task and SLP Steering Group	Ongoing

Appendix 2: Draft Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan Consultation Document (Regulation 18)

Appendix 3 Council Motion 19th June 2023: Honeybourne Line extension UPDATE

At a meeting of Council on 19th June 2023, a motion proposed by Councillor Max Wilkinson and seconded by Councillor Victoria Atherstone was debated. Details can be viewed [here](#). This motion was in two parts;

1. Outlining the challenges of the Honeybourne Line extension from Cheltenham Spa station south to Shelburne Road, with the motion supporting both a petition signed by more than 1,000 residents and work with partners
2. The potential for a northern extension of the Honeybourne Line, between the Prince of Wales Stadium and Swindon Lane and:
 - a. potential for this corridor of land to become a sustainable transport link and linear park as far as Swindon Lane, improving public health and boosting the environment.
 - b. The potential for this land to help link the main railway line and the town centre to Gloucestershire Warwickshire Steam Railway (GWSR), boosting local tourism.

As part of this motion, the council asked officers to report back on progress with planning policies, and discussions with Gloucestershire Warwickshire Steam Railway at, or before, the Council meeting on 11 December. This note provides an update on progress.

The council's Director of Community & Economic Development met with the Chairman and Finance Director of GWSR on Friday 6th October 2023. The purpose of this meeting was to explore the potential as highlighted by the Council motion, but also understand the business plan of GWSR and their future ambitions, opportunities and challenges. At this meeting there was broad discussion around the following:

- The business plan of GWSR and future ambitions
- The context of the above in respect of developing the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan
- Opportunities for enhanced linkages to GWSR facilities and being part of a wider transport accessibility network linking to the centre of Cheltenham
- Engagement in review of relevant policies as we move to preparation to feed into Regulation 18 stage of the plan (part 2).

It was agreed that GWSR would play an active role in engagement with the SLP team as it prepares for and moves into the development and drafting of policies and allocations. Council officers are committed to proactively engaging with GWSR as part of this process.

In terms of planning policies, it is too early at this stage to detail, and these will be worked up as we move to the stage 2 Regulation 18 consultation. GSWR are keen to be an active and engaged partner as we move through the plan preparation process.

DRAFT

Cheltenham, Gloucester and Tewkesbury

Strategic and Local Plan

**Issues and Options Consultation
(Spatial options and key policy areas)
October 2023**

Version Control: Council Draft Version 30 October 2023

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About this Consultation

The Cheltenham, Gloucester and Tewkesbury area is home to around 350,000 people, roughly 180,000 of whom are either working or looking for work. The population of the area is growing; it is forecast that an additional 23,000 families will form and make the area their home over the next 20 years. Our area is also an attractive and desirable place for people to move to for lifestyle reasons. The area's strategic location on major road and rail corridors is also expected to assist in continued economic growth with some forecasts projecting a further 36,000 jobs could be created across Gloucestershire by 2041.

The population of the area is also ageing, partly because generally people are healthier and living longer, and younger people often move out of the area.

We have very significant demands and pressures. For example:

- Housing is becoming increasingly unaffordable for people – both to rent and to buy with challenges and concerns around security of tenure. It is widely acknowledged that the nation is facing a housing crisis. In large part, this is due to a shortage in the number of new homes being built and the right type of housing to rent that is affordable or being able to buy at a price they can afford.
- The children of today will soon be grown up, looking for jobs and starting families of their own, without necessarily wanting to move away from their roots. They will need somewhere to live, work and send their own children to school in a way that is affordable. In June 2023 the Office for National Statistics reported that the average UK house price was £288,000, well beyond the reach of many.
- The affordability of rural housing is a particular challenge with recent analysis by the National Housing Foundation reporting that social housing waiting lists grew by 31% in the three-year period up to 2022, compared with a 3% increase in urban areas.
- People in their middle years may be looking forward to a well-earned retirement and will expect to be able to live in homes and neighbourhoods which are suitable for their long-term needs.
- Older people may well need secure, supported forms of accommodation, whilst retaining as much independence as possible.
- People will rightly expect health, transport, education, retail and other essential services and facilities to be of a decent standard and at an affordable level and for services and facilities to keep pace with growth.
- Business leaders see our outstanding environment with easy access to a skilled workforce and good road and rail connections, and want to locate in the area to invest in businesses and job creation in the area.
- Meanwhile, the agricultural sector continues to diversify in the face of acute structural and climate changes, whilst tourism and recreational demand has surged in many areas of the countryside, alongside other new opportunities for the rural economy.
- In addition to the challenges posed by a growing/ageing population and a prosperous economy, other issues to think about are:
- Accessibility and Transport: From a global to a local level, people need to have lower carbon choices available to them including how they travel to access jobs, schools, healthcare, shops and other services, and how they source energy to heat their homes and workplaces.

- **Air Quality:** New development may exacerbate air pollution issues. The main sources of air pollution come from road emissions with consequential adverse impacts on health and wellbeing.
- **Biodiversity and Geodiversity:** The conservation of biological and geological diversity (including a reversal of the current trend of biodiversity loss) and the protection and monitoring of endangered and vulnerable species and habitats. The government has introduced a mandatory requirement for 10% Biodiversity Net Gain (BNG) for all developments. There is a need to enhance water quality in watercourses in part to help improve the ecological status of rivers.
- **Climate Change:** People are concerned by the threats posed by climate change – for example through increased flooding and, extremes of weather and risks to food security. There is a need to increase low-carbon and renewable energy generation and usage. There is a need to increase the quality and quantity of green infrastructure to provide different benefits including improved carbon storage, urban cooling, natural flood resilience/flood water storage. Green infrastructure can provide a more attractive public realm to encourage active travel, as well as providing movement corridors for wildlife.
- **Economy:** With digital technology and changing social expectations, we are now shopping, working, travelling and spending leisure time in different ways to the past. This is shaping our town centres, employment patterns and how goods are delivered, how we interact and receive services and making us need to rethink how services and infrastructure will need to be planned for.
- **Historic Environment:** There is a need to protect and enhance heritage assets.
- **Landscape and Townscape:** There is a need to ensure that certain areas of particular importance are protected, which includes the Cotswold Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Cotswold Beechwoods Special Area of Conservation (SAC), and Local Green Space. There are also more sensitive areas within townscapes that will need to be protected and enhanced.
- **Natural resources:** New development on greenfield land would be likely to result in irreversible loss of soil including the Best and Most Versatile agricultural land. New development and increased population would be likely to place pressure on water resources. There is a need to consider the potential impact on water quality.
- **Population and Health:** There will be increased pressure on health facilities. There are health inequalities, particularly in Gloucester City. There are various pockets of deprivation. There is also social isolation and loneliness amongst the wider population. It is important to support strong, vibrant and healthy communities.

Plan-making is central to delivering change. By way of example, this can be seen through the progress of the Golden Valley Development. Starting from a strategic allocation in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy in 2017, this scheme is now progressing on its planning journey to create a vibrant, pioneering Garden Community integrating hi-tech business, residential and leisure uses, and creating a destination of global significance. By understanding our economy and facilitating the jobs and skills for local people, we can build a resilient and sustainable long-term strategy for growth.

We should also be mindful that the population and development pressures will materialise whether we plan for it or not. But the cost of failing to prepare a plan would result in great uncertainty as to where and how development would take place. It would lead to unplanned development which

would not occur in tandem with co-ordinated new infrastructure and would not enable a co-ordinated approach to climate change mitigation and nature recovery.

We must respond now by making long-term decisions over how our area should look and feel in the future. We need a plan. This consultation marks an important early step in preparing a Strategic and Local Plan – or “SLP”. The SLP will apply to the whole area covering Cheltenham, Gloucester and Tewkesbury and will address the issues outlined above. The councils need your help in drawing up that Plan.

What is a Strategic and Local Plan and why do we need one?

Once agreed, the SLP will set out a vision for at least 15 – 20 years for our part of Gloucestershire to address exactly the sorts of complex growth needs described above. It’s about making decisions now for a future which will give everyone the best possible chance to live healthy and prosperous lives in whatever way they may choose. It’s equally important that we do this in ways which will not prevent future generations from also doing so.

The three councils are working together to draw up the Plan because, although we are separate councils with our own unique identities, the issues we are trying to address (things like housing needs, employment, environmental and climate change action), and the policies that will be needed to solve them, do not fit neatly to administrative boundaries. These are shared questions which will require shared answers.

Thinking about individual experiences, we may live in one area but go to work in another or we may spend leisure time in one area but access school or health services in another. Our Plan needs to recognise the complex ways in which people live their day-to-day lives.

So, we are working together to make sure we are being as effective as we can in making sure the needs of the existing population as well as the growth needs of future generations are met.

1. Introduction and context

- 1.1 Since 2008, Cheltenham, Gloucester and Tewkesbury councils have worked together to produce a strategic plan covering their three areas. This resulted in the adoption of the Joint Core Strategy (JCS) in 2017, which provided a strategy for how the three areas would develop.
- 1.2 Major changes have happened since then including the effects of a global pandemic. that has touched our lives in many ways. As councils we have recognised climate change and ecological emergencies and understand that we have an active role to play in managing change that has these principles at its heart.
- 1.3 The three authorities have sought to influence national planning policy, including through responding to government consultations and lobbying by Councillors. Through the journey of the plan making route of the SLP, we anticipate change, but it is important that we make progress and build a plan that is flexible and able to adapt.

What's happened so far?

- 1.4 In the summer of 2023, the three councils agreed to produce a single plan rather than separate plans. The new approach to plan-making for the three local authorities was agreed through an update to their Local Development Schemes in July 2023. The new plan will be called the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (SLP). Gloucestershire County Council has also joined the SLP as a partner.
- 1.5 The councils have worked with other councils in Gloucestershire to produce evidence to support the emerging plan. This includes information on how many new homes and jobs might be required in our area, and a review of issues and opportunities in our city and town centres.
- 1.6 Much more evidence gathering is either underway or will be produced later, including for example a new strategic flood risk assessment and a review of the Green Belt. More information is available on our website (insert website link).

What is the purpose of this consultation?

- 1.7 Now that the new approach to plan-making has been agreed by Cheltenham, Gloucester and Tewkesbury councils, we want to present what work has been completed so far and engage with you on some key matters to help further develop the principles and priorities. These are:
 - a) What should the Vision be for the SLP? (i.e., what will the area be like as a place to live by the end of the plan period?)
 - b) What Strategic Objectives are necessary to deliver the Vision?
 - c) What are the strategic, cross-boundary issues and opportunities where a shared policy approach is necessary or desirable?
 - d) What are the local issues and opportunities that each council should address in its own section?
 - e) How much development is needed and are there any priority locations for growth?

- f) Are there areas where growth should not take place or where it would be unsustainable?
- g) How could development be delivered in a way that meets the Vision?
- h) How should the plan respond to climate change and ecological emergency?
- i) How should the plan ensure that Cheltenham, Gloucester and Tewkesbury thrive for our residents, businesses and visitors?

1.8 At the end of each section there are a set of questions that we'd like to explore.

Responding to the consultation

- 1.9 This focused consultation will last for XXXXXXXX weeks between XXXXXXXX and XXXXXXXX. Comments should be received by 11.59pm on XXXXXXXX.
- 1.10 To raise awareness and encourage feedback, some events have been organised where officers will be on hand to answer questions. Full details, along with details of how to respond to the consultation are available on the SLP website.
- 1.11 The councils will review all comments that are made and will summarise the main issues. These will be used to help shape the next stage of the SLP.

Working with other councils and stakeholders

- 1.12 Councils have a duty to engage with other local authorities and stakeholders in seeking to address strategic, cross-boundary planning matters. The Gloucestershire district councils and county council have formalised this in preparing an agreement to a 'Gloucestershire Statement of Common Ground' (SoCG). This includes 37 agreements on different issues such as climate change, the delivery of development needs, flood risk and transport and has been approved by all the councils.
- 1.13 At this early stage in the SLP process, conversations are ongoing on the various strategic planning matters and will continue as the plan progresses.

Sustainability Appraisal (incorporating Strategic Environmental Assessment) and Habitats Regulations Assessment

- 1.14 The SLP will be a plan to meet development needs in a way which achieves sustainable development, including addressing the causes of climate change, mitigating its effects and promoting nature recovery. The SLP will also include policies to safeguard against other environmental effects of development. All local plans are required to be informed throughout their preparation by a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment. A draft SA report has been prepared to inform this Regulation 18 stage, including evaluating the likely sustainability effects of the draft vision, objectives, and spatial options.
- 1.15 The emerging Plan is also required to be accompanied by a Habitats Regulations Assessment (HRA) to ensure adverse impacts on international habitats sites are avoided or, where this is not possible, effectively mitigated. A draft HRA has similarly been prepared to inform this Regulation 18 stage.
- 1.16 Both documents are available to view on-line. This is an iterative process and future versions will inform decision making on the emerging Plan as the SLP progresses.

Planning reform

- 1.17 At the time this consultation is being undertaken, the Government is progressing various changes to the planning system. If implemented, these will lead to significant change and will impact the way Plans are prepared, what they look like and how long they take to prepare.
- 1.18 However, at this stage of the process, the councils are exploring broad issues with the community and stakeholders, such as the plan timeframe, what it should address, how much development is needed and how could that be delivered sustainably. This should be relevant to the plan, regardless of the system within which it is prepared.
- 1.19 The councils are very aware that plans take a long time to prepare and there are many benefits of having an up to date, adopted plan. With that in mind, the councils are keen to progress the preparation of the SLP as quickly as possible. Key milestones are set out in the approved Local Development Schemes.

DRAFT

2. Strategic and Local Plan

- 2.1 The SLP will be a new plan that will cover the areas of Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council. The area covered by the SLP is shown in the map below:

Map showing area covered by the SLP:

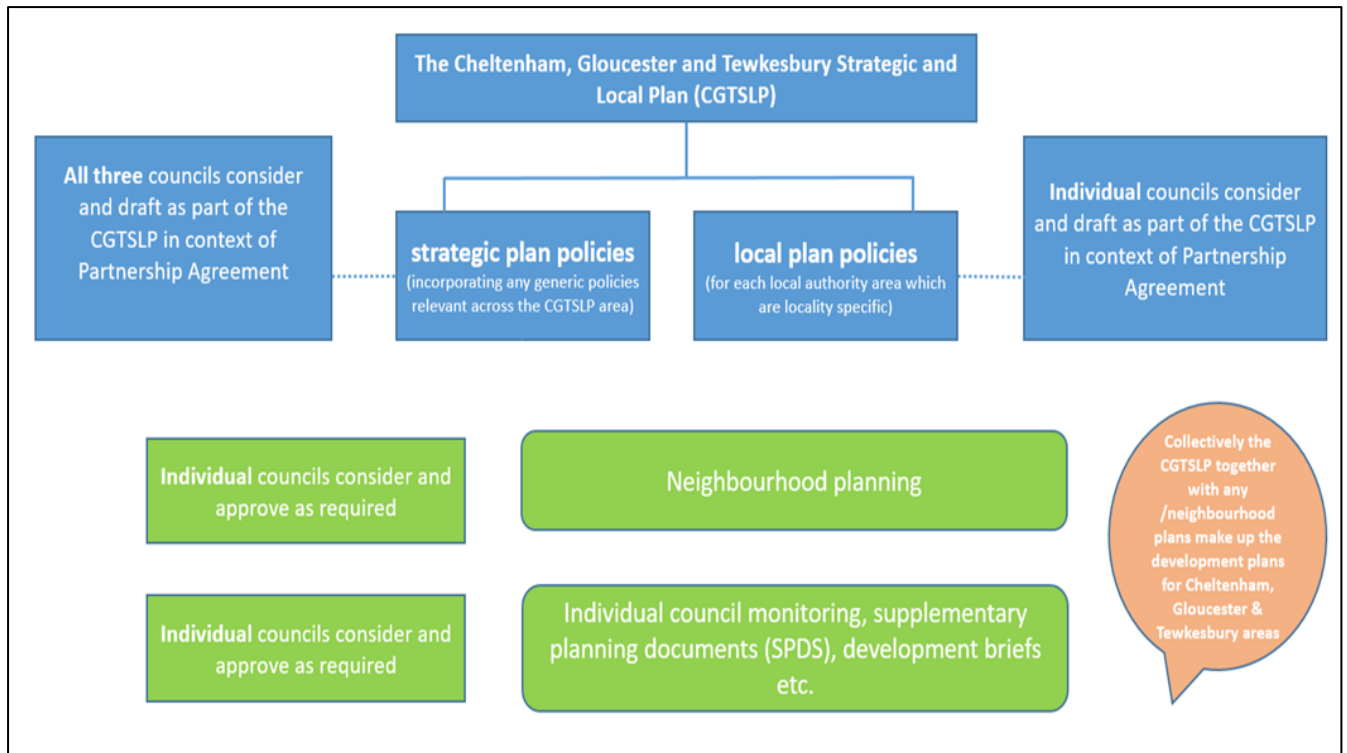
Insert map showing extent of SLP area

- 2.2 It will be a document containing policies which are used in making decisions on planning applications. It will:

- Set a clear vision, strategy and policies for how the area will grow, providing clarity for what development will and will not be acceptable.
- Set out requirements for the delivery of new homes, jobs and infrastructure to meet the needs of the community and the local economy in a way that is sustainable and addresses our commitments to climate change.
- Provide a strategic framework for Neighbourhood Plans, which can be developed by communities.

- 2.3 Taken together, the SLP, along with Neighbourhood Plans (which are approved by local communities through a referendum process), the Waste Local Plan and Minerals Local Plan (both prepared by Gloucestershire County Council), form the statutory 'Development Plan' for our area. The development plan comprises a number of different documents that set out planning policies, which are used to decide whether to approve planning applications and to seek to ensure that the right type of development takes place. The proposed structure of the SLP is shown below.

Diagram showing the structure of the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan



- 2.4 It is intended that the SLP will provide strategic policies that cover the entirety of the council areas. The National Planning Policy Framework (NPPF) defines, at paragraph 20, what strategic policies should cover:

'Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

- (a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
- (b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- (c) community facilities (such as health, education and cultural infrastructure; and*
- (d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change and adaptation.'*

- 2.5 Strategic policies should look ahead at least 15 years from when a council adopts the plan but can look further ahead for larger scale developments to take into account timescales for the development(s). They should not go into detailed issues. The SLP will then include separate sections that cover each local authority area only, providing 'locality policies' that address issues and opportunities specific to that area.
- 2.6 The approach taken in the currently adopted plans for Gloucester and Cheltenham councils is that the JCS provided all of the strategic policies, and the district plans provided locality policies. The Tewkesbury Borough Plan took a slightly different approach in providing both strategic and locality policies.

- 2.7 The SLP is an opportunity to reconsider what issues are of strategic cross-boundary importance where a single overarching policy approach is necessary or desirable. Equally, what is a local matter that is just relevant to one of the councils and should be a locality policy. This will remove repetition and duplication and help with the useability of the Plan.
- 2.8 It is also necessary to consider what time frame the SLP should cover. As discussed above, the Government requires a plan to cover a period of at least 15 years from the point of adoption. Where the plan includes larger sites that will take longer to develop, the vision and policies can cover a long period of at least 15 years.
- 2.9 At this early stage, preferred development sites have not been identified. However, sites promoted to the councils to date including by landowners, agents and the wider community are presented. It should be emphasised that this consultation does not seek to allocate sites but presents them as part of the wider evidence base. Some sites are big enough to justify a longer period if they were to be chosen. However, the longer the timeframe of the plan, the greater the need for development and infrastructure that will need to be addressed in the plan.
- 2.10 The current timetable for the SLP is for submission to the Secretary of State in April 2026. The Secretary of State will then appoint an independent Planning Inspector who will then examine the SLP. On this basis, the SLP would need to plan up to at least 2041. Finally, once adopted, it is intended that the SLP will replace all policies in the JCS and district plans. It will then be necessary to review the SLP every five years.
- 2.11 It is also important to consider what the SLP will not cover. With plan making in the past, we have often extensively duplicated elements of planning policy that are set out in the NPPF and Planning Practice Guidance (PPG). This can increase complexity and at times be confusing for users of the development plan. Therefore, we will aim for the SLP to be focussed, remove duplication, and provide appropriate signposting.
- 2.12 As you review the following summaries of key issues and questions, we ask you to be focussed and succinct in your responses. This will aid drawing together the consultation response report as quickly as possible and will assist in identifying the main issues raised.

Questions

1. How far into the future should the Strategic and Local Plan cover?
2. Are there any strategic policy topics, not identified above (paragraph 2.4), which should also be considered?
3. What local policy topics are unique to only a council area, neighbourhood or community?

3. Draft Vision and Strategic Objectives

- 3.1 The SLP needs to provide a positive Vision for the development of the area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings (NPPF, paragraph 15).
- 3.2 The Vision should be supported by Strategic Objectives, which set out the key ways that it will be delivered. The Vision and Strategic Objectives provide the foundation on which the plan's strategy and policies are then based. Visions should be bold and ambitious, but realistic, and set the approach for at least the next 15 years.
- 3.3 The adopted JCS and district plans provide the most recent Vision and Strategic Objectives for our area. These drew on the priorities of the councils and national planning policy at that time. Since this time however, the councils have reviewed and updated their priorities, for example through the preparation of new corporate strategies and plans. The Government's expectations and priorities for local plans has already changed, with the publication of a new NPPF. As a result, there are a number of key planning issues which the SLP will need to address, and which will shape the Vision and Strategic Objectives. The key issues are:
 - a) The need to address the causes and mitigate the effects of climate change.
 - b) The need to promote nature recovery.
 - c) Recognising and addressing the implications of an ageing population and improving health opportunities alongside creating opportunities for our young people to want to stay in our area rather than needing to look outside of the SLP area due to a lack of opportunities.
 - d) Ensuring the right amount of land for homes and employment is identified to meet needs throughout the duration of the Plan's period.
 - e) Ensuring that people can access the right types and sizes of homes at an affordable price, including those with specialist housing needs such as travellers and people with disabilities.
 - f) Ensuring new homes and jobs are provided in locations where services and facilities, including community facilities, can be accessed by a choice of means of transport, including public transport, walking and cycling.
 - g) Providing the right types of employment land to meet the needs of modern urban and rural business and as a vehicle for inward investment.
 - h) Putting placemaking at the heart of development and securing high quality design and respecting the character of our existing communities and the surrounding landscape.
 - i) Managing town, city and other centres in a way which responds to changing shopping and leisure habits, including in the rural area.
 - j) Identifying and facilitating the infrastructure, including (but not limited to) education; transport, e.g. mass rapid transit routes; health; e.g. GP surgeries; green infrastructure, and digital infrastructure, that are needed to support growth and our communities.
 - k) Ensuring the SLP's proposals are viable and deliverable.
- 3.4 Considering these issues, a review of the existing Vision and Strategic Objectives has been undertaken and a new draft provided below for comment. Many of the elements of the existing Vision and Strategic Objectives remain valid. For example, the need to deliver the

right amount and type of new homes and jobs and ensuring that developments occur in sustainable locations.

- 3.5 However, some elements need updating or there is a need to reflect a new or stronger priority. This includes for example the need to address the implications of climate change, with each council making strong commitments that require delivery over the coming years and importantly, through the SLP.

Draft Vision

By 2041, and beyond for larger scale developments, the Cheltenham, Gloucester and Tewkesbury area will have harnessed the opportunities of green growth to create thriving, beautiful, energy efficient, resilient and healthy places. Growth will have afforded the highest possible quality of life for all in a manner which achieves carbon reductions and addresses the causes and effects of climate change.

Investment in training, skills and development will have attracted and retained a younger workforce and provided new premises and flexible workspaces to support a flourishing circular economy in both urban and rural areas. Inward investment, innovation and growth in key sectors including, amongst others, cyber and digital-tech, food/agri-tech, advanced engineering and tourism will have been fostered.

People's housing needs will have been met through the provision of sustainable, high-quality market, affordable and other specialist homes set in beautiful, safe places and conforming to sustainable standards of design and construction. The focus will have been on making best possible use of brownfield sites in built up areas and large-scale, comprehensively planned new development to ensure our valuable green spaces and highest quality farmland are preserved. The vital role of the area's city centre, town centres and high streets will have been improved through careful management of development and land uses.

Growth in sustainable locations will have enabled the provision of healthy, accessible and walkable neighbourhoods, the promotion of active travel and sustainable travel, and provision of new transport systems that work for local people.

Growth will have been supported by the provision of a range of essential digital, transport, community and other infrastructure. Equally, alongside conserving the area's special landscapes and its attractiveness as a place to visit, a network of interconnected green spaces and waterways will have secured a high-quality environment for people and nature. Together with necessary retention and management of existing sports and leisure facilities, this will have unlocked opportunities for healthy lifestyles, inclusive access to sport and recreation, active flood risk management and improvements to biodiversity.

The area's thriving cultural offer will have flourished, and its rich diversity of heritage assets preserved through carefully considered developments and enhancements.

Draft Strategic Objectives

Meeting the challenges of climate change

- 1. Ensure that growth contributes to decarbonisation through reduced reliance on fossil fuels and achievement of biodiversity net gain; and the delivery of zero and low carbon development that is resilient and adaptable to climate change incorporating measures to aid urban cooling and biodiversity such as green walls and tree planting.**
- 2. Ensuring growth takes place in sustainable locations that minimise the need to travel and provide genuine sustainable transport and active travel options.**
- 3. Making the most effective use of previously developed land, including higher density development in city and town centres and other locations well served by public transport.**
- 4. Ensure development effectively integrates with existing development, and/or is a self-contained development that provides shops, services, facilities through walking, cycling or public transport.**
- 5. Delivers low and zero carbon energy development, making the most effective use of renewable energy opportunities, both in new developments and off-site energy generation.**
- 6. Ensure development is located in areas that are not liable to flooding, considering the implications of climate change, making effective use of sustainable drainage systems and natural flood management techniques. Ensure that existing infrastructure is adequately protected from the threat of flooding, and that existing flood defences are protected and enhanced.**
- 7. Ensure development incorporates measures to reduce waste.**
- 8. Ensure people can make carbon friendly choices at home by providing easy to use cycle storage, covered space to dry washing outside, space to grow food and compost.**

Building strong, competitive and sustainable urban and rural economies

- 1. Providing the right conditions and sufficient land in the right locations to support existing and new businesses and deliver the 'green growth'.**
- 2. Improve the area's economic resilience, supporting a highly skilled workforce, skills and educational development attainment. Providing the right environment for business start-ups, entrepreneurship, and the improvement and expansion of education and training facilities to develop the skills employers need.**
- 3. Supporting the needs of agricultural businesses, encouraging farm diversification, the development of small rural business units, the conversion of existing buildings for rural business use, appropriate expansion of existing businesses.**
- 4. Supporting effective home working through provision of housing with adequate space and services.**
- 5. Developing the area's role as a tourist destination, building on the unique and varied cultural offer that already exists.**
- 6. Ensuring access to high speed, reliable full-fibre broadband connectivity in both urban and rural areas.**

Ensuring strong and vibrant city and town centres

- 1. Ensuring a network of city and town centres that meet the needs of communities, including supporting cultural uses and events, and that are able to respond and evolve as the role and function of centres changes.***
- 2. Support the provision of a wide range of different uses appropriate to city and town centres, including new homes, to create activity at different times of the day and build an active city and town centre community.***
- 3. To draw on the uniqueness of the different centres in planning for their future.***

Delivering a wide choice of homes that meet the needs of our communities

- 1. Delivering sufficient new homes in the right places to meet the needs of our communities, including market and affordable, specialist homes (e.g. older persons), Gypsy, Travellers and Travelling Showpeople and those wishing to build their own homes (self and custom build homes).***
- 2. Delivering housing of the right size, type and tenure to create mixed and balanced communities, in sustainable locations and with good access to shops, services and facilities.***

Delivering well designed, beautiful and safe places

- 1. Supporting the creation of high quality, beautiful and sustainable buildings and places through good design.***
- 2. Ensuring that new development is integrated well with existing communities and providing well-located infrastructure which meets the needs of communities;***
- 3. Creating a strong sense of place through high quality and inclusive design that respects and enhances local distinctiveness.***

Prioritising sustainable transport and active travel

- 1. Reducing the need to travel by creating real options for healthy, accessible and walkable neighbourhoods where key services are available without the need to use motorised transport;***
- 2. Promoting the use of sustainable travel modes by improving existing and providing new frequent public transport links and safe walking and cycling routes in all new developments;***
- 3. Reducing reliance on the private vehicle by improving access to services in rural and urban areas through new development, improved integrated transport links and supporting local and community led transport initiatives in the Local Transport Plan;***
- 4. Creating a genuine choice between different modes of transport by integrating new development with existing networks and enhancing these wherever possible.***

Making as much use as possible of brownfield land and conserving and enhancing the natural and historic environments

- 1. Protecting and enhancing the area's unique historic and cultural environment, archaeological heritage and geological assets whilst enabling appropriate development that facilitates the cross-cutting objectives of sustainable development;***

- 2. *Conserving, managing and enhancing the area's unique natural environment and biodiversity, including its waterways, Sites of Special Scientific Interest (SSSI), the Cotswolds National Landscape, and areas of landscape and biodiversity importance, and maximising the opportunities to use land to manage flood water;***
- 3. *Ensuring developments support green infrastructure and improve existing green infrastructure within urban and rural areas to provide movement corridors for people and wildlife.***

Promoting healthy and resilient communities

- 1. *Delivering new developments that are supported by the necessary social and community infrastructure, including schools, open space, playing fields, community facilities and green and blue infrastructure and promote community cohesion.***
- 2. *Supporting and safeguarding village shops that serve the everyday needs of local communities.***
- 3. *Delivering new developments that are fully integrated into the green infrastructure network to allow people access to nature and green spaces to maximise wellbeing and active travel opportunities.***
- 4. *Ensure new developments create high quality living environments and prioritise health and mental wellbeing.***
- 5. *Ensure that all homes have useable functioning amenity space that allows residents the opportunity to live, work and relax outside.***

Questions

- 4. Do you agree with the draft Vision?**
 - a. If not, what changes would you like to see?**
- 5. Do you agree with the draft Strategic Objectives?**
 - a. If not, what changes would you like to see?**

4. Planning for climate change and nature recovery

- 4.1 The SLP will need to support the transition to a low carbon future and help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience. It will also need to respond to a significant decline in biodiversity over many decades and protect important habits and support nature to recover.
- 4.2 The proposed Vision and Objectives set out that the SLP should meet the challenges of climate change, deliver green growth, prioritise sustainable and active travel, making as much use of brownfield land, ensuring nature recovery, and promoting healthy and resilient communities.
- 4.3 This would mean ensuring:
 - Development is located in the most sustainable locations.
 - New homes and buildings are of high quality, low and zero carbon, and energy efficient whilst creating and storing their own energy.
 - Providing secure and local energy supplies; making the places people live and work rich in wildlife and close to valuable natural spaces.
 - Making it easier for people to move around in healthy ways to access services close to their homes without relying heavily on the private car.
 - Protecting people and infrastructure from flooding.
 - Encouraging the reuse of existing resources, including the conversion of existing buildings.
 - Supporting renewable and low carbon energy and associated infrastructure.
 - Supporting measures to promote conservation, restoration and enhancement of priority habitats, protect and support the recovery of priority species, and support biodiversity improvements.

Issues

- 4.4 Scientists have widely reported that the UK's first 40°C day, in summer 2022, was the clearest indication yet that climate change has arrived in England. The Government advisory body, The Climate Change Committee has noted increases in heat related deaths and the disruption to infrastructure climate change is causing in the UK, and that its impacts will intensify in coming decades.
- 4.5 The UK Government and each of the SLP councils have declared a climate change emergency. In the face of this emergency, the councils have committed to become net zero (achieving a balance between the carbon emitted into the atmosphere, and the carbon removed from it) by 2045 at the latest. There are clear objectives and national targets in place to limit global temperature rise to 1.5. The UK has legally pledged to reduce economy-wide greenhouse gas emissions by at least 68% by 2030, and a 78% decrease in all emissions by 2035.
- 4.6 There is also a recognition that there has been a significant decline in living organisms over many decades, including animals, insects, plants, bacteria and fungi. The 'State of Nature' report from 2019 suggests there has been a 13% decline in the abundance of wildlife in the UK since the 1970s. It is essential that this decline is reversed, and measures are put in place to address this.

- 4.7 Certain habitats are also protected by law, for example Special Areas of Conservation (SAC), Special Protection Areas (SPA) and sites designated under the Ramsar Convention (Ramsar sites). They are protected by law because of their international importance. This includes, amongst others, the Cotswold Beechwoods SAC (located in Stroud District Council's area) and the Severn Estuary SPA and Ramsar site (located in the Forest of Dean District Council's area).

Policy framework

- 4.6 Local planning authorities are bound by a legal duty, to ensure that, taken as whole, planning policies contribute to the mitigation of, and adaptation to, climate change. The NPPF similarly requires a proactive approach to mitigating and adapting to climate change. It states that new development should be planned for in ways that help to reduce greenhouse gas emissions and provide a positive strategy for renewable and low carbon energy and heat.
- 4.7 It further requires that *"all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects."*
- 4.8 We know that climate change is bringing wetter winters and hotter, drier summers. It is important that the growth required to support our increasing population does not harm to the climate or the natural environment.
- 4.9 In terms of biodiversity, the Environment Act 2021 introduced a mandatory requirement for 10% 'Biodiversity Net Gain' (BNG), which comes into force in January 2024. This means that through development, the natural environment will be left in a measurably better state than it was beforehand. If possible, this should happen on-site.
- 4.10 The NPPF requires Plans to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks. Local plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. Plans should also identify and pursue opportunities for securing BNG.
- 4.11 It will be necessary to assess the likely impact on internationally protected sites, arising from growth, e.g. through more people living nearby, and worsening air quality. Emerging evidence will be kept up to date on the councils' websites.

The role of a local plan

- 4.12 In line with the NPPF, the SLP will need to take a proactive approach to mitigating and adapting to climate change, and supporting nature protection and recovery in a way that creates better and more equitable lives for the people of Gloucestershire. There are many areas where plan making can take action. These can be summarised as:
- Built environment – buildings, streets and hard landscaping such as public squares and car parks. The places where we live, work, access shops and services, what those places look like, where they are located, and how they function and are heated and cooled.

- Natural environment – Landscaping, open spaces, gardens, trees, woodland, hedgerows, plants and animals and their habitats, soil, ponds, streams, rivers and canals, and the flood plain.
- Movement – how we get around between places by supporting delivery of public transport, pedestrian and cycle links.
- Renewable energy – energy from sources that do not deplete (such as the sun, wind, geothermal, tidal) to heat, cool and run the built environment without creating harm to the natural environment.

4.13 The table below outlines some of the policy actions within each of the above categories that we might consider through the SLP.

Climate Change			
Built Environment	Natural Environment	Movement	Renewable Energy
Energy efficient homes, practical homes, the right location, layout, density, amenity space, design, materials, waste, allotments, air pollution, reuse, retrofit schemes, heating and cooling, insulation.	Flooding, sustainable urban drainage, green infrastructure, biodiversity (plants and animals), protecting soil, beautiful places, shading, sustainable urban drainage, agricultural land and food security, open space, management of waste and pollution, creation of carbon sinks through tree planting and wetland creation.	Sustainable transport, active travel, choice, proximity of jobs, shops and services, low emission vehicles, e-bikes, cycling and walking.	Homes and businesses generating their own power, making the most of wind and solar opportunities, air source heat pumps, ground source heat pumps, phasing out gas, decentralised, combined district heating.

4.14 While the focus of this element of the consultation is to engage people on the ways in which the SLP can respond to climate change, consultants working on behalf of the councils have prepared a Phase 1 Renewable Energy Study. This looks at locations across the SLP area that could be suitable for different forms of renewable energy, such as wind and solar. The study can be accessed via the SLP website. The Phase 2 study will focus on opportunities, including those that could be delivered through site allocations.

4.14 For nature recovery, there is an opportunity for the SLP to consider going beyond the minimum 10% improvement in biodiversity required by the Environment Act. However, this would be an additional cost to developers, and it is important to be mindful of viability, which is a challenge in some parts of the SLP area.

4.15 Where BNG is to be delivered offsite, the councils would like this to happen in a coordinated way that benefits the SLP areas and Gloucestershire more widely. The councils would like to

explore, through this consultation, if there are any site opportunities for BNG that the councils should consider.

- 4.16 With internationally protected sites, as discussed earlier it will be necessary for the SLP to assess the likely impact on those sites resulting from development, and to ensure that negative impacts are mitigated. The approach taken at present for most developments where there would be an impact, is for either the impact to be addressed on-site, or for a payment to mitigate elsewhere. That payment is used to:
- a) Provide measures on site (for example this could be a warden, new signs or paths), and
 - b) Deliver alternative sites, known as 'Suitable Alternative Natural Greenspace' (SANG), that are attractive to use and provide a genuine alternative for people to use, reducing pressure on the protected site.
- 4.17 To support this consultation, independent consultants have prepared a Habitats Regulations Assessment, which is available to view on-line.
- 4.18 Through this consultation, the councils would like to explore whether there are sites that should be considered as opportunities for environmental purposes through the SLP. This includes wildlife / biodiversity net gain and SANG, as well as recreation, flood risk mitigation, cooling and shading, carbon storage and food production.

Questions

6. In what ways do you consider the Strategic and Local Plan can most effectively address the impacts of climate change?
7. What measures and standards should the Strategic and Local Plan introduce in respect of the:
 - a. Construction and operation of new buildings?
 - b. Retention and reuse of existing buildings?
8. Should the Strategic and Local Plan require more than the mandatory minimum 10% Biodiversity Net Gain through development?
9. Are you aware of any land that could be identified for environmental purposes, such as wildlife / biodiversity net gain, recreation, flood risk mitigation, cooling and shading, carbon storage and food production?
10. Which key services and facilities do you think are most important to be provided within easy reach of developments?
11. Should we allocate sites in the SLP specifically for renewable energy generation or storage?
 - a. If so, what forms of renewable energy would be appropriate and in which locations?

5. Planning for community and business

- 5.1 A key part of good planning is ensuring that those who live in the area now as well as those who may live in the area in the future have a home that meets their needs. Whether that be an older household wishing to downsize; a young professional wishing to move out of their parents' home; or a growing family needing more space.
- 5.2 The planning system has a key role in addressing housing pressures and particularly the affordability of housing. This chapter explores what the housing policies in the SLP could look like to help to deliver the right homes in the places where they are needed.

New homes

What type of new homes might be needed?

- 5.3 It is important to understand the types, sizes and tenures of homes that will be required to meet the wide range of different groups in the community.
- 5.4 The NPPF makes it clear that the housing needs of those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes should be catered for in local plans. However, this is not an exhaustive list. For example, some people express an interest for community-led housing, including co-housing, and other innovative forms of housing such as tiny homes.
- 5.5 The existing Local Housing Needs Assessment (2020) provides a snapshot of evidence in relation to the range of housing needs in our area. The councils will be updating this evidence. In the meantime, we would like to hear your views as to what forms of accommodation you think we should plan for in the SLP.

Affordable housing

- 5.6 Housing is becoming increasingly unaffordable for people – both to rent and to buy with challenges and concerns around security of tenure. It is widely acknowledged that the nation is facing significant housing challenges. This includes a lack of affordable homes and rents that are increasingly unaffordable.
- 5.7 The children of today will soon be grown up, looking for jobs and starting families of their own, without necessarily wanting to move away from their roots. They will need somewhere to live, work and send their own children to school in a way that is affordable. In June 2023 the Office for National Statistics reported that the average UK house price was £288,000, well beyond the reach of many.
- 5.8 The affordability of rural housing is a particular challenge with recent analysis by the National Housing Foundation reporting that social housing waiting lists grew by 31% in the three-year period up to 2022, compared with a 3% increase in urban areas.

Housing for older and disabled people

- 5.9 The SLP will need to ensure that the needs for housing for older and disabled people are addressed. The PPG sets out advice on the different types of specialist housing designed to meet the diverse needs of older people, which can include:
- Age-restricted general market housing.
 - Retirement living or sheltered housing.
 - Extra care housing or housing-with-care.
 - Residential care homes and nursing homes.
- 5.10 Other models of housing delivery include co-housing, including for seniors, which are created and run by residents, based on the intention to live with groups of people with similar needs and desires.
- 5.11 The SLP will similarly need to consider the need for accessible and adaptable housing to enable disabled people to live more independently and safely, with greater choice and control over their lives.

Student accommodation

- 5.12 Within our area there are three further education establishments: the University of Gloucestershire, the University of the West of England and Gloucestershire Royal Hospital. Outside of the area, but in close proximity, is Hartpury University and College. There have been recent investments, for example the conversion of the former Debenhams building in Gloucester City Centre as a new campus for the University of Gloucestershire. This is due to open in September 2024 and once fully open, will provide brand new teaching facilities for 4,500 students. To support the growing student population there have also been significant new student accommodation developments, including Pitville student village in Cheltenham and Blackfriars in Gloucester.
- 5.13 Through the SLP, it's important to support the delivery of new student accommodation to meet the needs of the growing universities and further education establishments. However, this form of accommodation tends to be used by students in their first year, with private sector housing used for later years. This can cause problems with the loss of family housing to student lets and issues arising from the loss of character of an area.

Traveller communities

- 5.14 The accommodation needs for Gypsies, traveller and boat dwellers is an area where specific evidence is required under Government policies, and so this is addressed in the section below.

How many new homes?

- 5.15 In deciding how much housing will be needed, the Government provides local planning authorities with a starting point based on a formula known as the 'standard method'. This uses various inputs to determine a minimum average annual need figure for new homes, including average population (household) growth and the affordability of housing in the council area. It is updated periodically to reflect changes.
- 5.16 The most recent evidence produced collectively by the Gloucestershire councils was set out in the Gloucestershire Local Housing Needs Assessment, which was published in 2020. In

respect of annual housing needs, this reflected the standard method figure applicable at the time. The current figures based on the standard method are set out in the table below.

Table showing current annual local housing need for each Council (based on standard method).

Council area	Annual need for new homes	20 year need for new homes
Cheltenham Borough	547	10,940
Gloucester City	681	13,620
Tewkesbury Borough	557	11,140
Total	1,785	35,700

- 5.17 The NPPF makes clear that alternatives approaches to the standard method in deciding the number of homes needed may be adopted where there are exceptional circumstances to do so, and where this would also reflect current and future demographic trends and market signals.
- 5.18 The councils therefore need to consider whether there is any such exceptional justification for calculating local housing needs using a method other than the standard method, which may result in a need for more, or fewer, homes than set out in the table above. An example may be where an area has such significant plans for economic growth that it would attract more people to its area, requiring more homes. Although our current evidence exploring economic growth forecasts and their relationship to the need for new homes have concluded there is currently no justification for amending the needs figures, this evidence is required to be kept under review.
- 5.19 It is important to note, however, that the housing need figure is only the first step in deciding how many homes should actually be planned for – this is known as the “housing requirement”. The housing requirement will need to be determined on the basis of an understanding of individual site constraints and opportunities.
- 5.20 It is important to note that the sites identified in the JCS, district plans and other sites with planning permission will deliver new homes in the new timeframe for the plan (the JCS and district plans covering up to 2031). This includes large sites that have planning permission and are delivering new homes at Twigworth, Innsworth, Brockworth and Churchdown. A large number of homes required are therefore already accounted for.

Questions

- 12. Should the Strategic and Local Plan use the local annual housing need calculation from the Standard Method?**
 - a. If no, please set out what you consider the councils should use instead.
- 13. Are there any constraints or other reasons why the number of houses to be actually planned for in the Strategic and Local Plan should differ from calculated needs?**
- 14. Are there any specific types, sizes or tenures of housing that the SLP should require for particular groups in the community?**
 - a. If so, please explain further.

Traveller Communities

- 5.21 Councils need to assess the need for new homes for all communities, including traveller communities. This includes Gypsies, Roma, Travellers, Travelling Showpeople and boat dwellers. The Gloucestershire councils have recently completed a new assessment of the need for traveller sites in Gloucestershire and the results are set out below. Full details are available in the Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment.

Table showing the need for Travelling Showpeople plots.

Travelling Showpeople need					
Council area	2021 - 26	2026 - 31	2031 - 36	2023 - 41	Total
Cheltenham Borough	0	0	0	0	0
Gloucester City	14	4	5	5	28
Tewkesbury Borough	10	3	3	4	20
Total	24	8	8	9	48

Table showing the need for Gypsy/Travellers pitches.

Gypsy and Traveller need					
Council area	2021 - 26	2026 - 31	2031 - 36	2023 - 41	Total
Cheltenham Borough	6	1	1	1	9
Gloucester City	28	2	3	3	36
Tewkesbury Borough	29	21	22	24	96
Total	63	24	26	28	141

Table showing the need for Boat Dwellers.

Boat dwellers need					
	2021 - 26	2026 - 31	2031 - 36	2023 - 41	Total
Gloucestershire	50	1	1	1	53

- 5.22 There is also the need to consider the needs of traveller communities travelling through the area, that need somewhere to stop overnight or perhaps for a few days. These could be formal 'transit' sites, or more informal approaches where suitable land is identified.
- 5.23 At this stage we are considering how we can meet the needs of the traveller community. Between 22nd August and 6th October 2023, a 'call for sites' was held by councils across Gloucestershire. This is where any person or organisation can submit a site, which will then be assessed to see if it is suitable and could be delivered for the community. As part of this process, the councils notified many public bodies and other organisations, and met directly with some, to encourage the submission of as many sites as possible.
- 5.24 In total, this process resulted in XX sites being submitted and these are currently being assessed. A background document, setting out the methodology, process and results is available to download from the SLP website.
- 5.25 This isn't the end of the process. The councils are always happy to receive any sites for further consideration outside a formal 'call for sites', including through this consultation. Detail of how to submit a site is provided on the SLP website, or feel free to get in touch with one of the councils to discuss further.
- 5.26 The 'call for sites' has resulted in sufficient sites being submitted to meet the needs for permanent moorings for the boat dweller community. However, for other traveller communities there is still a need for more sites. We therefore need to think about other opportunities that could be available.
- 5.27 At the time of writing, we are considering whether certain existing sites could be used more effectively i.e. can more pitches or plots be accommodated on them. Another option is to require pitches and plots as part of large (strategic) allocations in the SLP, as part of a wider mix of development, including bricks and mortar housing, offices and industrial buildings. This has been used successfully elsewhere in the country.
- 5.28 We would like to explore through this consultation your views on these options and whether there are any other options to delivering for the traveller community that should be considered.
- 5.29 In identifying sites for the traveller community in the SLP, we need to make sure they meet the needs of the different communities and are in the right location. We'd like to explore this further through this consultation.

Questions

- 15. Should sites for traveller communities be provided as part of large developments for housing and/or employment?**
- 16. Are there any other ways that sites for traveller communities could be met in our area?**
- 17. What site characteristics and locations would be most suitable for different traveller communities?**

Jobs and the economy

- 5.30 One of the roles of the SLP will be to establish the right level of employment growth and ensure that the right type of employment land is provided in the right sorts of locations for business wishing to invest, expand and adapt.
- 5.31 The need for 'employment land' includes offices, industrial estates, warehousing and distribution. Unlike the need for new homes, the Government doesn't give councils a starting point. To explore the existing state of the economy of the area and how it may grow in the future, the councils in Gloucestershire worked together on a 'Gloucestershire Economic Needs Assessment' (DLP Planning, August 2020), which provided a high-level assessment of the Gloucestershire economy. The Gloucestershire Economic Needs Assessment looked at different economic forecasts and provided an indicative range of employment needs for different types of employment.

Table showing Employment Land Needs by Local Authority, 2021-2041

	Use Class B1a/b* (Offices and Research and development)		Use Class B1c (Light industry) / B2 (general industry) / B8 (Storage and Distribution) *	
Source	Labour Supply Growth (hectares)	Labour Demand Growth 1 (hectares)	Labour Supply Growth (hectares)	Labour Demand Growth 1 (hectares)
Cheltenham	22.9	26.2	15.4	17.6
Gloucester	31.1	33.7	19.2	19.9
Tewkesbury	20.7	23.0	63.1	75.5
JCS Area (Cheltenham, Gloucester and Tewkesbury)	74.7	82.9	97.7	113.0

*All buildings fall under a Planning Use Class. As there have been changes to the different types of Use Classes, this will need to be considered through any new evidence.

- 5.32 The labour demand scenarios consider the level of land needed to support the level of employment growth, which is based on different job forecasts in different sectors. The labour supply scenarios are based on population growth. This is historically used to estimate the level of employment land needed.
- 5.33 It is acknowledged that the evidence in the Gloucestershire Economic Needs Assessment was prepared at a time when the implications of Brexit and Covid-19 were not fully known, and therefore the intention is that this evidence will be reviewed to inform subsequent stages of the SLP. There will also be a need to take account of changing working practices, particularly since Covid-19 with a greater move towards home working or hybrid working as well as changes in logistics associated with increased on-line shopping, whilst recognising that there will still be a need for business premises of the right quality in the right locations.

Any evidence will need to take account of 'market signals', which includes what changes in skills are likely to be needed; how many people will be there to take up jobs; does the existing employment land that is available meet the needs of existing businesses or people looking to set up businesses in the area.

- 5.34 It will also be important to ensure that rural communities are also able to capitalise on the potential for economic growth. Whilst agriculture remains important, the rural economy is increasingly diversifying. Tourism and recreation have grown strongly, particularly in response to the Covid pandemic. Equally, however, the composition of urban and rural economies has become more closely aligned over time and there may be opportunities for sectors such as manufacturing, technological, creative and other commercial employment in the countryside.
- 5.35 The emerging Gloucestershire Economic Strategy being produced by Gloucestershire County Council and the GFirst Local Enterprise Partnership (LEP) is due for approval in early 2024. The Strategy will include an updated long-term vision for the county that will focus on creating improved employment opportunities within the context of achieving the county's climate change commitments as it transitions to a low carbon economy.
- 5.36 The emerging Strategy identifies four key propositions to support delivery of the vision.
1. Sustainable Growth which supports a strategic approach to planning and delivery of new housing and employment sites to ensure that new growth proposals are at a sufficient in scale to support carbon net-zero targets while ensuring that all supporting infrastructure is financially viable, so it is delivered in the right place and at the right time.
 2. Inward Investment which builds on supporting Gloucestershire's reputation as a welcoming and supportive environment for businesses from the UK and abroad to invest, fostering innovation, creating jobs, and promoting prosperity across the county.
 3. Skills and Employment which seeks to ensure that every resident has the opportunity to grow their skills and make the most of job opportunities in a diverse and flourishing economy.
 4. Business Support which provides an offer to enable businesses of all sizes and types to innovate, create jobs, and positively contribute to the transition to a low carbon economy.
- 5.37 The SLP will help to deliver the vision in the emerging Economic Strategy, including green growth. Currently, the M5 corridor is a magnet for employment growth, as acknowledged in the Local Transport Plan. This is because businesses, their supply chains, workers and consumers collectively depend upon a good quality highway network to move goods, delivery services and travel to work and other service facilities. However, the Local Transport Plan also acknowledges that the M5 motorway junctions are subject to significant demand which result in congestion, delay and at times safety concerns as a result of mainline queuing. It therefore concludes that the continued functioning of the M5 as a reliable and fast link providing regional connectivity can only be ensured with a transport strategy that will also see a significant shift in demand from the M5 to the Birmingham to Bristol rail link that runs in parallel to the M5. The same is true for the City Region's east-west connectivity provided by the A40 which is also paralleled by a rail line.
- 5.38 There will be various exciting developments taking shape over the coming years, including the National Innovation Centre in Cheltenham capitalising on the presence of GCHQ

(Government Communications Headquarters), as part of the Golden Valley development. Cheltenham has recently been recognised as an innovation hotspot (Centre for Cities, September 2023, Innovation hotspots, Clustering the New Economy), which is essentially where firms cluster together in terms of sharing infrastructure and access to workers. The SLP will need to consider how best to facilitate the environment for businesses, positioning our city, town and other centres in a way that embraces growth, flexibility, change and innovation.

- 5.39 In Gloucester City, longstanding regeneration opportunities are coming to fruition with the development of the Forum, which will provide a new digital and technology campus with space for approximately 1,000 jobs, 131-bedroom hotel, new homes, leisure and retail. The University of Gloucestershire are also developing a new city centre campus which will provide teaching facilities for 4,500 students.
- 5.40 Tewkesbury Borough is an established investment location with a diverse range of economic sectors including advanced manufacturing and engineering, construction, transport, technology, financial services and creative industries. Tourism is also a particularly important industry.

Questions

- 18. What economic and regeneration needs should the Strategic and Local Plan address in supporting businesses to invest, expand and adapt?**
- 19. How should the Strategic and Local Plan best seek to accommodate employment needs and provide an environment that is attractive to inward investment?**
- 20. How should the Strategic and Local Plan support and encourage rural employment?**

Retail and town centres

- 5.41 Our city and town centres, as well as smaller village, farm, and neighbourhood shops, are really important. In addition to providing local access to shops, services and facilities, they often form the focus within communities, providing the opportunity for interaction between people, and a source of local employment.
- 5.42 Within our area, there are a wide range of different retail centres that perform different but equally important roles. Within the JCS, there is a hierarchy of city and town centres. This identifies Cheltenham Town Centre and Gloucester City Centre as main centres that offer a wide range of different things, and that have a wide catchment area, acting as sub-regional centres, with people living in areas such as the Forest of Dean, the Cotswolds, Tewkesbury Borough and Stroud Borough using them on a regular basis for shopping, leisure and services.
- 5.43 There are many smaller town centres that provide an important role in supporting the needs of local people and a wide rural area, i.e., Tewkesbury, Winchcombe and Bishops Cleeve.

These tend to offer limited range of food stores, clothing and essential services such as a post office.

- 5.44 Below this, there are smaller centres still that have a much more community/neighbourhood focus, referred to as either 'local centres', district centres', or 'neighbourhood centres'. These tend to provide a small number of shops, services and facilities that meet people's day-to-day needs, usually including a food shop plus maybe a post office, takeaways, pub and community hall.
- 5.45 Over the past few years, most centres have undergone significant change and challenge. The way people shop and use city and town centres has shifted away from shopping, which had always been the main reason to. People now look for shopping experiences and good quality and varied hospitality. Increasingly, people shop online or use retail parks.
- 5.46 There is now a need to rethink the role of our city and town centres and establish a long-term strategy that allows them to be flexible, adapt, evolve and thrive. Given their historic nature we need a strategy that enables flexible adaptation, while being respectful of conservation.
- 5.47 To help the councils consider how best to plan for our city, town and village centres, independent consultants prepared a Retail Study. It assessed the 'health' of centres at a point in time and considers strategy and policy options to ensure they remain important and respond to the needs of the community and visitors. Alongside this, an assessment looked at future economic forecasts to understand if it's likely to be necessary to plan for more retail units over the lifetime of the plan.
- 5.48 For the main three city and town centres in our area, the 'health check' is summarised below; however, in responding to the questions, we invite comments on any centre in the area. It is important to note that this assessment was completed in 2019 and since then changes will have occurred. It is likely the assessment will be updated through the preparation of the SLP.

Gloucester City Centre

- a) Factors such as a reduction in 'turnover' and an increase in vacancies suggest a city centre that is vulnerable and at risk from increased competition elsewhere (for example out of centre retail parks). Proposals for retail development outside of the traditional city centre should be carefully assessed.
- b) The delivery of Kings Quarter regeneration / the Forum, refurbishment/redevelopment of Kings Walk Shopping Centre, and redevelopment of the former Debenhams building for a University of Gloucestershire campus are all important in improving the quality of offer and bringing more people into the city centre.
- c) The quality and choice of shops was considered good, but with a need for better quality retail units. Planning strategy and policies should support refurbishment, redevelopment and reconfiguration of existing shops and units, and focus on a smaller area.
- d) Policies should seek complementarity between the traditional city centre and the Docks/Gloucester Quays.

- e) Since the study was completed Gloucester City Council has been proactive in working with stakeholders and partners in driving forward regeneration and has recently adopted a new City Centre Vision, which is now moving to the delivery stage.

Cheltenham Town Centre

- a) Cheltenham has the strongest town centre in the area, with the highest number of shops and services (and higher than the national average). When last assessed, vacancies were low.
- b) Since then, Cheltenham Borough Council has been proactive in putting a vacant units action plan in place and is working alongside the Cheltenham BID, landlords and agents to have collective responsibility to drive change.
- c) There is a small need for food shopping to provide for the need of the community over the period of the plan and this should be directed to the town centre which lacks a decent sized food store.

Tewkesbury Town Centre

- a) Plays an important role for residents of the town, the wider rural area and tourists. The mix of shops, services and facilities is broadly comparable to other similar towns, but with a growing number of vacancies at the time the study was undertaken.
- b) The key future challenge for Tewkesbury will be to create and maintain its own distinctive role and for it to adapt and meet the needs of the local community and visitors.
- c) Healings Mill and Spring Gardens offer opportunities to improve the offer of the town.

5.49 In terms of future needs, the assessment concludes that there is very little need to plan for additional retail up to 2041. In fact, there is forecast to be an oversupply in some areas. The exceptions are a small amount of need for food shops in Cheltenham and Bishops Cleeve, and small-scale provision to support new communities at larger developments through local / neighbourhood shopping centres.

5.50 Outside of the main city and town centres, village and farm shops, community facilities, such as village halls and public houses and local services are essential to support communities in meeting every day needs. There is a role for planning policies to protect these important community facilities and support their diversification.

Questions

- 21. How could the Strategic and Local Plan best enable change and encourage investment to support our city and town centres to adapt, evolve and thrive?**
- 22. How can the Strategic and Local Plan protect and encourage essential shops, services and facilities in villages and rural areas?**

Infrastructure

5.51 The NPPF as well as Planning Practice Guidance sets out that Plans should set out the policy requirements for the contributions expected from different types of development and where necessary, from different sites. In particular, this should set out the policy

requirements for the level and types of affordable housing and for supporting infrastructure, including (but not limited to) education, transport, health, green and blue infrastructure, and digital infrastructure. Policies of the Plan should also seek to ensure the timely provision of the infrastructure required to support the level of development proposed.

- 5.52 There are a number of key issues that are affecting the delivery of sites and their associated infrastructure. The delivery of greenfield sites may raise viability issues due to the need for new infrastructure to develop sites, or environmental constraints such as flood risk which will need to be mitigated. However, brownfield (sometimes described as Previously Developed Land) sites may pose their own viability challenges.
- 5.53 Further evidence will be produced to help better understand these viability issues and deliver the infrastructure needed to support sites. There will be a need to balance the delivery of physical infrastructure against the requirements of other policy considerations such as the delivery of affordable housing and green infrastructure. The timing of infrastructure delivery in association with new development will need to be carefully considered and identifying funding for infrastructure will be critical. An Infrastructure Delivery Plan (IDP), which identifies the types of infrastructure needed as well as costings, will be produced alongside the SLP, as will an assessment to ensure it is affordable (called a Viability Assessment).
- 5.54 New homes and employment will need to be supported by new infrastructure for example, schools, roads, public transport, health services, and recreation provision. This will need to be funded through central and local government funding streams and contributions from developers.
- 5.55 In some cases, it may be necessary to safeguard routes for longer term infrastructure projects. Safeguarded is a technical term for an established part of the planning system that aims to protect infrastructure projects, such as public transport, highways or other infrastructure such as pipelines, from conflicting developments. Safeguarded areas include land that will need to be identified as being likely to be needed for such projects.

Questions

- 23. What types of infrastructure do you consider are most critical to be delivered alongside new development?**
- 24. Given their size, if strategic scale new settlements were to form a part of the Strategic and Local Plan, what accompanying infrastructure would be necessary?**
- 25. What key services and facilities do you consider most important in deciding if a rural settlement is a suitable location for new homes and other forms of development?**
- 26. Should the Strategic and Local Plan safeguard sites or routes for longer term infrastructure projects?**

6. Planning for sustainable development

6.1 The SLP is required to plan positively for the development needs of the area, including new homes, employment, commercial uses and for traveller communities. At this early stage in the process the councils have various sources of evidence to draw on as a starting point. This evidence will be updated, and new evidence produced to support the Plan, such as updated flood risk assessments. The councils also need to consider whether there are any alternatives approaches that should be considered.

6.2 Through this consultation the councils are considering different approaches to how development needs could be delivered in a way that meets the draft Vision and Strategic Objectives.

The Existing Strategy

6.3 The existing approach to delivering growth is set out in the adopted JCS. It guides the location of new development based on a 'settlement hierarchy'. The key urban areas of Cheltenham and Gloucester are identified as the focus for new development where housing and employment needs can be provided close to where they are needed and where occupiers of new development can benefit from the existing and enhanced sustainable transport network.

6.4 Given that there is only limited land for development within Cheltenham and Gloucester, the strategy also relied on urban extensions to their built-up areas, mostly on land within Tewkesbury Borough Council's area.

6.5 Tewkesbury town itself plays a lesser role for new housing and economic development due to its small size. In turn, a network of Rural Service Centres (Winchcombe and Bishop's Cleeve) and a number of smaller Service Villages provide for needs within the rural area.

6.6 In preparing the SLP, we need to consider afresh what the development strategy should be in the future, and whether it ought to continue to be based on the settlement hierarchy described above.

6.7 We have done this through the identification of six distinct scenarios, commonly known as 'spatial options'. They have been considered in isolation, the aim being to test the implications of each option and understand their 'pros' and 'cons'. To help with this, we have mapped all the site opportunities currently being promoted to the councils for development, to understand the geographical spread. This, along with our ongoing evidence review, engagement with stakeholders and the findings of this consultation will be used to build up a preferred approach, which will be introduced at the next stage of consultation.

6.8 None of these scenarios would, on their own, deliver sustainable development; the final strategy will be a combination of different elements.

6.9 It is essential to note that no policy or site allocations are being put forward at this stage of the plan-making process. Information contained in the accompanying evidence base includes Housing and Economic Land Availability Assessments (HELAA), which Government requires councils to produce. The HELAA is a broad preliminary assessment, including mapping, of the individual sites which have been submitted to the councils for consideration as development options. The various diagrams in this consultation document are taken from

the HELAA. They illustrate diagrammatically the various sites and locations that are currently being promoted to the councils, which would be associated with each of the six growth scenarios, as set out earlier. **It is important to note that the inclusion of land on any accompanying maps or diagrams does not mean that the land is suitable for development, or that the land is necessarily available for development, or even that it will be supported by any of the councils. Furthermore, any such maps or diagrams do not have any planning status. Any allocations of land will be made at a later stage of the SLP process.**

The scenarios

- 6.10 The six different development scenarios tested at this stage are:
1. Urban concentration
 2. Urban extensions
 3. Urban extensions, avoiding the Green Belt
 4. New strategic settlements
 5. Rural dispersal
 6. Sustainable transport
- 6.11 As a starting point for all the scenarios, we have included all currently known site opportunities in the urban areas (also known as 'baseline capacity'). Full details of this are available on the website. This is because it's important to ensure that all brownfield sites, and those in urban areas are identified in the first instance, before then considering other options, including those on undeveloped land (i.e., green field).
- 6.12 The section below summarises the main conclusions of the assessment, including the pros and cons.
- 6.13 Through this consultation, we would like your feedback on the different options, the assessments we have undertaken, and whether there are any other scenarios you think we should consider. This consultation is also a further opportunity for additional site opportunities to be submitted for the councils to consider. This includes all forms of development, including housing, employment/industrial, retail/ commercial, and that for traveller communities. Details of how to submit a site are available on the website.
- 6.14 It's also an opportunity for those who have already submitted a site to the councils to provide any new or updated information they may have to help the councils consider the opportunity fully.

Scenario 1 Urban concentration

- 6.15 This option would involve much more intense development than would traditionally be expected on urban sites in Gloucester and Cheltenham, particularly on previously developed land. This would include substantial increases in densities; higher buildings even in more sensitive areas such as Conservation Areas; conversions or rebuilding of retail or other town centre properties into housing or mixed-use schemes.
- 6.16 This differs from the baseline position. This means that the number of homes that could fit on the land would be pushed as high as possible.

Insert diagram

Pros	Cons
• More people living in and using shops, services and facilities in the main city and town centres. • Bringing more life and vitality to the city and town centres, including at night. • Concentrated development in urban areas, supporting use of bus and rail, walking, cycling and car clubs. • Supports maximum use of 'previously developed land' and urban regeneration. • Protects the existing Green Belt and minimises the loss of greenfield sites and higher quality agricultural land.	• On its own, along with baseline capacity, would not deliver sufficient new homes and jobs. • Would only provide for a limited range of housing types, sizes and tenures (based on higher density schemes). • Could lead to loss of some existing employment and commercial space to housing. • Increased journey lengths as housing and economic growth diverted to alternative locations outside of the SLP area. • Likely harm to the setting and significance of important heritage assets and character of the urban area. • Limited opportunity to deliver climate change mitigation measures, strategic and community infrastructure. • Potential strain on existing social and community infrastructure, such as schools and health facilities.

Scenario 2: Urban extensions

- 6.17 This option would mean seeking to deliver development as urban extensions to the key urban areas of Cheltenham and Gloucester and could include sites which fall within the designated Green Belt. The development strategy of the JCS focused on such extensions as a means of meeting some of the housing needs of Gloucester and Cheltenham. In addition, several areas of land were removed from the Green Belt and “safeguarded” for longer term development needs.
- 6.18 Urban extensions may be one of the most effective ways of supporting high quality public transport infrastructure such as the Mass Rapid Transit scheme proposed in Gloucestershire County Council’s Local Transport Plan.
- 6.19 Nevertheless, it will need to be demonstrated through the SLP if new urban extensions, including the previously ‘safeguarded’ sites, should form part of the preferred development strategy for our area.
- 6.20 As with all options, this includes the urban capacity of Gloucester and Cheltenham as a starting point.

Insert diagram.

Pros	Cons
• Likely range of available sites may enable housing and economic needs to be met in full. • Development can be delivered close to where the need arises, reducing the likelihood of unnecessary travel into and out of the area. • Provides the opportunity for a wide range of housing types, sizes, and tenures to meet local need. • Urban extensions to existing urban areas would increase the catchment population to shops, services and facilities in city and town centres, access to employment opportunities, and existing/improved public transport, walking, and cycling (depending on location). • Would provide opportunity to be supported by high quality public transport infrastructure such as Mass Rapid Transit. • Opportunity to enable sites to be comprehensively planned to incorporate social, economic and environmental infrastructure, e.g. everyday shops and services and open spaces.	• Loss of some Green Belt land and potentially reducing the gap between Gloucester, Cheltenham, and Bishops Cleeve. • Loss of greenfield land. • Potential loss of higher quality agricultural land for food production.

Scenario 3: Urban extensions, avoiding the Green Belt

- 6.21 This option means seeking to deliver development as urban extensions to the main settlements in the area but avoiding the Green Belt. This scenario has been identified because the government attaches great importance to Green Belt and the NPPF makes clear that its boundaries should only be altered where exceptional circumstances to do so are fully evidenced and justified through a Local Plan. For this reason, the role of the Green Belt in planning for long-term growth is subject of much national debate.
- 6.22 Given the existing Green Belt is concentrated around Gloucester and Cheltenham, and between Cheltenham and Bishops Cleeve, it is appropriate to explore, as part of this consultation, the merits and consequences of a strategy which would support urban extensions to the main urban areas but excluding designated Green Belt land.
- 6.23 The inclusion of this scenario is not to say that Green Belt considerations are of any greater significance than protected areas such as the Area of Outstanding Natural Beauty, or Sites of Special Scientific Interest. However, such designations have statutory protection whereas Green Belt land is, as a matter of national policy, designated as a means of managing urban growth, rather than providing environmental protection. This scenario would include land which was previously removed from the Green Belt in the JCS and ‘safeguarded’ to meet longer term needs.
- 6.24 As with all options, this includes the urban capacity of Gloucester and Cheltenham as a starting point.

Insert diagram

Pros	Cons
- Protects the existing Green Belt, limits the loss of green field sites and higher quality agricultural land. - Some benefits from an increased catchment population to shops, services and facilities in city and town centres, access to employment opportunities, and existing/improved public transport, walking and cycling, due to constraint on development and less sustainable locations. - Would provide opportunity to be supported by high quality public transport infrastructure such as Mass Rapid Transit. - Some opportunity to enable sites to be comprehensively planned to incorporate social, economic and environmental infrastructure, e.g. everyday shops and services and open spaces	- On its own, along with baseline capacity, would not deliver sufficient new homes and jobs. Would only provide for a limited range of housing types, sizes and tenures (based on higher density schemes). - Increased journey lengths as housing and economic growth diverted to alternative locations outside of the SLP area. - Loss of greenfield land - Potential loss of higher quality agricultural land for food production.

Scenario 4: New strategic settlement

- 6.25 This option means seeking to deliver development through one or more comprehensive, master-planned new settlements, of a minimum of around 4,000 new homes with supporting infrastructure. Currently, three such potential locations have been identified based on information submitted on behalf of landowners/promoters. The locations are around Boddington on land to the south of the A4109 between the A38 and M5 corridors. A further potential option is presented straddling the boundary of Tewkesbury Borough and the Forest of Dean between Churcham and Highnam in the south west of the SLP area. The third option lies to the east of the M5 at Ashchurch on the edge of the built-up area of Tewkesbury.
- 6.26 The latter option – the Tewkesbury Garden Town – was awarded Garden Town status by the Government in 2019. In this context, Tewkesbury Borough Council is currently establishing a programme to work with local people and landowners/developers to plan for a large sustainable new settlement consisting of a wide mix of homes together with the supporting infrastructure required such as schools, health, transport, green infrastructure and other community facilities. Gloucestershire County Council and National Highways are also, as the relevant local highway authorities, drawing up detailed proposals for major improvements to Junction 9 (M5). This would both address existing recognised pressures on the strategic road network as well as potentially provide the additional road capacity necessary to support the development of the proposed Garden Town. The overall planning merits of the proposed Tewkesbury Garden Town will be assessed formally through this SLP process alongside other development options being promoted by others as part of the overall development strategy for the Cheltenham – Tewkesbury – Gloucester area.
- 6.27 As with all options, this includes the urban capacity of Gloucester and Cheltenham as a starting point.

Insert diagram

Pros	Con
• Dependent on location, could reduce the need to build on the designated Green Belt (except at Boddington). • Would concentrate development in the rural area whereas otherwise would be a larger number of scattered sites. • Would enable provision of a wide choice of housing sizes, types and tenures, and a choice of types of employment space. • Once delivery is underway, could provide greater certainty over long-term supply of housing. • Opportunity to enable sites to be comprehensively planned to incorporate social, economic and environmental infrastructure, e.g.,	• Would result in the loss of greenfield land. • Could potentially lead to loss of higher quality agricultural land. • Unlikely to provide for all of the new homes and jobs needed resulting in worsening housing unaffordability and constrained economic growth. • May not provide homes and jobs where they may be needed close to urban and rural settlements. • Would require longer lead-in times before homes and employment spaces are built given the amount of work needed to prepare masterplans and co-ordinate the provision of transport and community infrastructure.

everyday shops and services and open spaces. • Could enable provision of accessible local/district centres and everyday facilities and services such as schools, libraries and health facilities; provide extensive climate change mitigation measures; on-site biodiversity net gain; green spaces; flood water management; allotments; large scale renewable energy and community buildings. • Dependent upon location, could provide or enhance bus/rail services, support car clubs, and promote active travel by walking and cycling.	• Dependent on location, may not support the vitality and viability of larger city and town centres. • Investment in rural shops, services and facilities would not be supported.

DRAFT

Scenario 5: Rural dispersal

- 6.28 This option means distributing growth widely across the rural area by encouraging development at many existing settlements and potentially other rural locations (such as redundant industrial sites or farm complexes). This would mean the smallest of hamlets and villages could contribute to meeting overall development needs, even where they are not currently recognised in the JCS settlement hierarchy as Rural Service Centres or Service Villages.
- 6.29 As with all options, this includes the urban capacity of Gloucester and Cheltenham as a starting point.

Insert diagram

Pros	Cons
• Could support the re-use of redundant rural sites and buildings. • Would be likely to safeguard the Green Belt. • Could provide significant potential for supporting thriving and vital rural communities by supporting shops, services and facilities, and rural employment. • Would provide many choices for people to live and work in the countryside where they may have family or employment ties. • Would make significant contribution to providing affordable housing in rural areas.	• Would likely harm the character and setting of existing settlements and surrounding countryside. • Unlikely to provide for the full amount of new homes and jobs needed, resulting in worsening housing affordability, and constrained economic growth. • Increased journey lengths likely as housing and economic growth diverted to alternative locations outside of the SLP area. • May not provide for a full range of housing sizes, types and tenures as a result of dispersing development thinly. • May not provide a suitable range of locations and types of employment space. • Unlikely to enable sites to be comprehensively planned to incorporate social, economic and environmental infrastructure, e.g. everyday shops and services and open spaces. • Unlikely to support existing or new public transport, leading to greater dependency on the private car and road congestion, particularly for travel to larger built-up areas. • Could lead to conflict between new homes, jobs and agriculture as a result of rural densification. • Would potentially add to pressure on existing rural services, facilities and other community infrastructure.

Scenario 6: Sustainable transport scenario

- 6.30 This option means delivering development in locations along existing and potential high frequency public transport, walking and cycling routes. It draws on the broad objectives of Gloucestershire County Council as the body responsible for managing road and public transport networks. The Local Transport Plan in particular, promotes sustainable travel. Development under this scenario would need to be integrated in, or linked to, the Gloucestershire cycle spine and the proposed Gloucestershire Mass Rapid Transport system, which is a longer-term aspiration. Furthermore, all the local authorities in Gloucestershire have agreed a Statement of Shared Intent to in principle to reduce carbon emissions from transport in line with science-based targets to achieve net zero ambitions by 2050.
- 6.31 Adopting a sustainable transport strategy as part of the SLP would therefore mean prioritising new sites for housing and economic development in locations which would maximise people's choice to travel by means other than the car to access services, facilities and jobs. This would also tend to reduce the need to travel at all and would help reduce carbon emissions.
- 6.32 As with all options, this includes the urban capacity within Gloucester and Cheltenham as a starting point.

Insert diagram

Pros	Cons
• A pattern of growth which would provide optimum accessibility by sustainable transport and active travel, making a significant contribution to creating a more sustainable Gloucestershire and mitigating the effects of climate change. • Development close to main existing settlements would provide opportunities for accessing larger shops, services and facilities and jobs by connecting with existing and enhanced sustainable transport networks and the opportunity for active travel. • Would enable a significant proportion of, or all, housing and employment needs to be met close to where they arise, reducing the likelihood of unnecessary travel into and out of the JSP area. • Could provide a wide range of housing sizes, types and tenures; and a choice of employment space. • Strategic scale development in locations along mass transit routes	• Would result in the loss of designated Green Belt between Cheltenham, Gloucester and Bishops Cleeve, green field sites and potentially higher quality agricultural land available for food production. • Could result in the coalescence of Cheltenham and Gloucester in particular. • Growth of Gloucestershire Airport could be a constraint on development between Cheltenham and Gloucester; and conversely limit options for future growth at the airport. • Could divert growth and investment, including transport infrastructure, away from the rural area. • Would not generally meet the needs of the rural economy or provide development in locations served by strategic road infrastructure.

would support the vitality and viability of city and town centres and enable clusters of employment growth close to large built-up areas. • Would support the development of brownfield sites within and adjoining large settlements. • Opportunity to enable sites to be comprehensively planned to incorporate social, economic and environmental infrastructure, e.g. everyday shops and services and open spaces.	

Questions

27. Are there any additional development scenarios that should be considered?
 - a. If yes, please describe what they are.
28. Are the pros and cons identified for the six development scenarios a fair and accurate assessment?
 - a. If not, which one(s) and what are your reasons?
29. Which of the development scenarios, or combination of them, do you consider the most appropriate for the Strategic and Local Plan?
30. Are there any places not currently identified in the rural settlement hierarchy, which could/should be included?

7. Conclusions and next steps

- 7.1 This consultation is the first step in the preparation of the SLP and is intended to ask a broad range of questions to help understand what the Plan should cover. The feedback provided through this consultation will be reviewed and used to shape the draft plan.
- 7.2 However, this consultation is an opportunity for stakeholders and the community to express any other issues, concerns or opportunities that do not easily fit within any of the key questions set in this consultation document.

Questions

31. Is there anything else you would like to raise – has anything been missed, or are there any general comments you would like to make?

- 7.3 The next full consultation is programmed for early 2025. This is intended to be a draft plan, which will include a preferred strategy, proposed site allocations and draft policies.

Cheltenham Borough Council

Council – 11 December 2023

Cheltenham, Gloucester and Tewkesbury: Community Infrastructure Levy Joint Committee

Accountable member:

Cllr Hay, Leader

Accountable officer:

Tracey Birkinshaw, Director Communities & Economic Development

Ward(s) affected:

All

Significant Decision: Yes

Executive summary:

Further to reports to Cabinet (5th April 2022) and Council (20th June 2022) this report seeks:

- Approval for the establishment of a Joint Committee to facilitate governance of the allocation of Community Infrastructure Levy receipts received by Cheltenham, Gloucester and Tewkesbury as set out in appended Terms of Reference (see section 4 which explains the move from preparing a Memorandum of Understanding as previously agreed),
- Agreement of pooling arrangements by the three Joint Committee partner councils, managed through Community Infrastructure Levy Joint Committee Terms of Reference, and
- Review the interim Infrastructure List and feed any comments to Cabinet ahead of agreement through the Infrastructure Funding Statement at its meeting on 19th December 2023.
- Agree engagement with wider infrastructure providers (see paragraph 5.3)

Recommendations:

1. To agree the establishment of a Community Infrastructure Levy Joint Committee under s101(5) and s102 Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of

the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

2. To agree the Community Infrastructure Levy Joint Committee Terms of Reference, as appended to this report (Appendix 2).
 3. To agree the pooling of strategic Community Infrastructure Levy monies by the three partner Councils of Cheltenham, Gloucester and Tewkesbury with governance as set out in the Community Infrastructure Levy Joint Committee Terms of Reference.
 4. To approve and review the Infrastructure List for those items relating to the administrative area of Cheltenham Borough, and for this list to be combined with the lists of Gloucester, Tewkesbury and Gloucestershire County Council to form the basis of the work of the Community Infrastructure Levy Joint Committee.
 5. To enter into engagement with wider infrastructure providers (e.g. NHS, emergency services, Environment Agency etc.) outside the local authorities to identify any wider infrastructure priorities to be considered by the Community Infrastructure Levy Joint Committee.
-

1. Implications

1.1 Financial, Property and Asset implications

There are no direct financial, property or asset implications of the recommendations in this report however the Council will indirectly benefit from the strategic element of the CIL which can be used to enhance the town, improve infrastructure and support economic growth in line with the Corporate Plan.

Signed off by: Director Finance & Assets gemma.bell@cheltenham.gov.uk

1.2 Legal implications

The “strategic” element of CIL receipts (being otherwise than up to 5% for administration and the neighbourhood portion) must be spent on infrastructure. Charging authorities can choose to pool a proportion of their Community Infrastructure Levy (CIL) receipts to fund infrastructure including for out of their own area spending. Each of the charging authorities included in the pooling arrangements should be content that funding for infrastructure outside the authority’s area will support development of its own area.

Under national Planning Policy Guidance charging authorities are encouraged to consider publishing a memorandum of understanding detailing the administration, principles, and governance that will be implemented for any pooled fund, covering, but not limited to :

- a proposed governance structure and decision-making process for agreeing how the pooled fund is implemented and spent;
- the proportion or amount of levy each charging authority will contribute;
- the procedure for collecting the pooled levy;
- the strategic infrastructure projects the pooled fund will be spent on;
- a system for returning pooled funds to an authority in the event that it is necessary to do so;
- a proposed review mechanism for the memorandum.

It is further recommended that the memorandum of understanding is a publicly accessible document, which clearly explains how the pooled levy will be administered and spent. A memorandum of understanding is not being proposed, but the Joint Committee's terms of reference will set out how the pooled levy will be administered and spent.

The Authority has a variety of legislative powers relating to its governance arrangements, including the general power of competence set out in Section 1 of the Localism Act 2011. Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 enable two or more local authorities to discharge any of their functions (other than those which are the responsibility of an authority's executive under section 13 of the Local Government Act 2000) by a joint committee.

Contact officer: One Legal, legal.services@onelegal.org.uk

1.3 Environmental and climate change implications

None directly from this report, however CIL infrastructure projects that may be in the future funded, may have implications. To ensure environmental impacts of projects can be considered, in decision making by the CIL Joint Committee, the Cheltenham Climate team will be consulted with when developing the application process.

Signed off by: Climate Emergency Officer, maizy.mccann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

None directly from this report, however CIL infrastructure projects that may be, in the future funded, may have implications.

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

1.6 Performance management – monitoring and review

Should the recommendations of this report be approved then the monitoring and review would be undertaken by the Joint Committee and reported back to Cabinet.

Engagement will continue to be valuable locally and in the preparation for Joint Committee we will use the Planning & Liaison Member Working Group to gain feedback on proposals.

2 Background

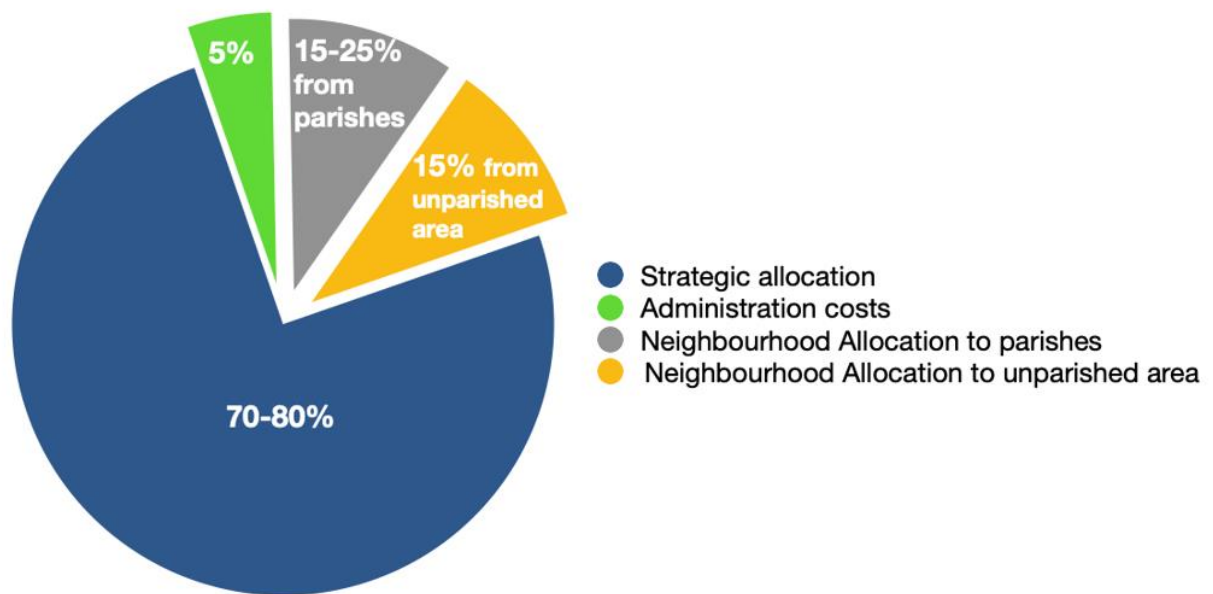
2.1 The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area. In England, authorities which can charge

the levy are the local planning authority for the area. CIL is governed by the CIL Regulations 2010 (as amended).

2.2 Cheltenham Borough Council approved the introduction of CIL on 15th October 2018 with commencement of charging on planning applications granted permission on or after 1st January 2019.

2.3 CIL is paid to the Council by developers after their planning permissions commence, in line with the Council's adopted Instalments Policy. CIL is a significant means outside wider government funding by which the Council is able to collect and pool developer contributions to deliver infrastructure improvements.

2.4 To remind members, the breakdown of CIL is aligned with CIL regulations is shown in the diagram below.



2.5 Cheltenham has been having ongoing scrutiny of CIL and testing the approach to future governance, as demonstrated through various reporting, including:

- December 2021, Cabinet received a report on the annual Infrastructure Funding Statement (IFS). As part of this report, the need to put in place CIL governance was highlighted.
- April 2022, Cabinet received a report that set out a governance approach to CIL and set out proposed governance arrangements, this report was then passed to Council.
- June 2022, Council received the report and endorsement of a proposed governance approach by Cabinet.
- December 2022, Cabinet received a report on Infrastructure Funding Statement, this highlighted the preparation of a Memorandum of Understanding as a next step for the allocation of the CIL Strategic 'Infrastructure Fund' to be brought forward. This is dealt with in section 4 of this report.

2.6 Since the publication of the reports above, further work has taken place with our partners Gloucester, Tewkesbury and Gloucestershire County Council. This has included agreement to the preparation of

Cheltenham, Gloucester & Tewkesbury Strategic and Local Plan as agreed through our [Local Development Scheme](#), approved July 2023, together with progressing our CIL governance proposals to a Joint Committee. The latter being the basis of this report.

3 Why a Joint Committee?

3.1 Members will note that this report amends the governance proposal from that of a CIL Board, as recommended in reporting to Cabinet and Council in 2022, to that of a Joint Committee. The Joint Committee has the benefit of introducing a more coherent and less complex approach to making decisions on bids for CIL money and provides a robust framework for collaboration and collective decision making.

3.2 The change has arisen responding to a number of key factors, including:

1. The concern of the time and administration that would be needed to service a CIL Board and then recall decisions back to each individual council for final approval, building in delay and uncertainty for infrastructure providers.
2. More efficient to engage on a collective basis with infrastructure providers and adds transparency into future CIL allocation and the setting of priorities through the operation of a Joint Committee.
3. Commitment given by Gloucester and Tewkesbury to define a Terms of Reference that took on board the spirit of the decisions previously made by Cheltenham Borough Council and built in the safeguards that included:
 - full consensus vote
 - review triggers
 - link back to infrastructure commitments contained within the Infrastructure Funding Statements published by the councils, this includes the Infrastructure List (including any interim assessments) and the Infrastructure Delivery Plan (being updated to support the emerging Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan)
 - decisions made by the Committee will be subject to the decisions being reported back through relevant Cabinet/Executive Committee of each of the member Councils
 - Gloucestershire County Council entitled to attend meetings of the Committee to input on matters relevant to the functions and activities of the Committee but shall have no voting rights nor be involved in scrutiny
 - Pooling and its review.
4. Positive and constructive engagement with Gloucestershire County Council on the preparation of the draft Terms of Reference.

3.3 Gloucestershire County Council is not a CIL charging council; however, county councils are responsible for the delivery of key strategic infrastructure. As set out in [national Planning Practice Guidance](#) (nPPG), charging authorities must consult and should collaborate with them in setting the levy and should work closely with them in setting priorities for how the levy will be spent in 2-tier areas.

3.4 The nPPG goes on to advise that “*Charging authorities should think strategically in their use of the levy to ensure that key infrastructure priorities are delivered to facilitate growth and the economic benefit of the wider area. This may, for example, include working with neighbouring authorities...*”.

3.5 This report and the Joint Committee proposal relates **only** to the strategic element of CIL,

responsibility for the neighbourhood element of CIL sits wholly with Cheltenham Borough Council and sits outside the proposals of the recommendations of this report. Cheltenham Borough Council has an agreed Terms of Reference in place for the non-parished areas neighbourhood allocation of CIL through the work of the [Community Infrastructure Levy Neighbourhood Panel](#) and made its first allocations summer 2023.

- 3.6 An officer working group is being established to support the work of the Joint Committee, a Terms of Reference for this working group is being prepared and will be agreed by the Joint Committee once established.

4 Pooling of CIL

- 4.1 The previous reports to Cabinet and Council highlighted the pooling of CIL and the need for:

1. A decision on pooling, and
2. the appropriate governance put in place.

This was in line with National guidance, the nPPG sets out that “Charging authorities can choose to pool a proportion of their Community Infrastructure Levy... Where local authorities are working jointly to prepare development plans for their areas, pooling of levy receipts may be a useful mechanism for funding strategic infrastructure projects that have cross-boundary benefits. Each of the charging authorities included in the pooling arrangements should be content that funding for infrastructure outside the authority’s area will support development of its own area”.

- 4.2 The nPPG encourages charging authorities, where pooling is agreed to publish a memorandum of understanding detailing the administration, principles, and governance that will be implemented for the pooled fund. This was highlighted in the reports to Cabinet and Council in 2022. However, since that time the proposal to put in place a Joint Committee has been progressed across the partner councils and the pooling element has been incorporated into the Terms of Reference now presented.
- 4.3 Whilst a Memorandum of Understanding was an appropriate mechanism in the context of the governance proposals set out in 2022, considering the changes now proposed to move to a proposal of a Joint Committee, such an approach would not provide a robust position.
- 4.4 A Memorandum of Understanding is helpful in setting out an agreed position, however it is not legally binding on any party and has no enforceability outside goodwill of the parties concerned. Utilising a Terms of Reference adds more weight as the responsibilities of the Joint Committee are enforceable by the partner councils. The Terms of Reference appended to this report propose 100% pooling of the strategic CIL. The key justifications for the level of pooling are that;
- Taking into account, S106 obligations, CIL to date together with wider funding either secured or identified there is and will remain a significant funding gap to meet the infrastructure demands of the adopted Gloucester, Cheltenham & Tewkesbury Joint Core Strategy.
 - Without commitment to pooling, all councils will face ongoing challenges to fund large infrastructure projects, and it will take a longer period of time to deliver on priorities for investment.
 - By committing to pooling, within the parameters of the Joint Committee Terms of Reference, it sends a positive message to the broad range of infrastructure providers that the SLP councils are committed to enabling infrastructure priorities across the SLP area.
 - By building in trigger point reviews regarding pooling, this provides all partner councils with

the ability to renegotiate the level of pooling in the future.

- If Cheltenham were to retain a percentage of the strategic CIL receipts, in parallel to the Joint Committee it would have to put in separate governance procedures which, given the level of CIL currently it may be a challenge to allocate due to the high values of strategic infrastructure and not be efficient in respect of time and resources.

4.5 From time to time there may arise from one or more councils an exceptional case to reprioritise infrastructure, bringing forward a new infrastructure request. The draft Terms of Reference recognises this and makes provision for this flexibility.

4.6 Whilst we have had CIL in place for some time, it has taken a long period for the CIL pot to build up. At the time of writing the strategic CIL pot stood at £11,897,553.28. Whilst this may look like a significant sum of funding available, the reality is that it provides just a small fraction of the funding needed to deliver the infrastructure demands for our area. The CIL funding available, as collected by each council is broken down as follows:

CIL Authority	Regulation 59i Strategic 'Infrastructure Fund'	
	Date	Amount
Cheltenham Borough Council	25/10/2023	£2,564,105.08
Tewkesbury Borough Council	25/10/2023	£8,058,663.30
Gloucester City Council	25/10/2023	£1,274,784.90
	25/10/2023	£11,897,553.28

5 Infrastructure List

5.1 An Infrastructure List has to be included within the Infrastructure Funding Statement, reported at least annually to Cabinet. Through our previous reporting we have highlighted that the agreed Infrastructure list is not representative of current priorities. As such the SLP councils alongside Gloucestershire County Council have prepared an updated Infrastructure List. This recognises that a full reassessment of the Infrastructure Delivery Plan (upon which the agreed Infrastructure List was based) is required and this will take place alongside the preparation of the SLP, but we cannot wait until that is completed to better reflect current priorities.

5.2 Appended to this report is the draft Infrastructure List for Cheltenham, Gloucester, Tewkesbury and Gloucestershire County Council. Gloucester and Tewkesbury councils are reporting on their priorities for the infrastructure list through their reporting procedures. Once agreed across the 3 councils, this will form the Infrastructure List for the Community Infrastructure Levy Joint Committee.

The recommendation of this report is to approve and review those items relevant to the administrative area of Cheltenham.

5.3 The councils are very aware that infrastructure identified by the local authorities may not identify all priorities. With this in mind a wider targeted exercise is being undertaken with key stakeholders such as NHS, emergency services, utilities, Environment Agency, Sport England etc. Should additional items be identified for our area which are considered priorities ahead of the full review of the IDP to support the SLP an update to the Infrastructure List will be presented to Cabinet.

6 Reasons for recommendations

7 To ensure transparency and member engagement in decision-making.

8 Alternative options considered

8.1 Alternatives have been considered as noted in the earlier reports to Cabinet and Council.

9 Consultation and feedback

- Ongoing engagement with partner councils through the SLP Joint Advisory Group
- Engagement with Cabinet lead portfolio holders
- Ongoing consultation with One Legal

10 Key risks

10.1 See Appendix 1.

Report author:

Tracey Birkinshaw, Director of Communities & Economic Development
tracey.birkinshaw@Cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Community Infrastructure Joint Committee Terms of Reference
- iii. DRAFT Infrastructure List

Background information:

[Cabinet 5th April 2022 Community Infrastructure Levy Governance & Section 106 engagement](#)

[Council 20th June 2022 Community Infrastructure Levy Governance & Section 106 engagement](#)

[Cabinet 20th December 2022 Infrastructure Funding Statement](#)

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	Not having a clear CIL prioritisation of infrastructure projects may risk receipts not being targeted towards the most critical infrastructure needed to deliver development and fulfil our requirements in the delivery of the JCS and Cheltenham Plan.	Director Communities & Economic Development	5	2	10	Reduce	To approve and review Infrastructure List	CIL Manager	11 December Council
CIL	Not having clear and transparent governance in place around the	Director Communities & Economic	5	2	10	Reduce	Agreement of Joint Committee	Relevant heads of service, Cheltenham,	11 December Council

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
	prioritisation and spend of CIL will risk funding not being spent on agreed infrastructure priorities	Development						Gloucester & Tewkesbury	

Cheltenham, Gloucester and Tewkesbury Community Infrastructure Levy Joint Committee Terms of Reference

Introduction

Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council worked together to produce the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (2017) (the JCS) as the overarching strategy to guide the development of their area. The three councils (the member councils) have agreed to pool the receipts received from the Community Infrastructure Levy (CIL) with the aim of working together to achieve the objectives of the JCS.

To facilitate an open and transparent joint approach to the governance of the application of CIL receipts the member councils have resolved to establish a joint committee.

Purpose

The Community Infrastructure Levy Joint Committee (the “Committee”) shall work jointly and collaboratively to advise the member Councils on CIL generally and make decisions on bids for CIL monies that have been pooled by the constituent Councils. The member Councils of the Committee are charging authorities for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) (the “CIL Regulations”). The Committee shall consider how community infrastructure levy (CIL) receipts should be spent to support the development of the Council’s area, in accordance with Regulations 59(1) and 59(3) of the CIL Regulations.

Regulation 59(1) of the CIL Regulations provides (1) that charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.

Regulation 59(3) of the CIL Regulations provides that a charging authority may apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure outside its area where to do so would support the development of its area.

The member councils believe that working together to pool CIL receipts for the development of infrastructure within their collective administrative areas will support the delivery of their shared objectives as set out in the JCS and consequently will support development within their respective areas in accordance with Regulation 59(3) of the CIL regulations.

The Pooled Fund

In recognition of the joint approach the member councils have agreed Infrastructure Funding Statements (IFS) and Infrastructure Lists (IL) which identify infrastructure priorities that are consistent with the objectives of the JCS and their localities to support development across the JCS area.

It is the intention of the member councils to pool 100% of the CIL receipts they receive net of any CIL receipts which are either passported to local councils or are allocated by the member councils to their individual neighbourhood CIL funds in accordance with Regulation 59A of the CIL regulations.

Notwithstanding the agreement by the member councils to pool 100% of their net CIL receipts, it is recognised by the member councils that the IL's agreed by the member councils may contain infrastructure projects which are of greater importance to one member council, notwithstanding that but the project is of benefit to the JCS area as a whole. There may from time to time be exceptional circumstances where specific infrastructure is identified as a new priority for one or more councils. Where this occurs, this will be presented to the Joint Committee for consideration.

Any member council that considers it is no longer appropriate for the member councils to pool 100% of their net CIL receipts shall be able to trigger a review of these terms of reference in accordance with the Governance section appearing herein below.

The Role of the Joint Committee

The Committee shall:

- Oversee the Strategic CIL application process and scrutinise each project bid for strategic fit and compliance with CIL requirements.
- Be accountable for the oversight, monitoring and governance of awards.
- Take an objective and detached view of applications.

The first meeting of the Committee will be to agree the process for assessment of pipeline of projects for investment.

The CIL officer working group shall be made up of appropriate officers of each CIL charging authority and Gloucestershire County Council and will report to the Committee.

The working group activities shall include:

- Making recommendations to The Committee,
- Contract management where triggered,
- Application revisions and extensions,
- Financial updates,
- Project delivery scrutiny, and
- Compliance with funding agreements.

Governance

The Committee is a Joint Committee under s101(5) and s102 Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

The Committee will include Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council.

These terms of reference will be reviewed as a minimum every 2 years. An earlier review will be triggered by any key changes in policy and or legislation relating to CIL or by a member council wishing to review the proportion of net CIL receipts that the member councils pool pursuant to these Terms of Reference.

Host Authority

The Committee will be hosted under local government arrangements by Tewkesbury Borough Council and hosting arrangements reviewed every 2 years.

The Host Authority will provide Secretary/ Clerk S151 and Monitoring Officer roles of the Committee. This time allocation will be funded from the 5% administration of CIL.

Membership

Each Council shall appoint a Committee member and a substitute who shall be either the Leader or other appointed Executive Members. The quorate membership of The Committee will be 3 made up of one member from each council.

If a quorate meeting cannot be achieved, the meeting will be rearranged. Each Committee member shall remain in office until removed or replaced by his or her appointing Council or in the case of an Executive member, until he or she ceases to be a member of the Executive.

Functions of the Committee

Each of the Councils by establishing the joint committee empowers the Committee to make decisions on bids for CIL monies in respect of sums received by its member Councils. The bids will be considered, and the monies allocated in a manner which is consistent with the infrastructure commitments contained within the annual IFS published by the councils, this includes the IL (including any interim assessments) and the Infrastructure Delivery Plan (being updated to support the emerging Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan). Allocation of funding will be made on a project-by-project basis, not per financial year.

The Committee will support and engage in such other additional functions as the respective Councils may determine from time to time including but not limited to:

1. Identifying the future strategic infrastructure and investment needs
2. Providing an evidence base for spending decisions on strategic locally identified priorities
3. Consulting with Gloucestershire County Council on proposals for CIL expenditure and to consider Gloucestershire County Council spending priorities (if any) for CIL expenditure
4. Exploring other sources of funding and opportunities for match funding streams
5. Determining the method for evaluating and scoring to rate each application submitted and review weighting for criteria
6. Scrutinising full applications and project presentations including any special terms under which an award is made.
7. Monitoring the delivery of projects that have had funding allocations, including regular reporting from officers in relation to contract management and financial updates.
8. As and where necessary calling individual projects into account where Grant contract conditions trigger review.
9. Determining how any unallocated funds within the pooled fund should be treated.

Voting

One vote for each Council.

Normal rules as to declarations of interest shall be applied in accordance with the Host Authority's Code of Conduct

Decisions shall be made by full consensus vote.

Quorum

A representative from each Council must be present. No business shall be transacted at any meeting unless the quorum is reached. If quorum is not reached within 30 minutes of the start of the

meeting (or if quorum ceases to be present during a meeting) the meeting shall be adjourned to the same time and venue to a date determined by the Chair.

Meetings

The Chair and Vice Chair of the meeting will be elected at the first meeting and then each Annual Meeting of the Committee and if the Chair or Vice Chair is not present at any meeting within 10 minutes of the start of the meeting then those present will elect a Chair to act for that meeting.

The Chair and Vice Chair will be from different councils.

Only a voting member is entitled to be elected as Chair or Vice Chair of the Committee.

Meetings will occur at least annually to agree Strategic CIL allocations. Other meetings may be required to respond to the programme of the additional functions. Meetings which make decisions on the allocation of CIL funding will be in public.

Constitution

The constitution of the Host Authority shall apply to the Committee.

Attendance

Gloucestershire County Council shall be entitled to attend meetings of the Committee to input on matters relevant to the functions and activities of the Committee but shall have no voting rights nor be involved in scrutiny.

Each member Council may send appropriate officers to meetings the Committee or any sub-committee thereof, to support its Members.

Responsibilities of the Chair and Vice Chair

The role of the Chair is to ensure that the meetings of the Committee are conducted efficiently and effectively.

The role of the Vice Chair is to deputise for the Chair during any period of the Chair absence or at other times as appropriate and their responsibilities shall be the same as those of the Chair.

Member Conduct

Members shall be subject to the code of conduct for elected members adopted by the Council that nominated them to be a Committee Member.

Scrutiny

The decisions made by the Committee shall be subject to the decisions being reported back through relevant Cabinet/Executive Committee of each of the member Councils.

Any decision by the Committee, except those agreed as urgent in accordance with these provisions shall not be implemented until the member Councils have formally reported back through their own Cabinet/Executive Committee.

All decisions of the Committee (unless considered urgent) shall be subject to the “call in” process of each member Council. If not called in during that period any decision shall then be available for implementation.

Where the Committee decides that a decision is urgent it shall record the reasons for such urgency in the minutes of the meeting and any subsequent “call in” of that decision should normally relate only

to the process leading to the decision and not to the decision itself and the chair of the member Councils Scrutiny Committee shall be advised immediately.

Liability of Members

Committee Members shall have the same responsibilities as those that apply when sitting on other committees and bodies as an appointed representative of their nominating Council.

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Joint Core Strategy (JCS) Authorities of Gloucester City Council,
Tewkesbury Borough Council and Cheltenham Borough Council

Community Infrastructure Levy (CIL)

3. Infrastructure List



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.

Infrastructure Fund: The remaining 70 to 80% must be spent on 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

The Joint Core Strategy (JCS) partners of Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council has led to the development of a shared Infrastructure list.

Previous Infrastructure Lists

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; Local Government; and

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 permitted by 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.

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. As we have prepared our IFS statements our Infrastructure List has been updated:

Year 1: The Infrastructure identified as 'critical' in the JCS IDP was selected to form the first list;

Year 2: 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;

Year 3: Removed schemes identified as no longer requiring CIL funding and provided updates to scheme names and cost estimates for the remaining schemes.

Year 4: 2023 Infrastructure List as summarised below; and

Future Years: Will be informed by a full review of the IDP.

The 2023 Infrastructure List

Further to the publication of the 2022 IFS report which highlighted that the agreed Infrastructure list was not representative of current priorities, work has taken place with our JCS/SLP partners and Gloucestershire County Council to prepare a new list. This recognises that the IDP, prepared to support the JCS, was a point in time and since then the councils have declared a climate emergency, there have been key changes in national policy, and it is important that CIL investment is targeted to infrastructure priorities that are relevant, deliverable and meet the demands of the current position of the three partners, individually and jointly.

The 'Infrastructure List'

The inclusion of a project on 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 the projects 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).

Projects Requesting CIL Funding

Local

1. Cheltenham Petersfield Community & Sports Hub (£300k to £617k)
2. Cheltenham Spa Railway Station Enhancements (Honeybourne Line cycle path extension) (£1.3m) – S106/County Council Funding Potential
3. Cheltenham Parks and Green Space Landscape and Recreation: maintenance & investment (£600k) – Section 106 Commuted Sums for long term maintenance and Borough Council funding Potential.
4. Cheltenham central safe cycle hub pilot project (£25k) – Neighbourhood Funding Potential
5. Cheltenham Town Centre Interchange study (£70k) – S106/County Council Funding Potential
6. Cheltenham cycle spine phase 1 Construction Work (£1.3m) - – S106/County Council Funding Potential
7. Cheltenham Cycle Spine Phase 2 (Station to Pittville Park) Design Work (£600k) – S106/County Council Funding Potential
8. Tewkesbury Town Centre and Riverside Public Realm Enhancements (£1.5m) – S106 Funding Potential
9. Tewkesbury Town Centre children's play facilities (£75k) (part of Tewkesbury Borough enhanced play facilities project) - S106/Neighbourhood Funding Potential
10. Hampton Place, Churchdown footpath (£20k) (part of Tewkesbury Borough Active Travel network improvements) - S106/Neighbourhood/County Council Funding Potential
11. Melrose Walk, Mitton footpath (£10k) (part of Tewkesbury Borough Active Travel network improvements) - S106/Neighbourhood/County Council Funding Potential
12. Wheatpieces Woodland Walk footpath (£10k) (part of Tewkesbury Borough Active Travel network improvements) - S106/Neighbourhood/County Council Funding Potential
13. Gloucester to Haresfield Cycle Spine Design Work (£850k) – S106 / County Council / Challenge Funding Potential
14. Gloucester Strategic Transport Interchange connectivity (£2m - £5m) – S106/County Council/Challenge Funding Potential

Shared

15. Recycling services depot (£28.5m split 60/40 between CBC and TBC respectively) – Section 106 Potential
16. Mass Rapid Transit, next business case stage (£2m divided by 3) – S106/County Council/Challenge Funding Potential

The Pipeline

Projects Requiring More Work to Identify Costs:

Local

17. Cheltenham High Street public realm improvements – Section 106 / Neighbourhood / County Council / Challenge Funding Potential
18. Tewkesbury Borough Crematoria / Cemeteries – Section 106 Potential
19. Tewkesbury Borough Bishops Cleeve Leisure Centre - Section 106 /Neighbourhood Funding Potential
20. Tewkesbury Ashchurch Rail Station/Infrastructure Enhancements - Section 106 / Challenge Funding Potential
21. Tewkesbury Garden Town enabling infrastructure - Section 106 / County Council / Challenge Funding Potential
22. Tewkesbury Town Centre enhanced cultural offer – Section 106 Potential
23. Tewkesbury Traffic management in historic core – Section 106 and County Council Potential
24. Tewkesbury Town Centre Business incubator units – Section 106 Potential
25. Tewkesbury Borough EV induction charging infrastructure – Section 106 / Challenge Funding Potential
26. Tewkesbury Borough Active Travel network improvements – Section 106 / Neighbourhood / County Council / Challenge Funding Potential
27. Tewkesbury Borough Community Places creation and improvement - Section 106 /Neighbourhood Funding Potential
28. Tewkesbury Borough Youth Facilities project creation and improvement - Section 106 /Neighbourhood Funding Potential
29. Tewkesbury Borough enhanced play facilities project - Section 106 /Neighbourhood Funding Potential
30. Tewkesbury Borough enhanced sports facilities project - Section 106 /Neighbourhood Funding Potential
31. Gloucester City GL1 Leisure Centre - Section 106 Potential/Neighbourhood Funding Potential

- 32. Gloucester City Oxstalls Sports Park - Section 106 Potential/Neighbourhood Funding Potential
- 33. Blackbridge Community and Sports Hub - Section 106 Potential
- 34. Gloucester Nature Park - Section 106 Potential/Neighbourhood Funding Potential
- 35. Gloucester Crematoria / Cemeteries - Section 106 Potential
- 36. Gloucester Strategic Green Infrastructure - Section 106 Potential/Neighbourhood Funding Potential

Shared

- 37. NHS GP Surgeries - Section 106 Potential
- 38. Expressbus Corridors – Section 106/County Council/Challenge Funding Potential
- 39. Brockworth to Cheltenham cycle link (via Shurdington) – Section 106/County Council/Challenge Funding Potential
- 40. Brockworth to Gloucester cycle link – Section 106/County Council/Challenge Funding Potential
- 41. Gloucester to Hartpury College cycle link – Section 106/County Council/Challenge Funding Potential

Projects not to be funded from CIL

- 42. M5 J10 Scheme
- 43. M5 J9 & A46 Improvement Scheme
- 44. All Education requirements

Format:

The partner councils at the time of drafting this IFS are progressing proposals to set up a CIL Joint Committee. It should be noted that the Joint Committee proposal relates **only** to the strategic element of CIL, the Infrastructure Fund, responsibility for the neighbourhood element of CIL sits wholly with the individual councils. The Joint Committee would be responsible for the allocation of CIL monies using the Infrastructure List as a starting point for consideration.

For information, the Infrastructure List has been compared to the funding available in the three council's Infrastructure Funds, both as is reported in this Infrastructure Funding Statement (December 2023) and in the first 6 months of this financial year 2023/24.

Funding Available

CIL Authority	Regulation 59i Strategic 'Infrastructure Fund'	
	Date	Amount
Cheltenham Borough Council	31/03/2023	£1,199,537.68
	25/10/2023	£2,564,105.08
Tewkesbury Borough Council	31/03/2023	£7,053,286.54
	25/10/2023	£8,058,663.30
Gloucester City Council	31/03/2023	£825,367.24
	25/10/2023	£1,274,784.90
	31/03/2023	£9,078,191.46
	25/10/2023	£11,897,553.28

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Requests for Funding

CIL Authority	Projects seeking funding		
	List	Project	Amount
Cheltenham Borough Council	Local	1.	£617,000.00
	Local	2	£1,310,000.00
	Local	3.	£600,000.00
	Local	4.	£25,000.00
	Local	5.	£70,000.00
	Local	6.	£1,300,000.00
	Local	7.	£600,000.00
CBC Local Sub-total			£4,522,000.00
	Shared	15.	£17,100,000.00
	Shared	16.	£666,666.67
CBC Shared Sub-total			£17,766,666.67
CBC Joint Sub-total			£22,288,666.67
Tewkesbury Borough Council	Local	8.	£1,500,000.00
	Local	9.	£75,000.00
	Local	10.	£20,000.00
	Local	11.	£10,000.00
	Local	12.	£10,000.00
TBC Local Sub-total			£1,615,000.00
	Shared	15.	£11,400,000.00
	Shared	16.	£666,666.67

TBC Shared Sub-total			£12,066,666.67
TBC Joint Sub-total			£13,681,666.67
Gloucester City Council	Local	13.	£850,000.00
	Local	14.	£5,000,000.00
GCC Local Sub-total			£5,850,000.00
	Shared	16.	£666,666.67
GCC Shared Sub-total			£666,666.67
GCC Joint Sub-total			£6,516,666.67
All Councils Local Total			£11,987,000.00
All Councils Shared Total			£32,115,000.00
All Councils Joint Total			£44,102,000.00

Cheltenham Borough Council

Council – 11 December 2023

Adoption of Cheltenham's Animal Welfare Charter

Accountable member:

Councillor Martin Horwood, Cabinet Member for Customer & Regulatory Services

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

All

Key Decision: No

Executive summary:

This report seeks the adoption of a proposed animal welfare charter that aims to set the benchmark for animal welfare standards in the borough. The charter sets out actions the authority will take but also calls on residents, businesses and voluntary organisations to play their part in ensuring animal welfare standards are maintained throughout the borough. The charter also formalises two specific Council motions in respect of animals as prizes and animal welfare issues arising from fireworks displays.

Recommendations:

1. To adopt the proposed Animal Welfare Charter for Cheltenham attached at Appendix 2.
-

1. Implications

1.1 Financial, Property and Asset implications

No financial implications directly arising from this report.

Signed off by: Andy Taylor, andy.taylor@cheltenham.gov.uk

1.2 Legal implications

None arising directly from this report.

Signed off by: Vikki Fennell, Senior Lawyer, Vikki.fennell@onelegal.org.uk

1.3 Environmental and climate change implications

None arising directly from this report.

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

The draft charter applies equally to every citizen, business and visitor to Cheltenham. There are no direct equality, diversity or inclusion implication arising from this report.

1.6 Performance management – monitoring and review

Monitoring and review will be measured in delivering these recommendations and the impact of the welfare charter on improving animal welfare in the borough.

2 Background

2.1 Through the proposed Animal Welfare Charter (“the charter”), Cheltenham Borough Council (“the authority”) aims to set the benchmark for animal welfare standards in the borough.

2.2 The charter confirms the important role the authority plays in maintaining high animal welfare standards through the delivery of its services, ranging from its licensing, enforcement and regulatory functions, pest control services, procurement, decision making, use of green spaces and awareness through its planning function.

2.3 To demonstrate the authority’s role and commitment to this, the charter outlines specific actions that authority will take to promote animal welfare as the local authority.

2.4 However, the charter also acknowledges that high animal welfare standards is not solely the responsibility of the authority. The charter also calls on residents, businesses and voluntary organisations to play their part including a civic duty to draw to the attention of the authority any contraventions of the provisions contained within it.

2.5 More specifically, the charter also formalises two Council motions in respect of animals as prizes and animal welfare issues arising from fireworks displays.

Specific Welfare Standards

2.6 Whilst the charter covers a broad range of activities, cases and circumstances, below is a brief overview of a number of specific issues included:

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- 2.7 Circuses, performances, exhibitions and display of animals on land owned by the authority will generally not be authorised under a land use agreement. The exception to this will be where the authority has no discretion in law (i.e. licensing) or where the owner(s) can demonstrate to the authority's satisfaction high standards of animal welfare for each species.
- 2.8 Giving away of live animals as prizes is prohibited on any land owned by the authority. On private land, where the authority has no formal powers to prohibit the giving away of live animals as prizes to anyone over the age of 16, we will work to discourage the practice.
- 2.9 The authority does not support the keeping of primates as pets.
- 2.10 Hunting is prohibited on land owned by the authority.
- 2.11 The authority has given a commitment to do whatever it reasonably can to rehome stray dogs there is veterinary advice to the contrary.
- 2.12 The authority opposes puppy farming in any form and will do what we reasonably can to encourage responsible pet ownership
- 2.13 The authority will not support the killing of animals unless they present a risk to human health and safety. Where there is a need for the authority to kill and control animals, it will seek to employ safe and humane methods where reasonably possible and practicable.
- 2.14 The authority supports measures and campaigns to reduce the harm caused to animals through the use of fireworks. Recognising the fact that the authority has no formal powers to stop or control the use of fireworks, we will take every opportunity to lobby Government on the issue and to support campaigns that seeks to eliminate or mitigate the effect on animals.

3 Reasons for recommendations

- 3.1 To ensure high levels of animal welfare is maintain throughout the borough of Cheltenham.

4 Alternative options considered

- 4.1 Council can resolve to not adopt the proposed charter. This would weaken the authorities commitment and ability to influence matters of animal welfare in the borough.

5 Consultation and feedback

- 5.1 Informal consultation has been undertaken internally with officers whose service areas touch on matters outlined in the charter.

6 Key risks

- 6.1 As outline in Appendix 1.

Report author:

Louis Krog, Head of Public Protection, louis.krog@cheltenham.gov.uk.

Appendices:

- i. Risk Assessment
- ii. Proposed Animal Welfare Charter

[please add/delete as appropriate]

Background information:

- Motion A : Proposed by Councillor Horwood, seconded by Councillor Harvey, Meeting of Council, Monday, 7th December, 2020 2.30 pm
- Motion Proposed by Councillor Savage, seconded by Councillor Mason, Meeting of Council, Monday, 19th July, 2021

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 Council does not resolve to adopt the proposed charter, it will weaken the authority's position and would lead to an increased risk of reputational damage.	Head of Public Protection	2	4	8	Accept	Approve resolution.	Council	Oct 2023

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Animal Welfare Charter

Cheltenham Borough Council will work with all partners to ensure the welfare needs of animals are met. Welfare will be considered throughout our decision-making processes, business operations, procurement and by influencing others. Legal compliance will be met by way of engagement, education, encouragement and enforcement.

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Introduction

Cheltenham Borough Council (“authority” or “we”) believes it has a moral responsibility to all sentient species and for the protection of our ecosystem and calls upon all members of the public, businesses and voluntary organisations to support this charter and to draw to the attention of this authority any contraventions of the provisions contained within it. High standards of animal welfare are the hallmark of a civilised society. The authority will promote improvements in animal welfare by taking account of animal welfare issues in our operations, procurement, decision-making processes and through influencing other authorities, voluntary welfare groups and government agencies. Almost every area of human life has a direct or indirect impact on animals and as such, the authority will consider how best to avoid or reduce any negative impact on sentient species and on the wider natural environment of which all animals form a part.

In particular, the authority will:

- Support the view that all animals have the right to a life free from cruel treatment and unnecessary suffering recognising that animals are capable of feeling and enjoying a state of wellbeing and equally capable of suffering. They have the right to enjoy five basic needs as set out in the Animal Welfare Act 2006:
 - The need for a suitable environment
 - The need for a suitable diet
 - The need to exhibit normal behaviour
 - Any need it has to be housed with or apart from other animals
 - The need to be protected from pain, suffering, injury and disease
- Administer and enforce the statutory powers we have in respect of animal health and welfare in line with the authority’s corporate enforcement policy.
- Promote development that is truly sustainable, giving full consideration to the welfare of wildlife and animals recognising clearance of native habitats, pollution, and climate change all greatly threaten the very existence of numerous species and ecosystems.
- Continue to fund a dog control service incorporating an animal welfare service.
- Promote responsible dog ownership both by enforcement and education by:

- a robust enforcement regime in cases of non-compliance with local bylaws and legislation.
 - educational campaigns to promote responsible dog ownership and responsibilities regarding clearing up after your dog.
 - continuing to provide dog faeces bins throughout the town and to publicise their use.
- Liaise closely with other enforcement agencies to ensure a co-ordinated approach.
- Take full account of animal welfare issues in day-to-day operations and decision making.
- Respect the concerns of those who have adopted a lifestyle that recognises the many benefits of a vegetarian or vegan diet. We will provide vegetarian and vegan alternatives at our establishments and managed events wherever possible.
- Ensure that all pest control treatments are carried out humanely and by trained and experienced personnel. We will prioritise pest control in the interests of human health and safety and will not kill animals except as a last resort when this is necessary to protect health and safety; we will avoid the use of chemicals or poisons that have the potential to pollute the wider environment or damage nature recovery.
- Oppose the taking or killing of wild animals, or the inflicting of any suffering upon them, subject to the need to control pests and infectious disease.
- Oppose the use of snares and inhumane traps which cause suffering.
- Oppose all forms of farming which cause unnecessary and/or unreasonable distress or suffering; we will work with our Trading Standards colleagues to promote assurance schemes that ensure high standards of animal welfare.
- Promote improvements in animal welfare through the influencing role held by this authority and in association with other organisations.
- Liaise with voluntary welfare groups who operate peacefully within the law.

- Oppose the international shipment of live animals for slaughter and lobby the national government to ban the export and import of live animals for this trade.
- Lobby government departments, professional organisations, local authority associations and others to bring the views of the local community to their attention.
- Publicise this charter.

This charter does not cover every aspect of animal welfare, but it does outline the areas that we consider important in terms of where we can have influence as a responsible and representative public body.

1. Licensing

This authority has a statutory duty to licence certain establishments within the district under various legislation including The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, The Animal Welfare Act 2006, The Dangerous Wild Animals Act 1976 and The Zoo Licensing Act 1981.

Activities requiring licences include:

- Pet Shops
- Dog Breeding Establishments
- Dog and Cat Boarding Establishments (including home boarders and day care)
- Hiring of Horses
- Exhibition Animals
- Zoos
- Owning a dangerous wild animal

We will continue to ensure that authorised officers of this authority, and a qualified Veterinary Surgeon where necessary, inspect these premises to ensure adherence to any licence conditions. Licences for zoos will be issued only when all statutory requirements are met and one of the following justifications can be demonstrated with reputable professional, scientific or academic verification:

- Conservation, research or training;
- Sharing conservation information;
- Captive animal breeding; and

- Helping repopulate or reintroduce species into the wild.

2. Procurement

We will aim to ensure that products and services we procure or purchase are ethically sourced, obtained in a responsible and sustainable manner, taking into account environmental impact and animal welfare practices.

3. Circuses, performances, exhibitions and displays of animals on land owned by the authority

Circuses, performances, exhibitions and displays involving animals on land owned by the authority will not be authorised unless the necessary licences are in place. Where a licence is not required, organisers will be required to demonstrate high standards of animal welfare for each species before we issue a land use agreement for the event.

4. Giving animals as prizes

Under the Animal Welfare Act 2006, it is an offence to sell any animal or give an animal as a prize to anyone under the age of 16 years. We will actively enforce this. It is our policy that the giving away of live animals as prizes to persons of any age is prohibited on any land owned by the authority as part of land use agreement and we will encourage other private premises and landowners to follow our lead.

5. Horse, pony and donkey rides

We will ensure that anyone offering horse, pony or donkey rides is subject to the licensing regime and we will ensure they adhere to any licence conditions, ensuring high standards of care and welfare for the animals involved.

6. Primates

We do not support the keeping of primates as pets. We welcome DEFRA's proposals for banning the keeping of primates as pets and the proposed introduction of a specialist licensing regime.

7. Hunting

Hunting is prohibited on land owned by the authority. We will work with partners and with legal, peaceful voluntary groups to prevent any illegal hunting.

Any hunting of wild game carried out on private land supplying food for human consumption at the primary production level will be in accordance with the statutory guidance issued by the Food Standards Agency for hunters, hunting parties and shooting estates.

8. Stray dogs

The authority has a legal responsibility to deal with stray dogs. All stray dogs will be identified where possible in an attempt to re-unite them with their owners. It is our policy to take reasonable steps to re-home all unclaimed stray dogs after the statutory seven days, unless there is veterinary advice to the contrary. We will give advice and information to owners on the return of their pet.

It is a legal requirement for dogs to wear a collar and tag when in a public place. It is a legal requirement for owners to microchip their pet and to ensure the details are kept up-to-date. In addition to micro chipping, there is the '[DNA protected](#)' service available to owners supported by Gloucestershire constabulary. We will support organisations like Cheltenham RSPCA that provide a micro chipping service.

9. Dangerous dogs

The authority will have due regard to DEFRA's Dangerous Dogs Law: a Guide for Enforcers, and share intelligence to support any police or RSPCA investigation into incidents involving dangerous or aggressive dogs. It is a criminal offence for a dog of any breed to be dangerously out of control. Authorised officers of the authority will investigate reports of irresponsible dog ownership involving dogs not under proper control in a public place and attacks on other dogs.

We will investigate any reports of failures to keep dogs under control or on a lead in a relevant area when asked to do so in areas subject to a Public Space Protection Order (PSPO).

10. Puppy farming

We oppose puppy farming and support the RSPCA in recommending that prospective dog owners only purchase puppies that are seen with their mothers and, if possible, their sires. We would also encourage residents to consider homing a rescue dog rather than a puppy, in an effort to reduce the population of unwanted dogs. We will support national campaigns to raise awareness of issues associated with low welfare and the illegal supply of pets.

11. Responsible pet ownership

We encourage residents to be responsible pet owners and support local animal welfare organisations in their efforts to educate and assist pet owners.

We strongly advise that anyone thinking of getting a pet should have good knowledge of and take professional advice on the care of such animals before getting the pet. Responsible pet ownership should include means of identification (e.g. microchipping), registering with an appropriate veterinarian (for the species), regular health checks, including vaccinations where required, and the safe and hygienic disposal of all animal waste. Pet owners are encouraged to train and control their animals properly to avoid the possibility of them causing annoyance or distress to members of the public or other animals.

12. Animal hoarding

We encourage everyone to report any suspected instances of animal hoarding to us or the RSPCA. Officers who become aware of hoarding behaviours where the needs of an animal are not being met will work with all animal welfare agencies to resolve the issues found.

13. Civil contingency

We realise the importance of pets within family life and have therefore given them full consideration in our emergency planning arrangements. In the event of an evacuation, owners have the option of bringing their pets with them to places of safety or rest centres where an officer will be on hand to arrange suitable, temporary accommodation for their pet as well as safe and secure transport to the arranged destination.

14. Pet sitting services

We encourage responsible pet ownership and recommend that pet owners use only licensed boarding establishments and, if using pet sitting services, take up references, visit the service provider and contact animal welfare organisations for advice on membership of reputable associations.

15. Horses

We support the Trading Standards team at the Gloucestershire County Council in their role in enforcing the Equine Identification (England) Regulations 2018 which requires all horses to be identified with a microchip and passport and accompanied by their identification at all times. [Horse owners are encouraged to comply with legal obligation to keep the relevant details of their horse up-to-date.](#)

We will support and encourage Cheltenham Racecourse, the Jockey Club and the British Horseracing Authority in their work to continually improve horse welfare and safety, including making changes to the visibility and safety of courses and jumps, strictly limiting the use of the whip and providing for the retirement of thoroughbred racehorses.

The Control of Horses Act 2015, and the Animals Act 1971, deals with fly grazing and abandoned horses. As a landowner, we will not allow tethering of any horse or ponies on our land unless it is for short periods of time and only to allow the animal to have access to grazing. We do not seek to define what we mean by “short periods” because each case will be determined on its individual merits. However, as a general guide, tethering must be kept to an absolute minimum period of time, for grazing purposes only and for the remainder of the day, the horses and/or ponies should have access to shelter and a space to run free.

We do not oppose an animal being tethered for short periods, e.g. for grooming, having a short break in a journey or working period, or in a field whilst boundary fencing is being installed or repaired. In all cases, lawful authority of the landowner is required and we remind owners that a tethered horse requires all its welfare needs to be met including adequate feed, water and the protection from pain. Under no circumstances should a horse less than two years old be tethered. We will work with the Police and the RSPCA on cases of neglect and abandonment.

16. The control of animals released into the wild

We are concerned at the potential threat to British wildlife, pets, people and ecosystems by the release of invasive alien animal species into the wild. We will provide advice and education to those owning or selling animals under the licencing regime and will work with Natural England and partners so that appropriate controls can be implemented. Retailers are prohibited from selling invasive alien species and they must not be used in exhibition or shows with public interaction.

17. Traps and snares

We support alternative and humane methods of pest control to remove unwanted animals or insects without killing them except in very exceptional circumstances where:

1. such alternative methods are unavoidable, impractical and/or ineffective;
2. there is a statutory requirement in law; and/or
3. there is a risk to public health and/or safety.

We encourage the Government to strengthen legislation and codes of practice on the use of harmful and inhumane snares and traps to reduce the suffering of target species and the capture of non-target species. We support the use of education to ensure best practice.

18. Angling

Anglers over the age of 13 must hold a valid rod licence. All anglers must comply with national and regional byelaws which protect freshwater fish and their habitats. All anglers on land owned by the authority require permission from our parks team. Fishing in Pittville Park requires an in season day permit available from the Boathouse. A closed season is supported to allow stocks to regain condition and spawn and to allow resident wildlife to raise their young with little disturbance.

Research has shown that fish are sentient and not only feel but also respond to pain. When issuing permits we give rules to anglers to ensure the welfare of fish. Anglers must follow these fishing rules at all times.

Our Park Rangers and Neighbourhood Officers will work together to ensure the fresh water fishing rules are complied with within all lakes within the parks.

We consider the safe disposal of fishing tackle as essential to prevent injury to both domestic and wild animals. The authority encourages the use of the [Anglers National Line Recycling Scheme](#).

19. Pest control

We will not seek to kill or control animals or pests purely for profit or commercial gain. We will only kill or control animals or pests where there is a statutory duty or where they pose a risk to human health and safety.

We will promote and support the use of safe and humane methods of pest control. We will not use glue traps, which can cause unnecessary suffering to rodents. Householders are encouraged to seek professional advice on pest control rather than using over the counter preparations. This will prevent harm to non-target species. We provide a Pest Control service to households to ensure that an affordable, professional and safe treatment is readily available.

20. Pigeons

Overpopulation of pigeons in built up areas can cause health and safety problems. The authority encourages the safe and hygienic disposal of all residential and commercial waste to prevent such overpopulation. Where populations have to be controlled, only humane methods will be used with the appropriate licence in place.

21. Gulls

We will provide advice to residents and businesses on how to deter gulls and reduce the problems that may arise. The predominant species in Cheltenham are the herring gull and the lesser backed gull. It is an offence under the Wildlife and Countryside Act 1981 to intentionally injure or kill any bird, including gulls and they and their nests are protected by law. Disturbing the birds at or close to their nest or their dependent young is an offence which the authority will report to the police. In exceptional circumstances and as a last resort where populations need to be controlled for reasons of public health and safety then this will be done in accordance with any licence issued by Natural England.

22. Foxes

The authority does not control the population of foxes and discourages the killing of foxes. We will work with partner agencies in the event of any reports of sick or injured foxes or any wildlife crimes.

23. Pollinators and other Invertebrates

We recognise that insect pollinators and invertebrates perform a vital function in our ecosystem, and we will not purposefully destroy them or their habitats. In addition to pollination invertebrates also help clean our waters, create and maintain our soils, cycle carbon and provide food for the birds and mammals we love. It is recognised some invertebrates are considered pests, but they are also food for other invertebrates and mammals therefore given a supported ecosystems and time pests can be subject to natural biologically control and the ecosystem can balance out. Pollinators (including wasps) and other invertebrates will only be targeted for destruction in exceptional circumstances where there is a risk to human safety, where the ecosystem is unbalanced, and intervention is required to save a specific habitat or where planning requirements demand a change in habitat thereby causing an incidental loss.

We will be proactive in supporting work, initiatives and campaigns that will enhance the natural habitats of pollinators and other invertebrates including, but not limited to, community

gardens, allotments, flower-rich parks and green spaces, composting projects, mulching, habitat maintenance, reducing mowing and avoiding use of harmful chemicals.

24. Planning

We are committed to using the planning system to ensure that animals, plants and their habitats and ecosystems are protected and positively promoted especially those species which are at risk in accordance with their protected status and in view of the growing threat of climate change. As a landowner and regulator, we will aim to be a national exemplar in delivering nature recovery and climate change adaptation including meeting and wherever possible exceeding national targets for Biodiversity Net Gain.

We will ensure developers avoid loss of habitat, before during and after the planning application process, and will work with partners to promote nature recovery. We will protect and promote wildlife habitats, especially for protected and vulnerable species, and take action to deter and punish those who destroy such habitats.

25. Use of pesticides and herbicides

We are reducing our use of pesticides and herbicides in the public realm and employing alternative mechanical and manual methods to control weeds. We encourage other land managers to do the same. Herbicide is used where controlling weeds solely by mechanical or manual means on a large scale is not practical. We may also use herbicides to control invasive, persistent or notifiable weed. We encourage tolerance of naturally occurring vegetation where it is not causing nuisance or damage and acknowledge the benefit to biodiversity (particularly pollinating insects) of plant diversity and naturally occurring plant communities.

26. Litter

Apart from being unsightly, litter can cause great harm to both domestic and wild animals. This authority requires that all litter is disposed of safely in the waste facilities provided throughout the borough. We will strictly enforce littering offences through fining persistent offenders and/or those who refuse to pick up litter when directed by an authorised officer.

27. Livestock/farm animals

We believe that the live export of animals intended for food is not necessary and that the slaughter of animals should take place as close to where they are reared as possible. We support the role of Trading Standards in enforcing roadside checks of livestock in transit to

ensure compliance with legislation designed to protect animal welfare. We support police action with regards to the enforcing of speed restrictions and checks of vehicles transporting live animals.

Gloucestershire Trading Standards enforce the legislation designed to protect livestock and farm animals from cruelty and avoidable pain and distress. For animal welfare livestock complaints call 01452 887667 or email tradingstandards@gloucestershire.gov.uk for out of hours emergencies call 03000 2000301 and ask for the duty vet. We will work with the Food Standards Agency to ensure any on farm slaughter has the necessary approval and any domestic slaughter is carried out humanely.

28. Cruelty to animals

Those dealing with children or vulnerable adults who have suffered physical and or mental abuse recognise that there is a link between animal and people cruelty. We and our animal welfare partners are members of the Gloucestershire Animal Welfare Technical Sub-Committee. The Committee formed an agreement in April 2014 that all information relating to animal neglect where there are children or vulnerable persons also present at the property, or vice versa, will be shared between the relevant authorities.

We encourage the Government to support all research by other agencies on the link between animal and child and or vulnerable adult abuse in an effort to reduce both animal cruelty and serious crime.

29. Fireworks, balloons & lanterns

We support all actions which reduce the harm caused to animals by fireworks, releasing balloons and/or lanterns. We will not allow land owned by the authority to be used for fireworks and releasing balloons and/or lanterns.

We support campaigns by the RSPCA and others to educate people in firework use, discourage the most polluting and loudest fireworks and support greater regulation of their use. We will highlight such campaigns throughout our events process. In particular we would welcome the introduction of legislation to limit the permitted noise level to 90dB, limit the sale of fireworks to specified dates in the calendar, introduce a licensing system for the purchase and sale of fireworks by members of the public and introduce firework control zones in vulnerable areas.

Where possible, we request those planning to let off fireworks either use silent ones or notify their neighbours well in advance of the event. Display organisers are encouraged to consider the benefits of drone light displays or other alternatives instead of conventional fireworks. We actively encourage the responsible use of fireworks around animals in accordance with guidance issued by Defra and which is supported by the Blue Cross.

30. Authorised officers

In addition to officers generally authorised to enforce legislation specified in this charter, the authority has Environmental Health Officers (EHO) specifically trained and authorised as Animal Welfare Inspectors under Section 51 of the Animal Welfare Act 2006. In conjunction with partner agencies, they will investigate any reports of animal at licenced and unlicensed premises.

For more information please contact:

Public Protection

Municipal offices

Promenade

Cheltenham

GL50 9SA

Telephone: 01242 26 2626

Email: envhealth@cheltenham.gov.uk

Cheltenham Borough Council

Full Council –11th December 2023

Carbon Report: Financial Year 2022/23

Accountable member:

Cllr Alisha Lewis, Cabinet Member for Climate Emergency

Accountable officer:

Maizy McCann, Climate Emergency Officer

Ward(s) affected:

All

Key Decision:

No

Executive summary:*Emission categories and report scope*

Carbon emissions are a direct result of organisational energy use and procurement activities. These include scope 1, 2 and 3 emissions, as seen in table 1 below.

Category	Description	Source	Total (tCO ₂ e)	% Reduction from prior year
Scope 1	Direct emissions as a result of burning fossil fuels	Gas usage within Council, Ubico, Cheltenham Trust sites, miscellaneous properties & vehicle fleet gas/fuel use	1400.3	- 39.2%
Scope 2	Indirect emissions from purchasing energy for operations	Metered electricity use for Council, Ubico, Cheltenham Trust sites & miscellaneous properties.	781.8	+0.4%
Scope 3	All other quantifiable indirect emissions produced in relation to the organisational activity	Staff commuting & business travel, water usage, procurement, 50% of airport electricity & ground operations, transmission & distribution of electricity	7772.1	- 9.9%

This Carbon Report calculates carbon emissions for the financial year 2022-23 covering CBC's own emissions, borough wide emissions are not included in the scope of this report.

Emissions trajectory

To get to net zero by 2030, using a straight-line trajectory, CBC would need to reduce emissions by an annual average of 14% from 2023 to 2030. Whilst the report demonstrates emission reductions of 15% compared to the year 2021/22, it is unlikely emission will continue to reduce at the same pace throughout. It is therefore essential that CBC maintains its commitments and clear corporate objectives around carbon reduction year on year, as the challenge of finding pathways to do so becomes more significant.

Scale of the challenge

Even though carbon emissions are currently reducing in line with the Council's net zero target, this report illustrates the scale of the challenge. The primary focus is the reduction of scope 1 and 2 emissions to almost nothing, and to explore the viability of compensating for the remaining emissions through mechanisms such as carbon-offsetting. Although efforts will be made to reduce our Scope 3 emissions as much as possible, this is an area where the organization has less direct control. CBC's clear priority has to be ensuring that emissions within the control of the authority are reduced, whilst demonstrating internal and town-wide community leadership to encourage others to take on this important work within their spheres of influence.

Report highlights -

The report demonstrates that total scope 1 emissions have reduced by 903.6 tCO₂e (39.2%) compared to the previous year, and 1923.5 tCO₂e (57.9%) compared to the baseline. Total scope 2 emissions have increased 3 tCO₂e (0.4%) compared to the previous year and reduced 85.8 tCO₂e (9.9%) compared to the baseline, as fossil fuel use is transitioned largely to electricity use.

Diesel usage in the Ubico fleet is identified as our highest scope 1 emissions source. The transition to hydrogenated vegetable oil (HVO) as a fuel, alongside fleet electrification, has reduced emissions by 278.6 tCO₂e, equivalent to a 2.8% decrease in total emissions.

The Cheltenham Trust gas use is a material element in scope 1 emissions and the electricity consumption in the buildings operated by the Trust is the highest emission source for scope 2. Now that the authority has the more comprehensive understanding of Trust emissions it sought following the previous report, reducing this portion of our footprint will be a key priority moving forward.

As grid electricity continues to cost more than gas, energy efficiency measures combined with judicious electricity generation projects will simultaneously support net zero and reduce high energy costs. Achieving our net zero ambitions will also play a key role in reducing the council's overheads and supporting the long-term financial viability of the council and its services. Underpinning the current carbon emission trends, the report summarises recommendations for further work to address the Council's decarbonisation actions. There are current, ongoing projects which should reflect emission decrease for the year 2023/24.

Recommendations:

- 1. To put together a 2030 Net Zero Delivery programme, outlining costing against key priority items, that highlights the steps for addressing emission reduction across scope 1 and 2 emissions, alongside a robust plan to address mitigation of any residual emissions.**

2. To identify capability gaps across the organisation and propose a revised structure within the climate & flooding team to sustain delivery against the plan.
 3. To identify a risk management programme for climate and flooding risks, alongside review of the Climate Impact Assessment to support its efficacy as a decision-making tool.
-

1. Implications

1.1 Financial, Property and Asset implications

Scope 1 and 2 carbon emissions arise as a direct result of energy consumption, which form the Council's operational buildings associated carbon footprint. In the light of persistent high energy costs, efforts should be focused on driving down consumption through improved energy efficiency measures, exploration of the cost effectiveness of how carbon heat projects and the potential for private wires renewable generation projects, where appropriate, to drive down electricity costs and emissions simultaneously.

Achieving net-zero in our portfolio relies on substantial capital investment. Individual property emissions are detailed in the summary report, to support further work in targeted reduction plans for each asset. For the most part, working towards reducing carbon emissions will mean long term financial savings but will require upfront investment on an invest to save basis. Funding bids will be supported by robust business cases, detailing investment payback time, based on annual reduction in utility cost.

The procurement of goods and services has been the highest source of emissions since 2020. This assessment is based on the total monetary value of goods and services procured. It does not account for individual contractor emissions. Therefore, using this methodology the only way to report a reduction in emissions, would be to reduce the total annual spend. Further consideration will be made for best practice in these areas, to address emissions.

Cheltenham Borough Homes (CBH) has calculated and will report on its carbon emissions, which will include CBC's housing stock, 1.20% of the Municipal Offices, 9.52% of the Depot and 56.11% of Oakley Community Centre. After the transition to bring CBH's services in house has been completed, a decision on how to move forward when calculating and addressing CBH/CBC's carbon emissions in detail will be required.

Signed off by: Gemma Bell, Head of Finance and Assets, Gemma.Bell@cheltenham.gov.uk

1.2 Legal implications

None arising directly from the report. When future specific projects or actions are taken to implement the agreed and published 'net zero by 2030' commitment, further legal advice and support may be required, and officers will consult with One Legal on a case-by-case basis.

Signed off by: One Legal, legalservices@onelegal.org.uk Tel: 01684 272260

Environmental and climate change implications

This report is fundamental to ensuring that the authority is effectively and transparently monitoring and reporting on organisational progress towards the achievement of our net zero carbon by 2030 target.

Signed off by: Maizy McCann, Climate Emergency Officer, maizy.mccann@cheltenham.gov.uk

1.3 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Working with residents, communities and businesses to help make Cheltenham #netzero by 2030
- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.4 Equality, Diversity and Inclusion Implications

There will be no direct implications from the reporting of the carbon footprint on equality or discrimination, although we recognise that climate change is likely to have a disproportionate impact on those with protected characteristics, and those on low incomes, so this needs to be borne in mind when framing our responsive and mitigating actions.

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

1.5 Performance management – monitoring and review

Each financial year the annual carbon footprint will be calculated and reported. Analysis of the results will underpin CBC's progress towards its net zero target and any required changes to our action planning. Review of data collection and carbon calculating methods will occur to ensure that the most accurate and best available estimates are reported.

The report annual carbon emissions form part of the organisations key performance indicators.

2 Background

2.1. Cheltenham Borough Council has a key leadership role to play in tackling climate change by reducing carbon emissions from its in-house services, those which CBC directly control, and by working with others in the borough to lower district-wide carbon emissions. The council has set out clear and transparent aspirations and a commitment to help tackle climate change by:

- Declaring a climate emergency in 2019 and committing to strive towards reduce both in-house and borough-wide emissions to net-zero by 2030;
- Publishing the Carbon Neutral Cheltenham report in 2019;
- Publishing a full Climate Emergency Action Plan, detailing an associated framework to becoming a net zero Council and Borough by 2030;
- Launching a Climate Impact Assessment Tool for ensuring all proposals and projects the Council undertakes consider their social and environmental impacts.

3 Reasons for recommendations

- A 2030 Net Zero Delivery programme will provide clarify costs & steps to deliver scope 1 and 2 emission savings to support decision making and funding..
- Addressing key capability gaps across the organisation within a revised structure in the climate and flooding team will enable greater progress in key areas that can deliver material emission reduction and cost savings simultaneously.
- Identifying a full risk management programme for climate and flooding risks, alongside review of the Climate Impact Assessment will help prioritise key actions and improve decision making..

4 Alternative options considered

4.1 There are no other reasonable alternative options to measuring carbon emissions.

5 Consultation and feedback

5.1 This report has been written with internal consultation with Debbie Baker and Councillor Alisha Lewis.

5.2 No public consultation needed.

6 Key risks

6.1 Financial risk – an assessment of the financial implications related to carbon reduction project is needed. This will mitigate the risk though effective programme management.

6.2 Financial risk – Find best practice examples of methodology and how other councils tackle their scope 3 procurement emissions as these are notoriously difficult to address. The current method is linked to overall cost.

6.3 Technology risk – Some technological solutions are in their early stages.

6.4 Capability risk – Use training and develop, alongside assessing team structure to address key knowledge gaps within the climate team and wider organisation.

6.5 Legislative/Policy risk – Central government underpinning funding mechanisms to tackle borough wide emissions are subject to changes.

Report author:

[Maizy McCann, Climate Emergency Officer, maizy.mccann@cheltenham.gov.uk.]

Appendices:

- i. Risk Assessment

Background information:

- [The Carbon Neutral Cheltenham report](#)
- [Climate Emergency Action Plan – pathway to net zero](#)
- [Corporate Plan – 2023 to 2027](#)

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
1.1	Financial Risk (scope 1 & 2 emissions): The financial implications of scope 1 and scope 2 carbon reduction projects needs to be assessed and resourced. Insufficient capital and revenue funding to support carbon reduction activities will slow progress and the council's 2030 net zero ambition may not be achieved.	Finance				Mitigate risk through effective programme management approach.	Develop a costed carbon reduction plan to 2030 which can then be underpinned by a funding strategy alongside a plan to address residual emissions through robust offset.		
1.2	Financial Risk (Scope 3 emissions): As is the case with most organisations, scope 3 supply chain emissions make up nearly 80% of total emissions, but are notoriously difficult to address due to a combination of low influence and the difficulty of quantifying improvement.	Procurement				Consider high level options, looking at best practice in other sectors and councils.	Consider the options available to monitor and address emissions.		

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 methodology CBC uses won't allow Scope 3 emission reduction tracking; currently this only linked to overall cost reduction.								
1.3	Technology Risk (Scope 1 emissions & borough wide emission plans) Some net zero solutions are not yet available, or technology is nascent and unreliable/ unaffordable. This risk is increased due to the early target as technology in some areas remains early stage.	Climate Team				Seek interim transitional solutions where technology approach remains.	Use GCC Climate Leadership network to horizon scan for solutions where early adoption can outweigh climate disadvantages.		Page 305
1.4	Capability Risk (Scope 2, Scope 3 & Borough Wide Emissions) Knowledge gaps around climate change exist across the organisation.	Climate Team				Training & Development Address capability gaps in the organisation structure.	Propose organisation structure that fills key gaps around energy knowledge & capability within the proposal to address climate & flooding team structure.		

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
1.5	Legislative /Policy Risk: Cost of living crisis, coupled with governmental priorities in the lead up to the election, imperil policy changes (underpinned by funding mechanisms) required to address borough wide emission reduction by 2030.	Climate Team				Seek to influence development of key enabling policies and funding mechanisms.	Work with GCC Climate Leadership team and other interested parties to influence government regarding legislative and policy barriers.		

Introduction

Cheltenham Borough Council (CBC) declared a climate emergency in 2019 and committed to becoming a net zero council by 2030. This means that greenhouse gas (GHG) emissions relating to the council's production and consumption activities will need be reduced to almost zero. The primary focus is the reduction of scope 1 and 2 emissions, and to explore the viability of compensating for the remaining emissions through mechanisms such as carbon-offsetting. Although efforts will be made to reduce our scope 3 emissions as much as possible, this is an area where the organization has less direct control.

Currently, there is no requirement for Local Authorities to report on their organisational carbon footprint. CBC, however, is committed to its net zero aims and the actions detailed in the Climate Emergency Action Plan and as part of this, publishing our annual carbon footprint. The emissions in this report are related to annual in-house consumption activities such as energy, fuel, and water. Calculating these emissions provides clarity around progress towards the CBC target. A clear plan to 2030 with costs and milestones to address the residual emissions for scope 1 and 2 with mitigation for residual emissions, alongside a strategic approach to address scope 3 emissions will be required.

Carbon dioxide (CO₂) emissions are the primary driver of global climate change. There are several less well-known greenhouse gases such as methane (CH₄), nitrous oxide (N₂O), and hydrofluorocarbons (HFCs). These various greenhouse gases have different global warming potentials in the atmosphere which, for ease, are converted into a single metric of carbon dioxide equivalents (CO₂e). This unit of measurement will be utilised throughout this report.

In line with the Department for Energy Security and Net Zero (DESNZ, 2023) reporting guidance, the collated emissions are categorised into Scope 1, Scope 2 and Scope 3 emissions as detailed below:

Table 1: Definition of Scope 1, 2 and 3 emissions.

Category	Description	Source
Scope 1	Direct emissions as a result of burning fossil fuels	Gas usage within Council, Ubico, Cheltenham Trust sites, miscellaneous properties and vehicle fleet gas/fuel use
Scope 2	Indirect emissions from purchasing energy for operations	Metered electricity use for Council, Ubico, Cheltenham Trust sites and miscellaneous properties
Scope 3	All other quantifiable indirect emissions produced in relation to the organisational activity	Staff commuting & business travel, water usage, procurement, 50% of airport electricity and ground operations, transmission and distribution of electricity

CBC is liable for the emissions relating to a diverse range of properties. Cheltenham Trust sites include Cheltenham Town Hall, Pittville Pump Room, Leisure at Cheltenham, Prince of Wales Stadium and The Wilson Art Gallery & Museum. Smaller sites in CBC's portfolio include public toilets, pavilions, car parks, fountains, and other miscellaneous properties. CBC is currently responsible for purchasing the energy and water for these properties. The water supplier currently used is Water Plus, the main electricity supplier is Drax, and gas supplier is Corona. The miscellaneous properties which CBC is liable for vary year to year and only properties with annual energy payments of over £1,000 were considered in the emissions total. There are several energy suppliers for these sites.

Ubico Ltd has been responsible for the borough's household waste and recycling service since April 2012. This company itself is owned by several authorities, including CBC. The emission calculations in this report account for the fleet fuel use operating in the Cheltenham Borough, and energy and water supply at the depot and main site.

The waste and treatment considered is only the organisational waste produced by staff in the Municipal Offices. The refuse waste is collected by Ubico and treated at an 'energy from waste' site (Javelin Park). Food waste collections during this period were managed by Keenan recycling ltd and processed at an anaerobic digestion facility converting food waste to biogas. Cardboard, paper, drinks cans, plastic bottles, and mixed glass is managed by Printwaste, recycled in a closed loop process.

CBC has a 50% shareholding in Gloucestershire airport. Half of the emissions related to the site's electricity use, and ground fleet fuel use, have been accounted for by CBC. Fuel and energy data is current for the reporting year. **Cabinet Member Note:** Further details will be disclosed prior to the 11th of December (Council reading of this report) which may be relevant for member decision making in this area.

Operational emissions relating to Cheltenham Borough Homes (CBH) and the social housing stock is accounted for separately from this report, and therefore, the related activity has not been included in this year's totals. In cases where a property has a shared liability, the percentages below state which organisation accounts for what amount. Emission reported in previous years have been revised to reflect CBH reporting separately. The 2022 – 2023 carbon emission report for CHB is included as Appendix 2. With CBH's services being combined to form one organisation, further consideration will be required regarding the:

- a) approach to calculating the CBC/CBH's carbon emissions moving forward.
- b) a review of the scale and ambition associated with CBH emission reduction trajectory and plan.

Table 2: Percentage of CBC and CBH property liability.

	CBH	CBC
Municipal Offices	1.20%	98.8%
The Depot	9.52%	90.48%

Results:

The carbon emissions detailed in this report have been calculated using the 2022 UK Government GHG Conversion Factors¹. Activity data, from April 2022 to March 2023, is multiplied by the relevant emission conversion factor, to calculate GHG emissions, which is then converted into tonnes of CO₂e. Full emissions breakdown is available in Appendix 1.

Total emissions:

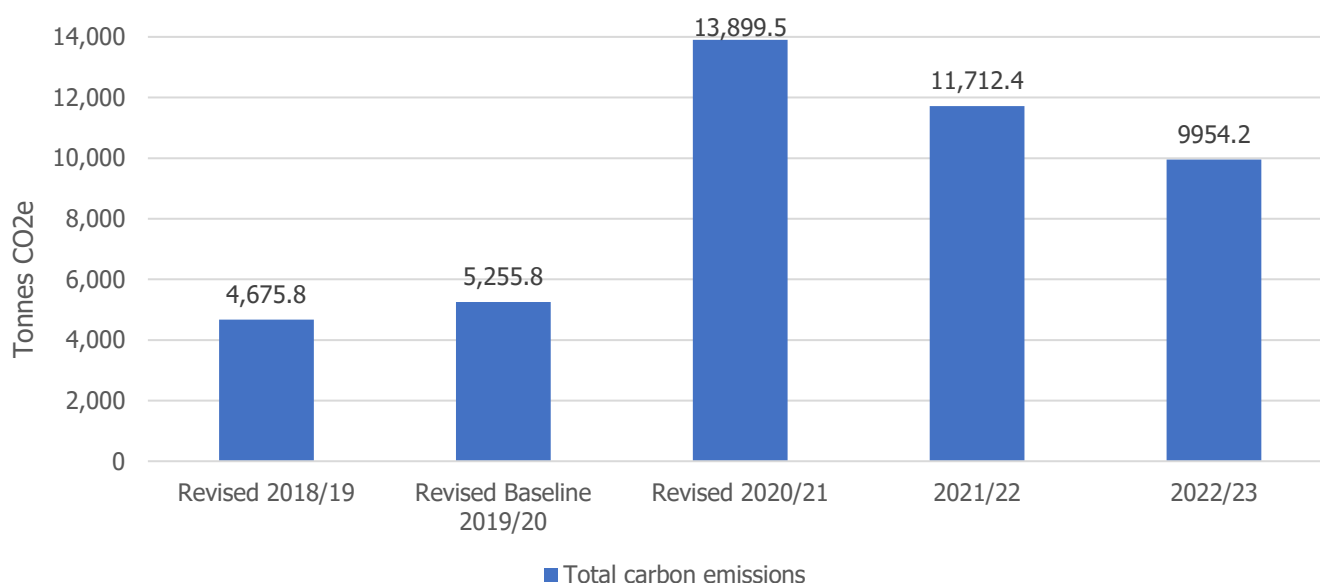


Figure 1: Total emissions from 2018 to 2023.

Progress analysis:

Progress is measured relative to the revised 2019/20 emission baseline. This decision was made based on it being the year with the most complete and accurate data set, unaffected by the Covid-19 pandemic. The revised baseline figure of 5255.8 tCO₂e includes scopes 1, 2 and 3 emissions.

The 2022/23 annual emissions are 15% (1758.2 tCO₂e) lower than the previous year. However, declared emissions have increased by 89% (4698.4 tCO₂e) compared to the baseline year. This increase is largely due to the more thorough and accurate calculations now being used for measuring procurement emissions. Other increases can be attributed to the gathering of data, which is now more specific to CBC and its partner organisations, and less based on national averages. This will be explained within the individual scope analysis.

We believe it is essential to continuously seek the most accurate understanding of our carbon footprint, including by collecting more data and switching to local measures versus previous 'stand-in' national averages, even if this makes benchmarking year on year slightly more difficult. We hope that members appreciate the additional, more accurate, detail.

¹ <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2022>

To get to net zero by 2030, using a straight-line, CBC would need to reduce emissions by an annual average of 14% from 2023 to 2030. Whilst the report demonstrates emission reductions of 15% compared to the year 2021/22, it is unlikely emission will continue to reduce at the same pace throughout. It is therefore essential that CBC maintains its commitments and clear corporate objectives around carbon reduction year on year, as the challenge of finding pathways to do so becomes more significant. Even though carbon emissions are currently reducing in line with the Council's net zero target, this report illustrates the scale of the challenge.

Scope analysis:

In this section individual scope results will be illustrated.

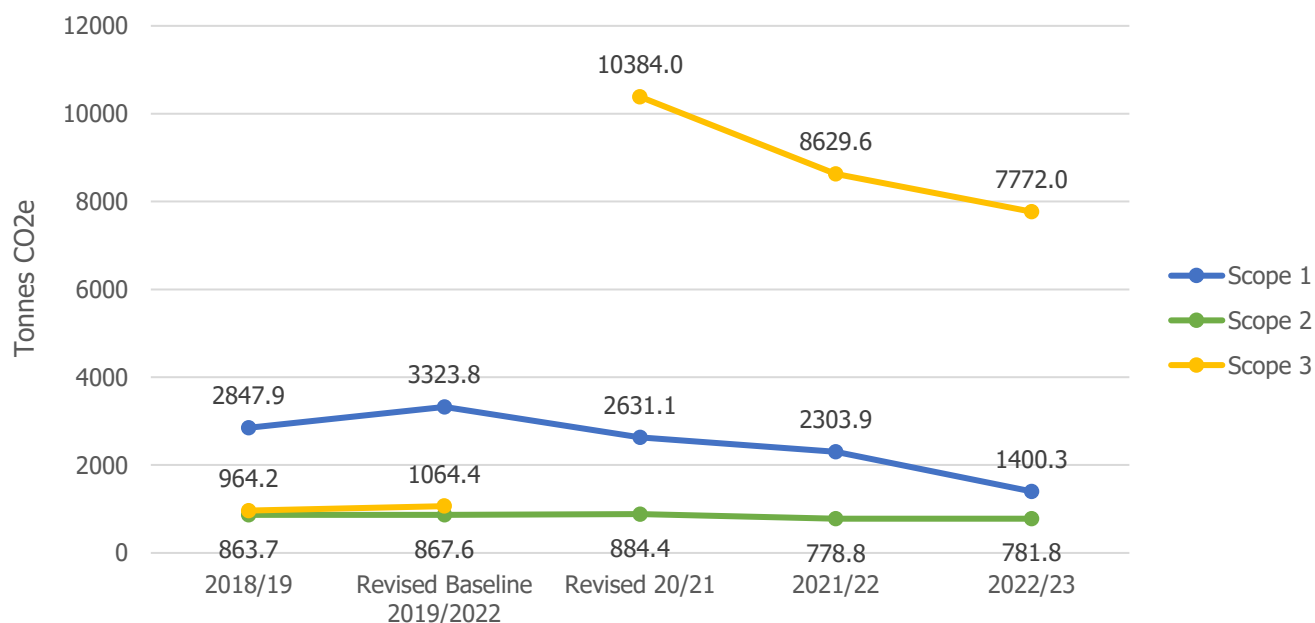


Figure 2: Individual scope comparison from 2018 to 2023.

Scope 1:

Table 3: Source specific breakdown for change in Scope 1 emissions, comparing against prior year in tCO2e and percent, rounded up to 1 significant figure.

Emission source	tCO2e compared to previous year	Percentage change compared to previous year
Council gas	-108.2	-33.8%
Council fleet diesel	+6.8	+61.7%
Council fleet petrol	-6.8	-46.6%
Cheltenham Trust gas	-378.9	-45.8%
Ubico & Depot gas	-29.2	-27.4%
Ubicio& Depot fleet diesel	-278.6	-32.1%
Ubico & Depot fleet petrol	-6.1	-28.6%
Ubico & Depot gas oil	-115.4	-97.0%
Ubico HVO	Not previously included	Not previously included
Miscellaneous Properties Gas	+8.3	+53.9%

Table 4: Source specific breakdown for change in Scope 1 emissions, comparing against baseline year in tCO₂e and percent, rounded up to 1 significant figure.

Emission source	tCO ₂ e Compared to baseline year	Percentage change Compared to baseline year
Council gas	-154.6	-42.1%
Council fleet diesel	+7.4	+71.1%
Council fleet petrol	-10.5	-57.5%
Cheltenham Trust gas	-851.0	-65.5%
Ubico & Depot gas	-23.9	-23.6%
Ubico & Depot fleet diesel	-804.6	-57.7%
Ubico & Depot fleet petrol	-8.2	-35.1%
Ubico & Depot gas oil	-76.7	-95.6%
Ubico HVO	Not previously included	Not previously included
Miscellaneous properties gas	-6.1	-20.5%
Total Scope 1	-1923.5	-57.9%

The total of all scope 1 emission sources, shows a decrease of 903.6 tCO₂e, compared to 2021/22 and 1923.5 tCO₂e compared to the baseline year (Table 3&4). The specific emission sources to note are:

- As the Building Management System provides data from which to drive cost savings and energy efficiency measures, continued gas use reductions are expected.
- Replacement of a gas boiler with an electric boiler at the Municipal office has led to a reduction in Council gas use.
- 92% of the decrease in Cheltenham Trust gas is accounted for at the site, Leisure @ Cheltenham. The gas-fired Combined Heat Power (CHP) unit was non-functional for most of this reporting year. Though less gas is being consumed at the site, electricity use has increased in its place (Table 5).
- From April 2022 legislative measures² were introduced in the UK to restrict the use of red diesel (referred to as gas oil in this report), this has resulted in the increase of diesel usage.
- The transition in from petrol to electrical grounds equipment has resulted in a decrease in petrol use.
- The transition to hydrotreated-vegetable oil (HVO) fuel and electrification of a portion of the Ubico fleet has decreased diesel and petrol use.
- Change in occupancy at a CBC owned site accounts for increase in miscellaneous property gas usage. This will vary year to year.

Scope 2:

Table 5: Source specific breakdown for change in Scope 2 emissions, comparing against prior year in tCO₂e and percent, rounded up to 1 significant figure.

² <https://www.gov.uk/government/publications/reform-of-red-diesel-entitlements/reform-of-red-diesel-and-other-rebated-fuels-entitlement>

Emission source	tCO ₂ e compared to previous year	Percentage change compared to previous year
Council electricity	-17.6	-9.2%
Cheltenham Trust electricity	+8.7	+1.8%
Ubico electricity	+25.7	+36.0%
Recharged properties electricity	-3.5	-38.1%
Miscellaneous properties not included Electric	-10.3	-42.1%
Total scope 2	+3	+0.4%

Table 6: Source specific breakdown for change in Scope 2 emissions, comparing against baseline year in tCO₂e and percent, rounded up to 1 significant figure.

Emission source	tCO ₂ e compared to baseline	Percentage change compared to baseline
Council electricity	-63.4	-26.8%
Cheltenham Trust electricity	-28.3	-5.4%
Ubico electricity	+1.7	-1.8%
Recharged properties electricity	-10.0	-63.6%
Miscellaneous properties not included Electric	Not previously included	Not previously included
Total scope 2	-85.8	-9.9%

Against the 2019 baseline, overall electricity has increased 0.4% compared to the prior year and decreased 9.9% compared to the baseline (Table 5&6). Comments on the individual electricity uses are:

- Electricity purchased from Drax is supplied by renewable sources such as wind, bioenergy, photovoltaic and hydropower from the UK and Europe. This is backed by Renewable Energy Certificates and Renewable Energy Guarantees of Origin certificates. The figures presented are calculated on the 'location based' basis, which use grid-averages to present full emissions. If a 'market based' reporting method was adopted, emissions relating to electricity purchased from Drax would be 0 tCO₂e³.
- An increase in Ubico electricity can be attributed to the transition to electric vehicles, which are charged at the site.
- The year 2022/23 was the first full year of operational running and event programming to include Cheltenham Festivals events post-covid. There have been additions such as the Heritage Café at Pittville Pump rooms and The Garden Bar in Imperial Gardens. This accounts for the increase in electricity use for Cheltenham Trust sites.
- Important to note that there is a considerable decrease in electricity use when compared to the baseline year.
- When considering the actions needed to decarbonise CBC's portfolio, this heavily relies on large scale electrification of activity and the decarbonisation of the national electricity

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/850130/Env-reporting-guidance_inc_SECR_31March.pdf

grid. It is reported⁴ that a fully decarbonised system is possible by the year 2035, however current rates of delivery and deployment of infrastructure need to be accelerated.

Scope 3:

Table 7: Source specific breakdown for change in Scope 3 emissions comparing against prior year in tCO₂e and percent, rounded up to 1 significant figure.

Emission source	tCO ₂ e compared to previous year	Percentage change compared to previous year
Mileage claims	+2.9	+38.4%
Rail travel	+0.1	NA
Council electricity (T&D)	-1.04	-6.16%
Miscellaneous (T&D)	-0.88	-40.1%
Twinning travel	0	0
Commuting (based on travel survey 2022)	-2.15	-2.9%
Waste	-0.80	-92.5%
Water from Council properties	+1.85	+43.5%
Cheltenham Trust electricity T&D	+2.24	+5.2%
Recharged properties electricity T&D	-0.3	-36%
Ubico electricity (T&D)	+2.6	+40.6%
Purchasing of goods & services	-874.1	-10.4%
50% airport emissions from ground operations	+12.1	+36.7%
Total scope 3	-857.6	-9.9%

Table 8: Source specific breakdown for change in Scope 3 emissions comparing against baseline in tCO₂e and percent, rounded up to 1 significant figure.

Emission source	tCO ₂ e compared to baseline	Percentage change compared to baseline
Council mileage claims	-5.9	-35.9%
Council rail travel	-0.4	-79.1%
Council electricity (T&D)	-4.2	-20.8%
Miscellaneous (T&D)	-17.1	-92.9%
Twinning travel	-2	-100%
Commuting (based on travel survey 2022)	+15.3	+27.0%
Waste	Not previously included	Not previously included
Water from Council properties	-2.4	-28.1%

⁴ <https://www.theccc.org.uk/2023/03/09/a-reliable-secure-and-decarbonised-power-system-by-2035-is-possible-but-not-at-this-pace-of-delivery/#:~:text=Since%202010%2C%20emissions%20from%20electricity,electric%20vehicles%20and%20heat%20pumps.>
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Cheltenham Trust electricity T&D	+1.0	+2.4%
Recharged properties electricity T&D	-0.8	-60.6%
Ubico electricity (T&D)	+0.8	+10.2%
Purchasing of goods & services	+6784.9	+867.6%
50% airport emissions from ground operations	-61.8	-57.8%
Total scope 3	+6707.6	+630.2%

The methodology used to measure scope 3 emissions has become more accurate and relevant to CBC (Table 7). There has been a 9.9% decrease compared to last year. Although it may look like that there has been an increase in emissions from the baseline year, it is important to consider the various changes in calculating activity and emissions. Notable changes are:

- For the baseline year, staff commuting emissions were calculated using national averages which resulted in under-estimating. The external company Mobilityways conducted a staff travel survey in September 2022, which means the results would still be applicable for this reporting year and therefore have been rolled over. The decrease in these emissions, compared to the previous year, are due to a change in transport conversion factors.

Table 9: Top four emitting expenditure types.

Expenditure type
Business services
Information and communication technologies
Other manufactured products
Construction

- Compared to the baseline, procurement (purchasing of goods and services) emissions have increased a material amount. The figure used in the baseline year had been rolled over from 2018/19. This, however, only included approximately 16% of CBC's total expenditure.
- For the reporting year 2020/21, a newly introduced tool was used to calculate procurement emissions. Using categories devised by DEFRA, a specific carbon emissions factor was allocated to every pound of council expenditure, depending on the category of spend.
- For this reporting year, a conversion factor was devised by dividing the total spend in 2021/22, by the total emission reported for that year. This was then applied to the total spend for 2022/23 to provide the emissions figure.
- This process is entirely based on monetary value and does not account for individual contactor emissions. This was the only accessible methodology to provide a 'best estimate' for procurement. These results can be utilised to assess expenditure types with the highest emissions, to provide a framework on how to tackle emissions across the supply chain.
- T&D refers to emission related to transmissions and distribution of electricity. This accounts for the large-scale movement of electricity at high voltage levels from a power plant to a substation. Whereas power distribution is the conversion of high voltage electricity at

substations to lower voltages that can be used⁵. Therefore, the increase in T&D emissions are due to an increase in electricity, discussed above.

- Water use across the portfolio has increased, however in a few cases there were leaks which have been resolved.
- By using recycling waste management practices instead of sending waste to landfill, reduces total emissions, this is based on material weight, therefore with employees working from home more, less waste at the Municipal office is expected.
- Gloucestershire Airport provided data current for this reporting year, the increase compared to last year can be attributed to using actual data, over incorrect estimates being rolled over.

⁵ <https://www.iec.ch/energies/transmission-distribution#:~:text=Power%20transmission%20is%20the%20large,%2C%20public%2C%20and%20industrial%20customers>.
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- To get to net zero by 2030, using a straight-line trajectory, CBC would need to reduce emissions by an annual average of 14% from 2023 to 2030. The report demonstrates emission reductions of 15% compared to the year 2021/22
- Ensuring that such reduction rates continue year-on-year poses a significant challenge.
- Vast steps have been made to reduce scope 1 emissions, associated with fossil fuel use. A reduction of 903.6 tCO₂e is evident compared to the previous year and 1923.5 tCO₂e when compared to the baseline.
- Though an increase in scope 2 emissions is evident, this is small and reflects the electrification of CBC activity. This trajectory is also expected on the road to net zero, as we transition away from other higher carbon energy sources, and decarbonisation is reliant on the renewable energy mix in the national grid.
- A reduction in scope 3 emissions, however, will require a separated approach, relying on awareness raising to influence behavioural change internally and via procurement to influence suppliers externally (suppliers).
- Our scope 3 emissions have increased compared to the baseline due to implementation of a more accurate and robust method of calculating scope 3 emissions.

Further work:

- Work has begun to put together a 2030 Net Zero Delivery programme, outlining costings against key priority items, that highlights the steps for addressing emission reduction across scope 1 and 2 emissions, alongside a robust plan to address mitigation of any residual emissions.
- Further analysis of scope 3 emissions continues to inform strategy and our plan to approach these.
- With CBH's services being combined to form one organisation, further consideration will be required regarding the:
 - Approach to calculating the CBC/CBH's carbon emissions moving forward.
 - A review of the scale and ambition associated with CBH emission reduction trajectory and plan.

Scope 1 emission source	2022/23 tCO2e	2021/22 tCO2e	Revised 2020/21 tCO2e	2018/19 tCO2e	Revised baseline 2019/20 tCO2e	% change on revised baseline	% change from 21/22
Council gas	212.49	320.73	347.13	355.2	367.04	-42.11%	-33.75%
Council fleet diesel	17.70	10.95	14.53	28.2	10.35	71.05%	61.65%
Council fleet petrol	7.74	14.50	1.19	7.1	18.22	-57.53%	-46.62%
Cheltenham Trust gas	447.97	826.90	882.04	1246.0	1298.94	-65.51%	-45.82%
Ubico & Depot Gas	77.55	106.79	102.34	186.5	101.43	-23.55%	-27.38%
Ubico & Depot fleet diesel	589.86	868.47	1,125.37	970.3	1394.41	-57.70%	-32.08%
Ubico & Depot fleet petrol	15.24	21.35	26.85	27.7	23.48	-35.07%	-28.58%
Ubico fleet HVO	4.65	NA	NA	NA	NA	NA	NA
Ubico & Depot gas oil	3.55	118.93	101.96	26.9	80.26	-95.58%	-97.02%
Miscellaneous properties - gas	23.59	15.33	29.67	NA	29.7	-20.47%	53.90%
Total scope 1	1,400.3	2,303.9	2,631.1	2,847.9	3,323.8	-57.87%	-39.22%

Scope 2 emission source	2022/23 tCO2e	2021/22 tCO2E	Revised 2020/21 tCO2e	2018/19 tCO2e	Revised baseline 2019/20 tCO2e	% change on revised baseline	% change from 21/22
Council electricity	172.95	190.52	158.65	220.4	236.4	-26.83%	-9.22%
Cheltenham Trust electricity	491.96	483.24	441.95	524.8	520.2	-5.43%	1.80%
Ubico electricity	96.93	71.26	75.46	105.1	95.2	1.82%	36.02%

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Recharge d properties electricity	5.73	9.25	10.91	13.5	15.8	-63.64%	-38.05%
Misc. Properties - Electric	14.23	24.55	197.46	NA	NA	NA	-42.05%
Total scope 2	781.8	778.8	884.4	863.7	867.6	-9.89%	0.38%

Scope 3 emission source	2022/23 tCO2e	2021/22 tCO2E	Revised 2020/21 tCO2e	2018/19 tCO2e	Revised baseline 2019/20 tCO2e	% change on revised baseline	% change from 2021/22
Council mileage claims	10.52	7.60	5.87	18.0	16.40	-35.87%	38.38%
Council rail travel	0.10	0.00	0.00	0.6	0.46	-79.09%	2058.30%
Council electricity (T&D)	15.82	16.86	13.64	18.8	19.97	-20.79%	-6.16%
Misc. (T&D)	1.30	2.17	16.98	NA	18.4	-92.92%	-40.09%
Twinning travel	0	0	0	6.1	2.0	-100.00%	NA
Commutin g (based on travel survey 21)	71.88	74.0	38	61.7	56.6	27.04%	-2.91%
Waste	0.07	1	NA	NA	NA	NA	-92.50%
Water from Council properties	6.09	4.24	8.47	NA	8.5	-28.13%	43.50%
Cheltenham Trust electricity T&D	45.00	42.8	38.0	44.7	44.0	2.38%	5.24%
Recharge d properties electricity T&D	0.52	0.8	0.9	1.2	1.3	-60.64%	-35.97%
Ubico electricity (T&D)	8.87	6.3	6.5	9.0	8.0	10.23%	40.61%
Purchasin g of goods & services	7,566.86	8441.0	10210.0	782.0	782.0	867.63%	-10.36%

50% airport emissions from ground operation s	45.02	32.9	45.9	22.2	106.8	-57.84%	36.70%
Total scope 3	7,772.1	8,629.6	10,384.0	964.2	1,064.4	630.17%	-9.94%
Total 1, 2 and 3 scopes	9,954.2	11,712.4	13,899.5	4,675.8	5,255.8	-35.87%	-15.01%

CHELTENHAM BOROUGH HOMES

ANNUAL REPORT ON GREENHOUSE GAS EMISSIONS: FINANCIAL YEAR 2022/23

INTRODUCTION:

Table 1: Definition of Scope 1,2 and 3 emissions

Category	Description	Source
Scope 1	Direct emissions from sources owned or controlled by CBH, such as emissions from company-owned vehicles and fuel combustion in heating systems.	- Property schemes managed by CBH that have a communal supply of gas (CBC owned properties only) - metered gas use - Gas supply to CBH office spaces - CBH fleet vehicle fuel use
Scope 2	Indirect emissions from purchased electricity, heat, or cooling consumed by CBH operations and facilities.	- Metered electricity use for communal areas of properties managed by CBH on behalf of CBC and CBH owned properties - Metered electricity use for CBH organisational office spaces
Scope 3	Indirect emissions from sources not owned or controlled by CBH, including emissions from business travel, employee commuting.	- Business travel and staff commuting - All housing stock including that managed on behalf of CBC and CBH owned properties - Transmission and Distribution losses from all purchased electricity in Scope 2 - Un-official off-sets from communal solar PV arrays

The following elements have not been reported by CBH in this year's report: waste, water use, purchasing of goods and services/procurement

ORGANISATIONAL BOUNDARY:

CBH operates out of offices around Cheltenham. These offices are within shared spaces and space is rented from either CBC or another landlord. CBH runs a fleet of vans as part of the maintenance team.

CBH staff work from several shared office spaces, some shared with CBC (Oakley Community Centre, The Depot, Municipal Offices) and one with the Hesters Way Neighbourhood Project and other parties. (Hesters Way Resource Centre). The percentage of responsibility for energy use based on floorspace occupied is displayed in the table below:

Table 2: Floorspace Percentage Occupied by CBH

Office Name	
Municipal Offices	1.20 %
The Depot	9.5 %
Oakley Community Centre	56.11 %
Hesters Way Resource Centre	25.11 %

CBH manages the Council's housing stock and directly owns a small number of properties. Emissions come from the generation of the energy used within these properties. Energy use in residential properties is usually separated into regulated and unregulated energy.¹ Only regulated energy use is used in CBH GHG emissions calculations. Some data presented in these carbon figures is based on assumptions, with figures based on estimates rather than actual figures.

RESULTS:

SCOPE 1

Table 3: Breakdown of emissions by source within scope 1, compared against the 2019/20 baseline

Scope 1	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2019/20 tCO ₂ e	% change on baseline	CBH Report 2019/20 tCO ₂ e
CBC properties: Communal heating (gas)	283.64	334.87	331.80	-14.51	361.34
CBH Offices (Gas)	19.55	24.71	24.67	-20.72	39.97

Vehicles (biodiesel)	0.04	96.56	91.78	-	-
Vehicles (diesel)	103.38	96.56	91.78	12.65	96.65
Vehicles (petrol)	0.15	0.57	0	-	-
Scope 1 Total	406.77	456.71	448.24	-9.25	497.96

The total of all the scope one emissions for 2022/23 shows a 9.25% reduction on the 2019/20 baseline. The gas purchased for heating is natural gas, and the biodiesel is Hydro-treated vegetable oil. Notable changes in emissions within scope one can be seen in:

- Reduction in communal gas heating within CBC sheltered scheme properties - This may be due to more accurate data collection and the use of actual reads from gas meters.
- Reduction in all gas heating levels may also be due to the need to heat less due to the variation in heating season temperatures and the need to heat less in some year over others. Analysis of the degree day dataⁱⁱ does indicate a slight reduction in average quarterly degree days in an annual comparison 2021/22 to 2022/23.
- Increase in use of fleet diesel - The addition of 4 vans to the fleet for increased business usage, all of which run on biodiesel (HVO), has added an extra set of emissions that have not been accounted for in previous years - albeit minimal. The increase in diesel is likely to be due to higher mileages/usage and will be reviewed if it continues to rise.

SCOPE 2

Table 4: Breakdown of emissions by source within scope 2 compared against the 2019/20 baseline

Scope 2	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2019/20 tCO ₂ e	% change on baseline	CBH Report 2019/20 tCO ₂ e
All housing stock (Communal usage - electricity)	107.08	163.08	221.15	-52.22	263.42
CBH Offices (electricity)	11.06	18.95	27.76	-60.14	33.06
Scope 2 Total	118.15	182.04	248.90	-52.53	296.48

The total of all scope 2 emissions for 2022/23 shows a reduction of 52.53% on the 2019/20 baseline. The changes in emissions within scope 2 to note are:

- Use of electricity at CBH managed properties communal supplies
 - The reduction can be partially accounted for by the 'Greening of the Grid' where the energy being supplied for electricity use is less carbon intensive than previous years. There has been a percentage reduction of 11.2% for the 2023 GHG reporting conversion figureⁱⁱⁱ used for electricity when compared to the figure for reporting electricity in the 2020 GHG conversion factors^{iv}.
 - additional reduction is being investigated but could be, in part, due to estimated billing and hence not a true reduction used for electricity when compared to the figure for reporting electricity in the 2020 GHG conversion factors.
 - additional reduction is being investigated but could be, in part, due to estimated billing and hence not a true reduction
- Use of electricity within CBH offices - The reduction here of 60.14% when compared to the baseline is attributed to a number of factors:
 - the reduction in office space; in 19/20 CBH had additional office space in the town centre (all energy use at this site was electrical)
 - the introduction of solar PV at one shared office (HWRC)
 - the introduction of hybrid working - where people now have the option to work from home, less energy is being used within offices.
 - it is also possible that there is a small reduction due to behavioural change, as people become more aware of the environmental impacts of using energy i.e., not leaving lights on etc.

SCOPE 3

Table 5: Breakdown of emissions by source within scope 3, compared against the 2019/20 baseline

Scope 3	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2019/20 tCO ₂ e	% change on baseline	CBH Report 2019/20 tCO ₂ e
Milage (CBH business)	10.44	17.94	17.94	-41.81	17.94
Rail travel (CBH business)	0.02	1.12	1.12	-98.47	1.12
All housing stock (electricity/T&D)	9.14	14.43	16.81	-45.60	22.36
CBH offices (electricity/T&D)	0.93	1.68	2.11	-55.92	3.58
All housing stock	8,086.52	9,455.63	9,400.74	-13.98	9255.39

Solar PV off-set from communal supplies	-24.15	Page 322	25.71	-19.21
Employee commuting	174.61	174.61	174.61	0
Scope 3 Total	8,257.51	9,646.08	9,594.00	-13.93

The total of all scope 3 emissions for 2022/23 -

- **Housing Stock** - The approach for calculating the emissions from the housing stock has changed in 2022-23. Previously it was obtained directly from SAP 2012 carbon emissions figures, but the emissions conversion factors used in SAP 2012 are fixed and do not reflect the changing emissions relating to the “greening of the grid”. From 2022-23 onwards emissions will be calculated using the SAP 2012 (or SAP 10.2 when this is released) software for energy consumption but with the current government (annual) emissions factors. The government emissions factor for electricity has dropped by over 50% due to the greening of the grid (since the SAP 2012 figures were set) hence the significant (13.98%) decrease in the overall emissions for the housing stock. It is expected that this can be split into CBC and CBH stock moving forward. Even with this reduction the housing stock makes up 94% of all CBH emissions and is thereby a central focus of works involving energy efficiency measures and retrofit that are being carried out by the organisation in trying to make Cheltenham net-zero carbon.
- **Business travel claims** - Mileage claims for business travel have fallen 41.81% in 2022/23 when compared to the 2019/20 baseline, this could be due to the increase of meetings and events being held via video links. It is measured via expenses claims so the extent to which claims are made (or not) needs to be investigated.
- **Within Scope 3** there is the offset of energy that is produced using solar PV systems supplying energy to the communal supplies. The overall solar PV offset figure has been subtracted from the overall total. Solar PV systems supplying individual dwellings are accounted for within the SAP 2012 modelling of each property.
- **Employee commuting** - This is based on 2019/20 figures. A reasonable and viable annual methodology for the calculation of emissions created by employees traveling to and from work is to be developed.

SUMMARY:

Table 6: Total emissions from 2022/23 compared to previous years, compared against the 2019/20 baseline.

	2022/23 tCO ₂ e	2021/22 tCO ₂ e	2019/20 tCO ₂ e	% change on baseline	CBH Report 2019/20 tCO ₂ e
Scope 1, 2 & 3 total emissions	8,782.43	10,284.83	10,291.14	-14.66	10,395.46

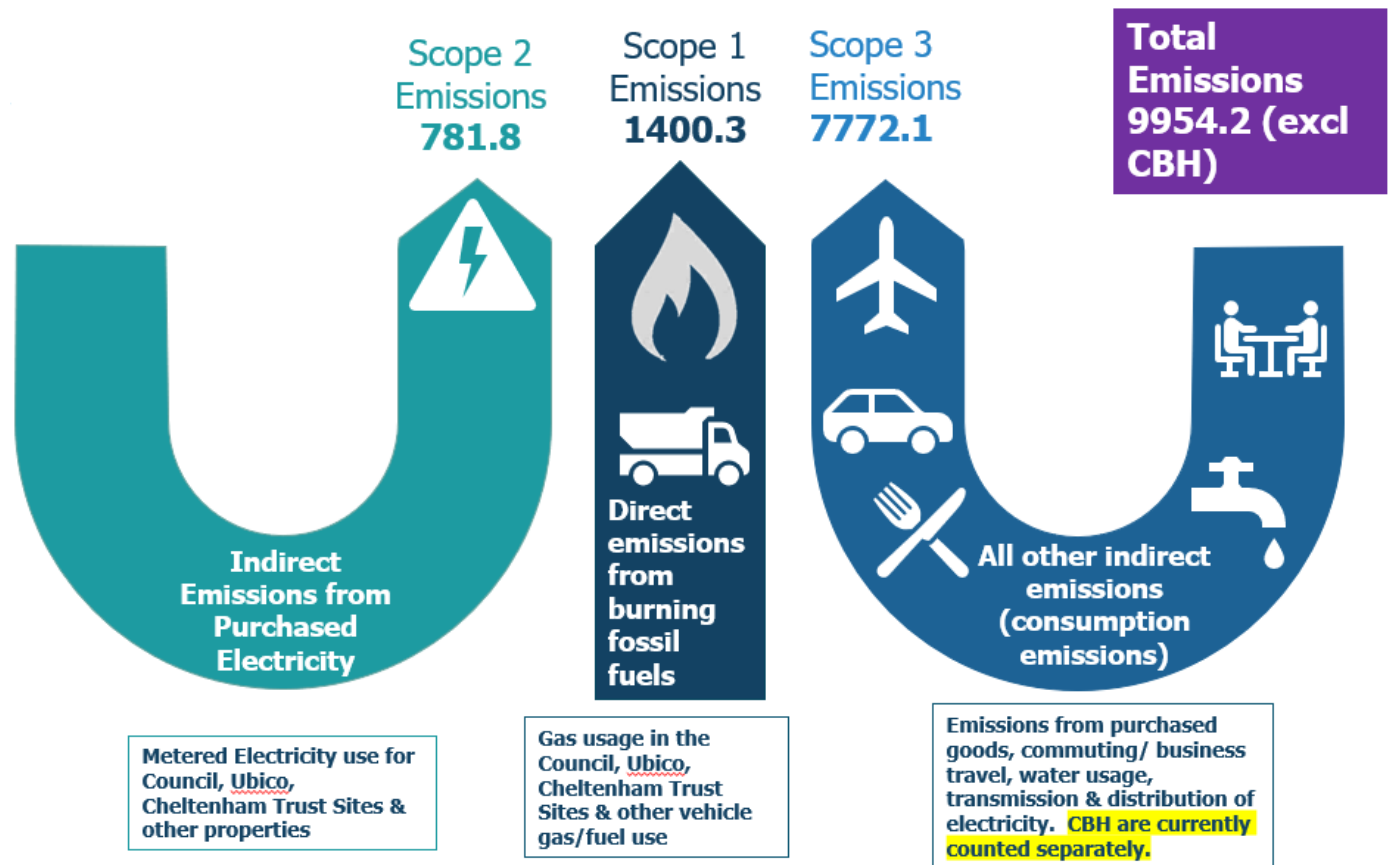
- The total emissions for 2022/23 for CBH shows a 15% reduction on the baseline total of 2019/20 and a 15% reduction on the previous year.
- Scope 3 continues to carry the bulk of CBH’s carbon emissions, due to the energy use from the properties that CBH manages on behalf of CBC and accounts for 94% of all CBH emissions.
- It is important to note that there are some differences between the CBC report and the CBH report in terms of what sources area accounted for within the different scopes.
- The following has not been reported by CBH in this year’s report:
 - Waste
 - Water use
 - Purchasing of goods and services/procurement

FURTHER WORK:

- A reduction in overall emissions will continue because of the following changes:
 - For scope 3, work on the energy efficiency of CBH managed properties, including EWI, CWI, ASHP installation, Loft insulation etc. to reduce the energy demand of those homes therefore reducing the amount of carbon emissions.
 - For Scope 2, behavioural change in the use of electricity within offices will be the driving force behind reducing energy demand therefore carbon emissions. As the grid continues to become greener, and investment in green energy rather than brown energy grows, emissions across all of scope 2 will fall in future years.
 - For Scope 1, upgrading the CBH vehicle fleet to having several electric vehicles would see a reduction in emissions from diesel fuel use. The maintenance team will look to move towards more electric tools where their tools currently operate using petrol. The reduction of gas use for heating of CBH office spaces will be helped by better monitoring in the future, such as having separate meters for the space that is used by CBH compared to space that is used by others (CBC for example). Reducing emissions caused by heating communal areas at CBH sheltered schemes will come from better controls being installed for heating systems, therefore allowing it to be managed better - and talking to residents of the properties that use the

communal spaces and working with residents to understand when/why heating is being used. Whilst we will look at low carbon heating alternatives being installed as an option, a big consideration in this will be the running costs as tenants will see these costs in their service charge.

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Overview of emissions (tCO₂e):

Carbon analysis for properties:

The Wilson Art Gallery & Museum

151.45 tCO₂e

98.12 tCO₂e

→ 249.57 tCO₂e

Leisure @ Cheltenham

162.57 tCO₂e

277.57 tCO₂e

→ 440.14 tCO₂e

Town Hall

88.53 tCO₂e

94.58 tCO₂e

→ 183.11 tCO₂e

Pittville Pump Rooms

45.42 tCO₂e

42.52 tCO₂e

→ 87.94 tCO₂e

Municipal Office

66.76 tCO₂e

75.29 tCO₂e

→ 142.05 tCO₂e

Central Depot

75.29 tCO₂e

101.39 tCO₂e

→ 176.68 tCO₂e

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Cheltenham Borough Council

Council – 11 December 2023

Annual Report on Overview and Scrutiny

Accountable member:

Chair of Overview and Scrutiny Committee, Councillor Tabi Joy

Accountable Officer:

Corporate Director and Monitoring Officer, Claire Hughes

Accountable scrutiny committee:

Overview and Scrutiny

Wards affected:

All indirectly

Key Decision: No

Executive Summary:

The Overview and Scrutiny Committee manages and coordinates scrutiny at the council, with scrutiny task groups carrying out the detailed work and reporting back to the main committee.

Under these arrangements the Overview and Scrutiny Committee produce an annual report for Council and this is contained in Appendix 2. This report sets out the achievements of scrutiny between April 2022 and March 2023, including the outcomes of the scrutiny task groups, as well as detailing 'what's next'.

Scrutiny endorsed the annual report at their meeting on the 4 September 2023 and welcomes the opportunity for Council to debate this report and give its views on the success or otherwise of the scrutiny arrangements.

Recommendations:

Council is asked to note the Annual Report of Overview and Scrutiny 2022-23.

1. Implications

1.1 Financial Implications

There are no direct financial implications arising from this report. The annual budget proposals and the scrutiny of financial performance and other budgetary issues are reviewed throughout the year by the Budget Scrutiny Working Group, as detailed in the section on Task Groups in the annual Scrutiny report.

Signed off by: Gemma Bell, Director of Finance and Assets and Deputy S151 Officer, Gemma.Bell@cheltenham.gov.uk

1.2 Legal Implications

There are no direct legal implications arising from this report.

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

1.3 Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report.

**Signed off by: Claire Hughes, Corporate Director and Monitoring Officer
Claire.Hughes@cheltenham.gov.uk**

1.4 Corporate Plan Priorities

An effective overview and scrutiny process can contribute to positive outcomes on any of the objectives in the Corporate Strategy. Increased public involvement in Overview and Scrutiny will support the council's objective to listen and respond to local communities and their issues.

1.5 Equality, Diversity and Inclusion Implications

An equality impact assessment is not required for this report.

Report author: Bev Thomas, Democratic Services Team Leader,
democratic.services@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Overview and Scrutiny Annual Report 2022-2023

The risk				Original risk score (impact x likelihood)			Managing risk		
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Comments as at September 2023
	If any scrutiny arrangements are not supported by a change in culture across members and officers they may not be successful in delivering the outcomes required.	Corporate director and monitoring officer	2023	3	3	9	Reduce	Ensure we take every opportunity to review our scrutiny arrangements. The scrutiny review will provide an opportunity to enhance our scrutiny arrangements where necessary.	Member training was held in May 2022. Scrutiny is covered as part of the corporate induction and Officer training is offered on a regular basis. A review of scrutiny will be undertaken Campbell Tickell undertook a review of scrutiny in 2019 and they are currently scheduled to feedback their findings to the November (2019) meeting of the committee.
	If the council cannot dedicate resources to support the scrutiny process then the O&S process will not be fully effective.	Corporate director and monitoring officer	2023	3	2	6	Accept	Optimise the use of existing resources within the scrutiny arrangements	It is acknowledged that facilitation support from Democratic Services for scrutiny task groups is important and all task groups have been supported. Resources are limited across the council so members will need to carefully prioritise all scrutiny task group reviews to ensure they make optimum use of the resources available. In 2019, Campbell Tickell suggested that the scrutiny work plan should focus on high priority areas given the limited resources available and the committee have had to consider resources when deciding what to scrutinise and how.

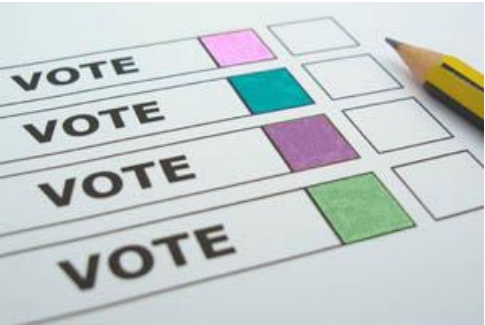
	If the task groups operate outside of the democratic process, then scrutiny could become disjointed and progress difficult to control and track.	Corporate director and monitoring officer	2023	3	2	6	Accept	Guidance to officers supporting task groups on keeping documentation and reporting back to Democratic Services.	See note above. In the past, task groups facilitated by officers outside of democratic services have on occasion been less well documented and more difficult to track progress of. A scrutiny guide was produced and officers are encouraged to adopt standard procedures and good practice. All task groups in the last 12 months have been supported by Democratic Services.
	If members do not put themselves forward for task groups the workload could be unevenly shared across members and be a source of potential conflict or result in task groups not having the right skill mix.	Group Leaders	2023	3	3	9	Reduce	Utilise the skills audit. Group Leaders to manage, monitor and encourage participation. Task groups to maintain records of attendance.	Only one task group was established during 22-23 and this provided an opportunity to introduce members, who had not previously participated in a review, to how task groups operate. It is hoped that other members will put themselves forward should a topic of interest arise.
	If scrutiny does not have any dedicated budget it will be difficult to promote public involvement and engagement	Council	2023	2	3	6	Accept	Utilise relevant project budgets Consider allocating small budget to O&S as part of budget round	Scrutiny does not have a dedicated budget but this has not been a significant issue to date, with budget having been allocated to member training and a scrutiny review in 2019. It could become an issue if O&S wanted to buy in some outside expertise at any point.
	If O&S does not take an active role in the major change programmes it may lose its opportunity	Chair of O&S	2023	3	2	6	Accept	O&S to include scrutiny of change programmes in its workplan and ensure it is	Member seminars continue to be held at appropriate times and the relevant Cabinet Members have been invited to discuss particular programmes and projects as necessary and additional information can be requested.

	to influence the scrutiny arrangements in any new proposed ways of working							consulted on any future scrutiny arrangements	
	If scrutiny is not carrying out the full extent of its role i.e. pre and post decision scrutiny and overview, there is a risk of a democratic deficit.	Democratic Services	2023	3	2	6	Accept	Ensure new member and staff inductions cover the full extent of the role of scrutiny.	Member training was undertaken in May 2022 and an officer overview was last delivered to all employees earlier this year via the all employee call. Further member training will be included as part of the 2024 new member induction after the May elections.
Explanatory notes Impact – an assessment of the impact if the risk occurs on a scale of 1-4 (4 being the greatest impact) Likelihood – how likely is it that the risk will occur on a scale of 1-6 (6 being most likely) Control - Either: Reduce / Accept / Transfer to 3rd party / Close									

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Overview & Scrutiny Annual Report 2022-23





Foreword

Councillor John Payne, Chair of Overview and Scrutiny

It is my pleasure to introduce the Overview and Scrutiny (O&S) Annual Report for 2022/23.

In keeping with tradition, I would first like to thank all those who have made a positive contribution to O&S. This year has seen a change in the membership, and I would like to take this opportunity to welcome Cllrs. Joy and Nelson to the committee and express my sincere thanks to Cllrs. Holliday and Savage, whose places they took.

For any committee to function efficiently it needs a solid support base, and I would especially like to thank Darren Knight for his input as lead officer, and Democratic Services for their work before, during and after each meeting.

Since the last Annual Report went before Council in October 2022, the committee has considered a wide range of issues and policies.

These include the council's housing delivery and asset management strategies, the future of the Town Centre, the pressures facing the NHS Trust, the renewal of the Business Improvement District (BID), the performance of service providers like Ubico, Solace a Publica, cyber security, upcoming climate change initiatives and the council's response to the Covid crisis. In the coming months, we will continue to scrutinise important topics like the Golden Valley development, Gloucestershire Airport and the future of the Municipal Offices.

Throughout, the committee has sought to provide constructive challenge to the executive as a critical friend, to amplify the voices and concerns of the public, and to drive improvement in public services in Cheltenham. It is in this spirit that those addressing the committee can discuss what is going well and where improvements could be made. An effective O&S committee should provide challenge and make constructive comments and suggestions, and that is what we have done over the past 12 months.

I trust members find the report informative and following its presentation to Council would welcome questions.

Darren Knight

Executive Director of Place and Communities

The role that the committee plays in local democracy in holding to account both members and officers is greater than ever, as the authority, the town and the whole country continue to experience a period of significant change.

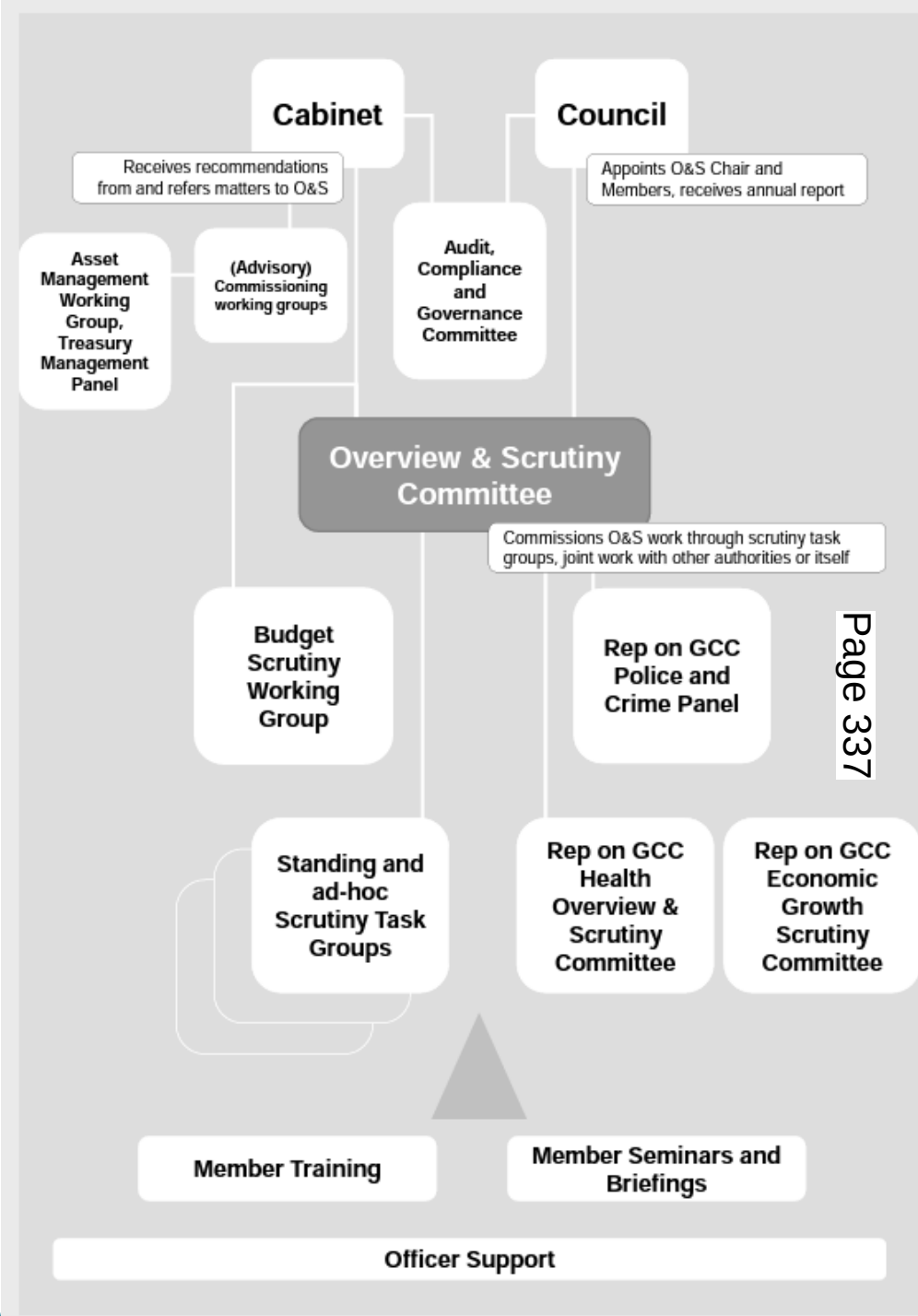
O&S has seen new members join the committee and a new Chair. The committee has explored a broad range of subjects and the standard of reports to the committee has been consistently good.

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On a personal note, I have thoroughly enjoyed working with the Chair's Group and wider committee to support its effectiveness and profile within the council.

As I'm soon to depart Cheltenham Borough Council, I wish the committee well. It is well placed for the future following the improvements it has implemented.

Structure of O&S



Task groups

BUDGET SCRUTINY WORKING GROUP

Councillor Matt Babbage, Chair (2022/23)

The Budget Scrutiny Working Group (BSWG) is a small but effective group that keeps a careful watch on in-year spend and the developing budget for the following year. Input from the group is particularly important as the council seeks to diversify the way in which it raises income to support service provision in light of its various financial challenges.

In 2022/23, BSWG continued to focus on the pressures caused by the Covid crisis and ongoing recovery. Members acknowledged particular pressures on areas like car parking income, although the council's significant property portfolio and cash reserves ensured it was in a relatively strong position compared to other local authorities.

The group also considered budget monitoring reports, the financial outturn report for 2022/23, and the General Fund and Housing Revenue Account budget proposals for 2023/24. Throughout, members agreed that the impact from the pandemic and the changing economic environment needed to be taken into account in order to maintain financial stability and continue to deliver high quality services.

Gemma Bell (Director of Finance and Assets) commented that the Budget Scrutiny Working Group represents *'a valuable process which has given members an opportunity to input into the development of the budget proposals and key initiatives which has added value to the process. BSWG have also provided an independent review of the financial performance of the council during the year, as well as considering the final outturn position and our approach to commercialisation. This has been particularly significant this year where focus has been on the implementation of the Covid recovery strategy and then preparing a budget for 2023/24 under the current cost of living pressures. The group has provided an opportunity for wider member influence over this but also a space for members to ask specific questions on how the council are prepared to respond in the current economic environment.'*

Task groups

TACKLING MULTIPLE DEPRIVATION (now complete)

Following a scrutiny topic request submitted by Cllr. Dr. David Willingham, the Overview & Scrutiny (O&S) committee set up a task group on the topic of Tackling Multiple Deprivation in July 2022. It was agreed that due to the breadth of the issue at hand, it would be split into five broad topic areas : Community Outreach, Health, Education, Housing, and Economic Growth and Employment.

The group was supported by a wide range of officers depending on the topic area, with Richard Gibson (Head of Communities, Wellbeing and Partnerships) as the sponsoring officer and Harry Mayo (Democracy Officer) as the facilitator. Each meeting sought to hear from a variety of perspectives in order to build a comprehensive picture of deprivation in Cheltenham and how it could be alleviated in both the short and long term.

Cllr Dr David Willingham, chair of the scrutiny task group, said: “I would like to thank all the members of the task group, and the witnesses who provided us with first-hand testimony about the various challenges and hardships experienced by some of our residents. The evidence we heard highlighted some stark differences in the quality of life between different communities across our town. As a town with a vision for growth, I hope the recommendations from this report can be incorporated into that vision so as our town grows, we try our utmost not to leave anyone or any community behind.”

The group presented its draft report to the [June 2023](#) meeting of the Overview and Scrutiny Committee. Following this it was sent to Cabinet in July 2023 for consideration and a report on progress would be brought back to O&S in a year’s time.

Cabinet Member Working Groups

Cabinet Member working groups are different to scrutiny task groups in that they are set up and chaired by the Cabinet Member, with their aim being to assist the Cabinet Member in formulating their final report to Cabinet. By contrast, scrutiny task groups are scrutiny-led and can only make recommendations to Cabinet, Council or another body.

What they have in common is that Cabinet Member working groups help to formulate new policy and offer challenge, which are key parts of the overview and scrutiny function. Both involve non-executive Members.

The working groups for 2022/23 included:

Asset Management

Planning and Liaison

Housing Supply (now known as Cabinet Member Housing Working Group (CMHWG))

Members' ICT

Other successes

The following slides provide more detail on the committee's scrutiny of key topics throughout the year. This was in addition to standard items including briefings from the Leader of the Council on key issues and regular updates from task groups and from representatives on county-wide scrutiny groups.

Annual Report of the Police and Crime Commissioner

Chris Nelson Gloucestershire Police and Crime Commissioner, presented his annual report and responded to questions from Members about the policing of major events, road safety, 101 wait times, hare coursing, fly-tipping, Safer Streets funding and antisocial behaviour.

CBH responsive repairs service

The CBH Executive Director Property and Communities presented a paper on the responsive repairs service, which focused on achieving resident satisfaction and value for money. Lockdown restrictions had a significant impact on the delivery of repairs, but their satisfaction rates still compared favourably to other housing organisations. Members discussed the way feedback was recorded and what CBH was doing to increase employee retention.

Social Housing White Paper

The CBH Executive Director Property and Communities presented a paper on the organisation's response to the government's 2020 Social Housing White Paper, which arose out of the Grenfell Tower disaster. CBH were working with ward members to address residents' concerns about the standard of social housing in mixed residential areas in the Benhall and the Reddings ward, and focusing on taking an empathetic approach that listened to residents.

Air Quality Management Plan

The Head of Public Protection and DEPLO introduced a paper on the borough's Air Quality Management Area (AQMA) prior to the relevant plan going out for consultation. Members highlighted with the importance of working closely with the highways authority (the county council) and keeping a close eye on major projects like the airport, Arle Court Transport Hub and Golden Valley.

Other successes

Counter Fraud Unit Partnership

Emma Cathcart (Head of Service, Counter-Fraud and Enforcement Unit) presented an exempt report on the services provided by the CFEU and responded to Member questions. The committee discussed the value of preventative measures and deterrents in order to minimise fraud and prevent financial loss.

Publica

The Managing Director of Publica introduced their annual report, which covered Publica's contributions to IT, cybersecurity,, HR and financial processing. Members queried the lack of specific performance indicators and highlighted the importance of collegiate working relationships between the different councils Publica provided services to.

Biodiversity

Following a request from Cllr. Tooke, the Director of Climate Change and Place Services brought a report to O&S concerning the council's work to protect and promote biodiversity. It was huge topic with significant implications across many different policy areas, including green spaces, planning and flood risk management. Members highlighted the particular importance of biodiversity in the most deprived areas of the town, and the conflict between biodiversity concerns and the tidiness which residents tended to prioritise.

UNICEF child-friendly status and No Child Left Behind

Following a referral from Council, the Head of Communities, Wellbeing and Partnership compiled a report comparing the council's current offer under No Child Left Behind to the possibility of pursuing UNICEF child-friendly city status. Members discussed the options in detail and resolved to recommend to Council that NCLB be ring-fenced and not diluted in any way by pursuit of the UNICEF approach, and to strengthen cross-county co-operation.

High Street defects

The Executive Director of Place and Communities introduced a report in exempt session summarising progress on the High Street defects. Members discussed the complex situation and the council's options.

Other successes

South West Audit Partnership (SWAP)

The SWAP Chief Executive outlined his organisation's role within the local government and charitable sectors and emphasised their focus on the council's core objectives and use of new technology to innovate in a fast-moving field. Members discussed staff recruitment, training and retention and the SWAP's broader strategic focus.

Corporate Plan

The Executive Director of Place and Communities presented the draft Corporate Plan for 2023-27, which set the framework for the council's initiatives over the next few years. Members praised the plan and the level of public consultation, and highlighted issues including night-time safety and affordable housing.

Golden Valley – impact on residents

Senior officers from the Golden Valley project, led by the Director of Major Developments and Regeneration, presented a paper outlining how the impact of the development on local residents was being mitigated. Members advocated continuous assessment of dynamic risks and regular O&S over the next 10 years as it was one of the council's most significant and impactful projects.

Race week

The Head of Public Protection and a representative from Cheltenham Racecourse attended successive O&S meetings prior to the festival to discuss how they were planning to cope with more than 250,000 expected racegoers. Members highlighted the importance of street lighting and CCTV to night-time safety, as well as safeguarding processes for workers at the racecourse, and were reassured by the flexible approach that would be able to adapt to different circumstances.

2023/24 budget proposals

The Chair of the Budget Scrutiny Working Group presented the group's response to the budget proposals for 2023/24, which highlighted a number of key aspects like the proposed rent rise on CBH properties, the local government funding settlement and the context of high energy costs and inflation.

Other successes

Residents' survey

The Executive Director of Place and Communities gave a presentation on the results and implications of the borough-wide residents' survey. Members praised the focus on empirical data, highlighted key issues including accessibility for disabled residents and prospects for young people, and advised that the results be shared with the county council.

Information governance

The Monitoring Officer presented a report in her role as the council's data protection officer, having undertaken a review of its internal processes and system data and identified a number of areas for improvement. Members discussed both the legal requirements on the authority and the need for a robust approach in a fast-moving environment, and highlighted the important role of the Audit, Compliance and Governance Committee on this topic.

Cheltenham Trust

The Cheltenham Trust's Chief Executive and Chair of the Board gave a presentation on the Trust's financial situation and responded to Member questions in exempt session. Members noted the uniqueness of the Trust's venues and their value to the community, and advocated communication and consultation with local residents.

Gloucestershire Airport

Following on from a Gloucester City Council O&S meeting in 2022, the airport's Chair and Head of Finance attended to discuss GAL's financial sustainability, both in relation to recent improvements and in the long term, and respond to Member questions.

Golden Valley – risk review

Key officers from the Golden Valley development, led by the Director of Major Developments and Regeneration, presented a discussion paper and the project's Clearview risk register, to show how they were assessing key areas of risk and the mitigating measures in place.

What's next?

Culture Strategy – CBC officers and the Chair of the Culture Board will explain the final version of the new strategy, how it will be implemented and how success will be measured.

Climate change pathway - climate officers and the Cabinet Member Climate Emergency will discuss the progress of the pathway to Net Zero, achievements thus far and the next set of initiatives.

Minster Exchange – CBC officers and the Managing Director of the Workshop Group will report back to the committee on the progress of the project and lessons learned.

CBH emissions – following the publication of the council's own carbon footprint figures for 2022/23, the committee will consider Cheltenham Borough Homes' equivalent report.

Tourism – following a Member request, the committee will consider the council's current tourism provision, how effective it is and what plans there are for future development.

Accessibility – following a Member request, the committee will consider how the council ensures that accessibility is always carefully considered in its decision-making.

Golden Valley – the committee will continue to scrutinise the Golden Valley development as it progresses in 2023/24, with regular updates from key officers focusing on areas of risk and their mitigating measures.

This is in addition to annual reports from **Publica**, **Ubico**, the **Gloucestershire Police and Crime Commissioner** and more, and is in no way an exhaustive list. To find out what exactly the committee plans to scrutinise in the coming months, you can view the regularly updated [O&S workplan](#).

Contacts

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Email:

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Phone:

01242 264246

Council – 11 December 2023

Revisions to the Constitution

Accountable member:

Cllr Rowena Hay, Leader of the Council

Accountable officer:

Claire Hughes, Corporate Director and Monitoring Officer

Ward(s) affected:

n/a

Key/Significant Decision:

No

Executive summary:

This report sets out proposed revisions to the Constitution.

Recommendations:

That Council agrees to:

1. approve the revised Part 1: Summary and Explanation (Appendix 1)
2. approve the budget protocol for inclusion into the Constitution (Appendix 2)
3. approve the updated financial rules (part 4H)
4. approve the revised financial limits in parts 3D and 3E
5. approve the revised Planning Code of Conduct
6. approve the revised Probity in Licensing document
7. delete current appendices A, B, C, E and L from the Constitution
8. give delegated authority to the Monitoring Officer to make the necessary changes to the Constitution to reflect these decisions.

Implications

1.1 Financial, Property and Asset implications

There are no direct financial, property or asset implications arising from the recommendations.

Signed off by: Gemma Bell, Director of Finance and Assets, gemma.bell@cheltenham.gov.uk

1.2 Legal implications

There are no specific legal implications arising from the recommendation of the report. Any decision to amend the Constitution rests with Full Council. The Constitution should be kept under review and amended where necessary to provide a clear governance framework that will support effective, efficient and lawful decision making in a manner that also supports accountability, scrutiny, and transparency.

Signed off by: One Legal - legalservices@onelegal.org.uk Tel (01684) 272012

1.3 Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report.

Signed off by: Claire Hughes, Corporate Director and Monitoring Officer

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

An equality impact assessment is not required for this report.

2. Introduction

- 2.1 The Constitution is a living document which requires regular review and maintenance. The most recent set of revisions, as set out in this report were considered by the Constitution Working Group on 15 November, who approved all of the recommendations for consideration by Council.
- 2.2 The budget protocol was reviewed and approved for recommendation to Council by Group Leaders

3. Part 1 Summary and Explanation

- 3.1 Part 1 of the Constitution has been updated to reflect current practices and transferred into the new accessibility compliant format. The proposed changes are identified as tracked changes in Appendix 1.
- 3.2 Members should note that further to the Council resolution in June 2023 the remainder of the Constitution will be transferred into this format in due course.

4. Budget Protocol

- 4.1 Each year the Council is required to set its budget in accordance with the requirements of relevant legislation, particularly the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (referred to in this Protocol as "the Regulations").

- 4.2 Those Regulations require the budget to be recommended to Full Council by way of a recommendation from the Cabinet.
- 4.3 During the budget setting meeting the Council has historically agreed a process which facilitates the suspension of a number of standing orders, for example in relation to the speaking time.
- 4.4 In order to bring clarity to the process and to ensure openness and transparency a draft protocol has been developed. A copy of which is attached an Appendix 2.
- 4.5 The protocol brings together the Councils current budget meeting custom and practice into a single document, providing a clear and definitive procedure to be followed.
- 4.6 It is recommended that Council adopt this protocol and that delegated authority be given to the Monitoring Officer to include it within the Council Procedure Rules in the Constitution.

5. Financial Rules and Limits

- 5.1 The financial rules set out the framework for managing the councils' financial affairs. It is therefore important that they remain up to date and a regularly reviewed. The current set of rules have not been updated since the council bought finance services back in-house from Publica and are therefore due for review.
- 5.2 Since the last iteration there have been a number of significant changes economically including rising inflation and interest rates and increased costs. The rules and thresholds have therefore been updated in consultation with the Section 151 Officer and deputy to reflect the current economic position and to facilitate the most appropriate levels of decision making within the council.
- 5.3 Members can see the proposed amendments as tracked changes Part 3D, 3E and 4H of the Constitution, attached at Appendix 3

6. Planning Protocol

- 6.1 In February 2023 the CWG considered a revised Planning Protocol and approved it for consultation with the Planning Committee. Following consultation further amendments were made and the revised version considered by the CWG on 15 November 2023.
- 6.2 The revised Protocol is now presented to Council for ratification. A copy of the revised Code highlighting all of the changes as tracked changes is attached at Appendix 4. For ease a clean copy in the accessibility compliant format is attached at Appendix 5

7. Probity in Licensing

- 7.1 The Licensing Committee and its sub - committees consider various applications for new licences, variations and renewals, across a number of licensing schemes, but in particular under the Licensing Act 2003, with regard to the taxi and private hire licensing regimes and in relation to the sexual entertainment venue licensing scheme.
- 7.2 In addition, it hears complaints and reviews of existing licences, in particular in relation to taxi and private hire drivers.

- 7.3 Recent experiences at Licensing Committee sub - committees have suggested that the council should revise certain elements of the procedures for such hearings and the Code of Conduct to improve the processes around the facilitation of hearings for licensing applications and the reviews of existing licences, and the related decision making following consideration of these cases.
- 7.4 The Probity at Appendix 6 shows the proposed amendments as approved by the CWG and Licensing Committee as tracked changes but in summary they are:-
- A move away from the notion of the Committee or sub - committee voting on cases, and instead Members sitting on such hearings coming to a consensus in their decision making, and the committee itself making the decision. This change would see Members retiring to carry out their debate and make their decision, accompanied only by the council's legal adviser and committee officer. This proposal is put forward to better support Members is having a full and open discussion about a case before them and is consistent with best practice.
 - The proposal that all hearings involving taxi drivers are held in closed session. This is because these matters tend to involve information of a highly confidential and/ or sensitive nature and the impact of such matters being discussed in public, potentially live streamed on the internet or directly reported in the media, could be disproportionately negative or damaging for a driver or even a complainant.
 - Additions and amendments in respect of receiving gifts and hospitality are put forward, along with the making of declarations of interest.
 - Further clarification in respect of lobbying of Members.
 - Important amendments to the procedure adopted for hearings determining licensing applications, with a much great emphasis on the rights of interested parties or other persons to speak. This added emphasis presents a level playing field between applicants for those licences and those persons or businesses that wish to support or object to those applications. It is felt these amendments remove the potential for interested parties and other persons to not be heard fully, particularly where certain issues may be discussed at the hearing itself.
 - There is proposed to be a much greater emphasis on the detail and information that should be contained within decision notices in relations to committee business.
- 7.5 It is accepted that some of the proposals could be considered as making such committees less open and less transparent to the parties to an application, and the wider public. However, it is considered that any such concerns will be mitigated fully by decision notices containing far more detail and clearly showing the deliberations and considerations of the committee concerned.
- 7.6 The decision notice will record fully the determination of the committee and importantly the considerations and reasons for coming to that conclusion. It will also record any requests for advice from the legal adviser and/ or any requests for clarification from parties or officers made by Members after they retire.

8. **Review of Appendices**

- 8.1 As part of the continuing drive to make the Constitution more accessible and understandable a full review of all the appendices has been undertaken.
- 8.2 As can be seen from the table at Appendix 7 the Constitution has 14 appendices, although 2 of these are to be deleted following the approval of the last set of constitutional amendments in June 2023.

- 8.3 The CWG group considered the revised appendices at its meeting on 15 November and agreed to recommend to the Council the proposals set out in Appendix 7. If approved members are asked to note that the remaining appendices will be renumbered.

9. Reasons for recommendations

- 9.1 To ensure that the councils Constitution remains up to date.

10. Alternative options considered

- 10.1 None but Council could decide not to approve the revisions

11. Consultation and feedback

- 11.1 Constitution Working Group and Group Leaders in respect of the Budget Protocol

12. Key risks

- 12.1 None

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Appendices

1. Part 1: Summary and Explanation
2. Budget Council Protocol
3. Parts 3D, 3E and 4H of the Constitution
4. Planning Protocol – tracked changes
5. Planning Protocol – clean version
6. Probity in Licensing
7. Schedule of Appendices

Background information:

[Cheltenham Borough Council Constitution](#)

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Part 1: Summary and Explanation

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1. The Constitution

- 1.1 Cheltenham Borough Council has adopted a Constitution which sets out how the Council operates, how decisions are made and the procedures which are to be followed to ensure that all decisions are made efficiently, transparently and in a way which is accountable to local people. Some of these processes are required by the law, but many are a matter for the Council to choose.
- 1.2 The Constitution includes seventeen Articles which set out the basic rules governing the Authority's business. [Article 17](#) contains definitions used throughout the Constitution. Words defined in [Article 17](#) or elsewhere are generally signified by the use of capital letters.
- 1.3 More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

2. How the Council Operates

- 2.1 The Council is composed of forty Councillors, with two Councillors representing each of the twenty wards.
- 2.2 Councillors are democratically accountable to the residents of their ward, but the overriding duty of Councillors is to the whole community although they have a special duty to their constituents, including those who did not vote for them.
- 2.3 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises them on the code of conduct.
- 2.4 All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will normally meet once every eight weeks and is required by regulations to approve or adopt certain major strategies and plans. Regular time will be set aside for public questions ~~and there will be opportunities for the public to become involved in debate on issues of wider concern.~~ At each meeting there will be an opportunity for Councillors to question the Leader and the Cabinet.

3. How decisions are made

- 3.1 The [Cabinet](#) is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader and between three and seven Councillors. The Cabinet publishes a [Forward Plan](#) which identifies the decisions that it intends to take as a collective or as individual Cabinet Members.

- 3.2 Cabinet meetings are generally open for the public to attend except where personal or confidential matters are being discussed.
- 3.3 The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

4. Overview and Scrutiny

- 4.1 The Council has one Overview and Scrutiny Committee whose main role is to help to ensure local public services are delivered effectively, efficiently and in the best interests of residents.
- 4.2 The primary role of scrutiny is to hold the Cabinet to account and to help improve local services by:
- Reviewing and challenging decisions taken by the Cabinet
 - Undertaking inquiries into services or policy areas which are of interest to the people of Cheltenham
 - Making evidence based recommendations to improve services provided by the Council
- 4.3 The Overview and Scrutiny Committee can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables the Overview and Scrutiny Committee to consider whether the proper procedure leading to the decision has been followed and they may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

~~5. Area Committees~~

- ~~5.1 The Council may, if it wishes, establish area committees including the Borough and County Councillors for various contiguous wards. Resourcing difficulties led the Council in 2004 to decide not to appoint any area committees at present.~~

6.5. The Council's Staff

- ~~6.15.1~~ The Council has officers working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Member/Officer protocol governs the relationships between officers and members of the Council.

7.6. Rights of the Public

- 6.1 Members of the public have a number of rights in their dealings with the Council. These are set out in detail in [Article 3](#). Some of these are legal rights, whilst others depend on the Council's own processes.

6.2 Where members of the public use specific council services, for example as a housing benefit claimant or as a council tenant, they have additional rights. These are not covered in this Constitution.

6.3 Members of the public have the right to:

- vote at local elections if they are registered as a borough elector
- contact their local Councillor about any matters of concern to them
- obtain a copy of the Constitution
- attend meetings of the Council, Cabinet and Committees except where, for example, personal or confidential matters are being discussed
- petition to request a referendum on a mayoral form of Cabinet
- ask questions at Council and Committee meetings and, when invited, to assist investigations by the Overview and Scrutiny committees
- find out from the Cabinet's Forward Plan what decisions are to be discussed by the Cabinet or decided by the Cabinet, Cabinet Members or officers
- see most reports and background papers and any record of decisions made by the Council and Cabinet
- complain to the Council using the Council's complaints procedures
- complain to the local Ombudsman if they think the Council has not followed its procedures properly, but generally only after using the Council's own complaints process
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor

6.3 [The Council welcomes participation by the public in its work. For further information about public participation is available on the Get Involved page of our website.](#)

BUDGET COUNCIL PROTOCOL

1. Legal Requirements

- 1.1 The requirements of relevant legislation, particularly the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (referred to in this Protocol as "the Regulations") must be complied with.
- 1.2 The Regulations require the budget to be presented to Full Council by way of a recommendation from the Cabinet.
- 1.3 The budget proposal may be amended, see section 3. While an amendment can be quite wide ranging it is not permissible for a Member to introduce a different motion recommending a different budget. This would be contrary to the Regulations which require that the budget be recommended to the Council by the Cabinet.
- 1.4 Under Section 25 of the Local Government Act 2003 the Executive Director for Finance, Assets and Regeneration, fulfilling the role of Chief Finance Officer, is under a statutory duty to report on the robustness of the budget estimates and the adequacy of the proposed financial reserves ("the Section 25 report") before the budget decision is taken. The Council must have regard to the Executive Director for Finance, Assets and Regeneration's report before reaching a decision. This will apply to amendments as outlined in section 3.
- 1.5 A flowchart illustrating the procedure set out below is included as Annex A to this protocol.

2. Procedure

- 2.1 The procedure at Budget Council is governed by the Constitution.
- 2.2 The Cabinet recommendation on the budget will be proposed by the Cabinet Member with responsibility for Finance or by another Member of the Cabinet.
- 2.3 The budget proposer will introduce the budget (no time limit).
- 2.4 Members may then ask questions of the Cabinet Member with responsibility for Finance (who may refer them to the Chief Finance Officer or relevant Cabinet Member when appropriate). (N.B. there is no limit on the number of questions members may raise).
- 2.5 The Chair will then ask the largest opposition group if they wish to make a statement, which can include tabling but not moving any proposed amendment to the Cabinet's budget (no time limit).
- 2.6 The Chair will then ask the other opposition groups (in order of size) if they wish to make a statement, which can include tabling but not moving any proposed amendment to the Cabinet's budget (no time limit).

3. Amendments

- 3.1 Amendments to the budget motion may have significant implications for the calculations used in producing the budget recommendation and for the level of Council Tax and/or the Council's reserves. Therefore, any Member wishing to

move an amendment which affects any of the proposals in the budget recommendation to any material extent should provide a copy of the amendment to the Executive Director for Finance, Assets and Regeneration, as early as possible before the meeting, preferably at least 2 days before the meeting, but by no later than 3.00 p.m. on the day before the Council meeting.

- 3.2 The Executive Director for Finance, Assets and Regeneration, may need to discuss any proposed amendment with Officers and will need to show the proposed amendment to the Monitoring Officer but otherwise, unless the proposing group gives their express authority to share the amendment with the administration, the Executive Director for Finance, Assets and Regeneration, guarantees absolute confidentiality in relation to any amendment received. The Monitoring Officer will also maintain this confidentiality.
- 3.3 The Section 25 report provisions apply also to any amendments which affect the estimates. The Section 25 report provisions do not, however, apply to an amendment which does not affect the estimates, such as an amendment to refer the matter back to the Cabinet for reconsideration. It should, however, be borne in mind that any resolution of the Council to refer the budget back to the Cabinet would result in Council being unable to set the budget. The budget as a whole would be returned to Cabinet for further consideration and come back to Council for a decision at a later date which may have cost implications for the Council in that it may cause a delay in the Council Tax billing process.
- 3.4 If an amendment to refer a recommendation back to the Cabinet is carried then it is likely that a special meeting of the Cabinet will be called early in the week following the Budget Council meeting, with the matter then being reported back to a special Full Council meeting later that week.
- 3.5 The largest opposition group will have the first opportunity to present budget amendments. The Conservative Group will have 10 minutes to present the amendment(s). The Seconder of the amendment will have 5 minutes to speak and may reserve their right to speak until later.
- 3.6 The other opposition groups, in order of size, will then have the opportunity to present budget amendments. The proposer will have 10 minutes to present the amendment(s). The Seconder of the amendment will have 5 minutes to speak and may reserve their right to speak until later.
- 3.7 Any Independent Members will then have 10 minutes to present amendments. The Seconder of the amendment will have 5 minutes to speak and may reserve their right to speak until later.
- 3.8 After all amendments have been presented, there will be the opportunity for points of clarification to be raised and responses given.
- 3.9 Once points of clarification have been dealt with there will then be a 20 minute adjournment of Council to allow Groups 20 minutes to consider the amendments.
- 3.10 The Cabinet Member with responsibility for Finance, or other Cabinet Member if they introduced the budget proposals, will address Council advising of any budget amendments which have been accepted by the Cabinet.

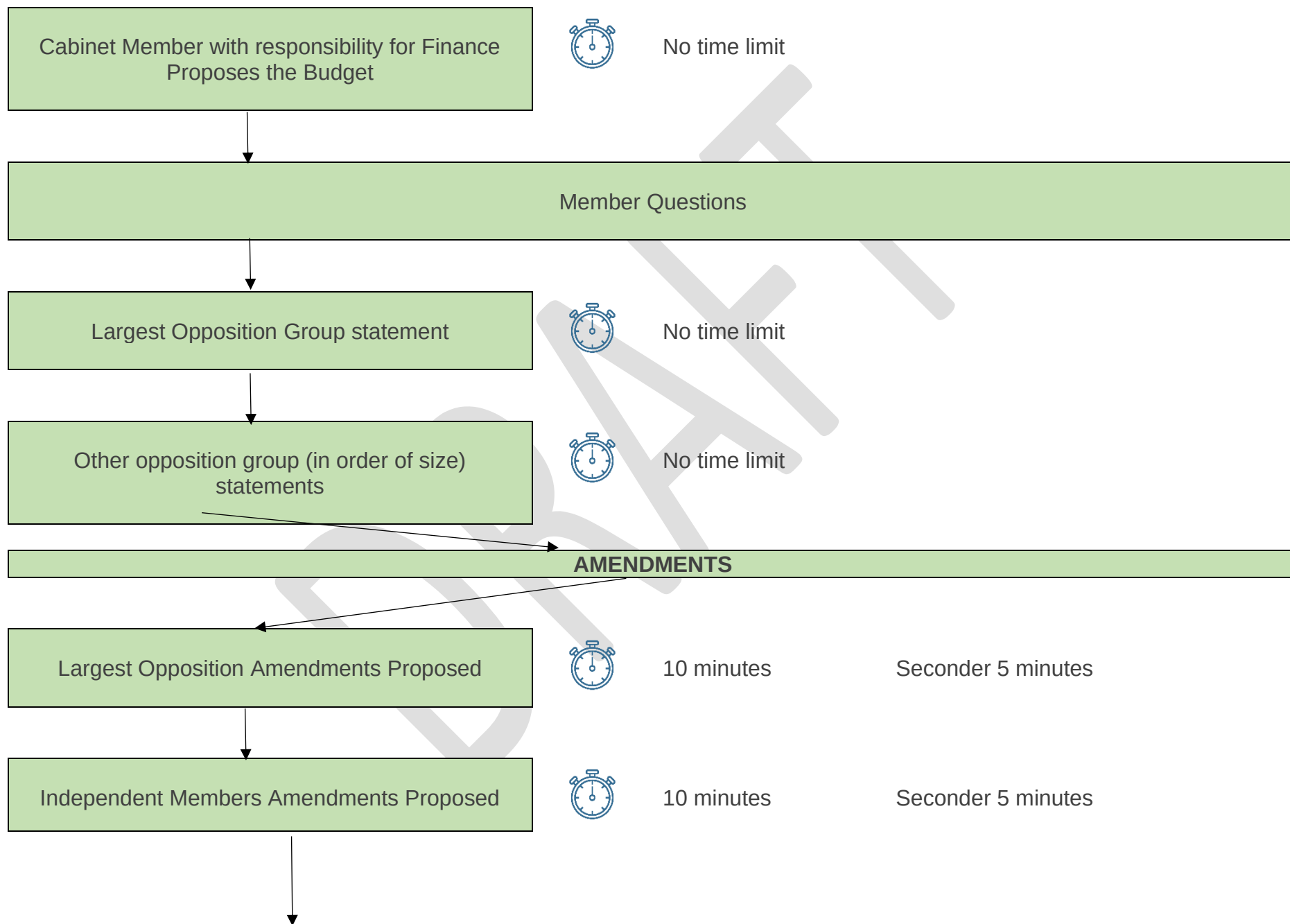
- 3.11 The amendments not accepted by the Cabinet will then be debated in the order in which they were originally presented to Council.
- 3.12 For any amendments which are not accepted, the Proposers of the amendments have the right to speak for 5 minutes each to sum up the debate.
- 3.13 The Cabinet Member with responsibility for Finance, or other Cabinet Member if they introduced the budget proposals, has the final right of response before a recorded vote is taken on each amendment (10 minutes).

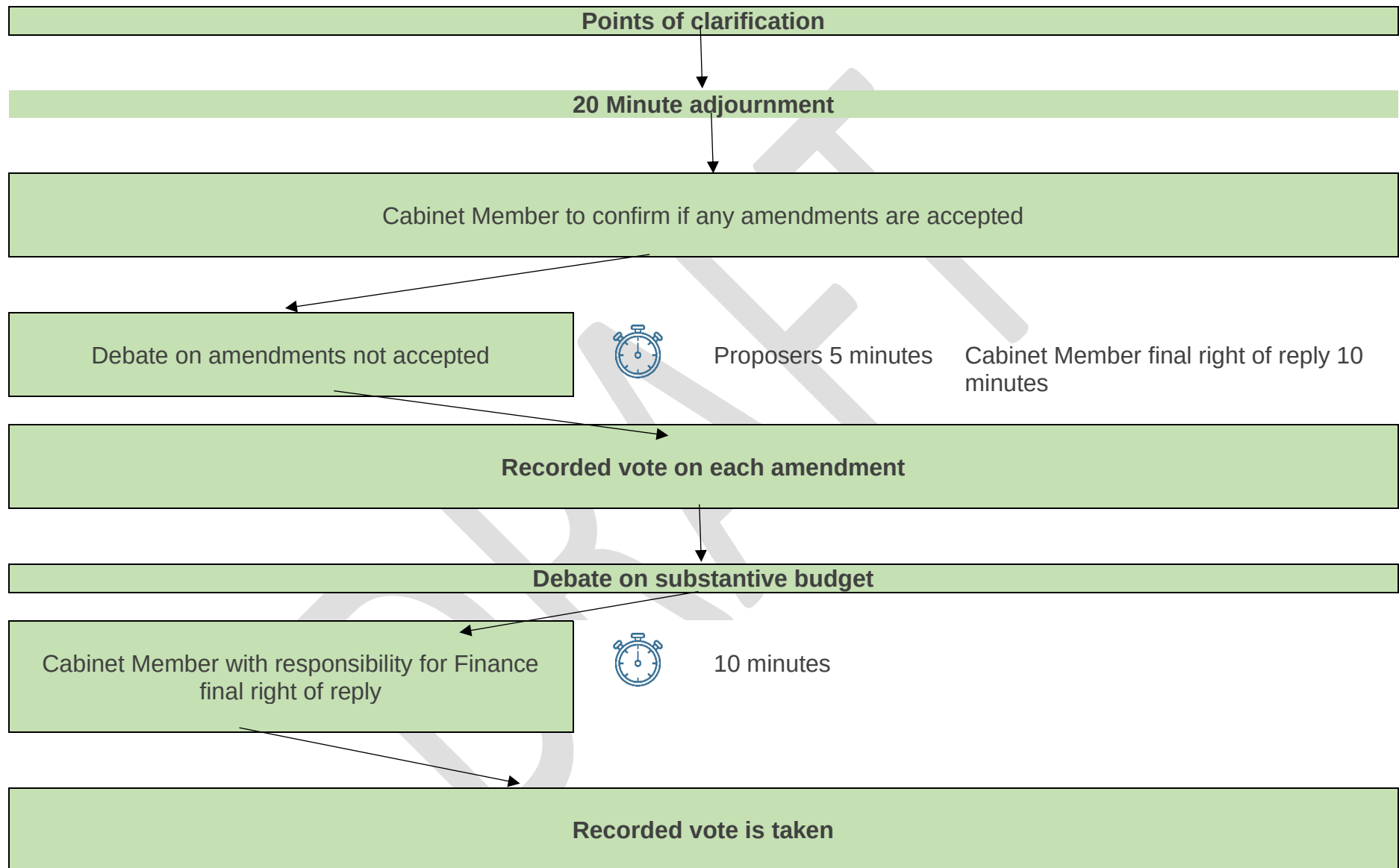
4. Return to the Substantive Budget Debate

- 4.1 Once all of the amendments have been dealt with the final proposal will be debated and voted upon.
- 4.2 Upon conclusion of the debate, the Cabinet Member with responsibility for Finance will have the final right of reply (10 mins).
- 4.3 A recorded vote will be taken



CHELTENHAM BOROUGH COUNCIL BUDGET SETTING PROCESS





Part 3D – Officer Non-Executive Functions

- 3D.1 All non-Executive Functions¹, other than those allocated in Parts 3B & C above, are delegated to officers as set out in Table 4 below
- 3D.2 In addition, officers will exercise powers or duties specifically delegated to them by Council, Committee, Sub-Committee or Joint Committee.
- 3D.3 Officers are not required to exercise all delegations personally and may sub-delegate any Function in this Part 3D to Officers of suitable experience and seniority in accordance with the process set out in Part 3E.
- 3D.4 An Officer does not have delegated authority to take a Significant Decision unless (a) specifically authorised to do so by Council, Committee, Sub-Committee or Joint Committee, or (b) the Chief Executive(or, in their absence or where they are unable to act, an Executive Director is taking action under urgency powers as set out in this Part 3D.
- 3D.5 The fact that a function is delegated to an Officer under this Scheme does not preclude the person or body which gave the delegation from exercising the function in question.
- 3D.6 Council or an Appropriate Committee may direct in any particular case that a delegated power to an Officer in respect of a non-Executive Function shall not be exercised by the Officer and that the Function in question shall instead be exercised by the Council or Appropriate Committee. Such direction must be exercised in consultation with the Chief Executive or appropriate Executive Director.
- 3D.7 The Chief Executive, Executive Director or Director may at their discretion refer any matter to Council or Appropriate Committee for decision.
- 3D.8 Officers have responsibility to report to Council, the Appropriate Committee, the Mayor or Appropriate Committee Chairman matters that are of political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.
- 3D.9 Article 13 ‘Decision Making’ applies to the exercise of all Non-Executive Functions by Officers in this Part 3D.

Table 4 (Non-Executive functions of Officers)

Chief Executive	
Function	Condition
Discharge any non-Executive Function not otherwise allocated in Parts 3B-D of the Constitution	Unless prohibited by law

¹ As set out in the Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix E)

Chief Executive	
Function	Condition
Discharge any non-Executive Function which is delegated to an Officer under Part 3D	Where that Officer is absent or unable to act through conflict of interest or otherwise Except in the case of the Monitoring Officer or Chief Finance Officer where they have allocated the function to their deputy
Take an urgent decision in respect of a non-Executive Function, including a Significant Decision, in a situation where there is not sufficient time for a report to be considered by Council or Appropriate Committee.	Unless it is a decision that in law can only be made by Council. Wherever possible this shall be done in consultation with the Mayor or Appropriate Committee Chairman. The decision shall be reported to the next scheduled meeting of Council or the Appropriate Committee
Take an urgent decision not in accordance with the Budget or the Policy Framework	In accordance with Rule 4 Budget & Policy Framework Rules The decision shall be reported to the next available meeting of Council
Determine claims and payments in accordance with the scheme of Member Allowances	
Discharge functions and take actions and decisions in respect of elections, electoral registration, referenda and related legislation	Except as specifically allocated to Council in Part 3B Table1
Discharge functions and responsibilities with regard to parish councils	Except as specifically allocated to Council in Part 3B Table1
Undertake the functions of the Head of Paid Service including the duty, where he considers it appropriate to do so, of reporting to Council ² on the manner in which the Authority functions are co-ordinated, the number and grades of staff to discharge those functions and the organisation and proper management of those staff	

² s4 LG(MP)Act 1989

Chief Executive	
Function	Condition
Approve reorganisation of functions and restructuring of staff within service areas and the transfer of staff and functions between service areas	Except where the Head of Paid Service considers it appropriate to refer a report to Council ³
Approve redundancy of or an application for early retirement (including ill health retirement) of an employee	Except (in the case of the Head of Paid Service, an Executive Leadership Team Member or Director) as specifically allocated to Council or Committee in Part 3B Table 1 or and Part 3C Table 2. Subject to corporate HR policies
Approve HR procedures and policies which relate to employee terms and conditions of employment	Except as specifically allocated to Appointments and Remuneration Committee in Part 3C Table2
Undertake functions in respect of local government pensions	Except as specifically allocated to Appointments and Remuneration Committee in Part 3C Table2
Authorise any Officer for any legal purpose including Proper and Statutory Officer appointments	Unless otherwise prescribed by law or allocated to Council in Part 3B
Grant dispensations to Cabinet Members to allow them to participate in consultation on executive decisions where they have a conflict of interest	

Executive Directors	
Function	Condition
Discharge any Non-Executive Function which is delegated to an Officer (including the Chief Executive) under this Part 3D	Where that Officer is absent or unable to act through conflict of interest or otherwise Except in the case of the Monitoring Officer or Chief Finance Officer where they have allocated the function to their deputy

³ Under s4 LG(MP) Act 1989

Executive Directors	
Function	Condition
Undertake the statutory role of Head of Paid Service	Where the Chief Executive is absent or unable to act through conflict of interest or otherwise. The role rests with the Executive Director who is deputising for that period.

Executive Director for Finance, Assets and Regeneration	
Function	Condition
Undertake the functions of the Authority's Chief Financial Officer to ensure proper administration of the Authority's financial affairs	
Approve ex gratia and maladministration compensation payments up to £5,000 ⁴	In consultation with an Executive Director.
Approve the carry forward of budget underspend to next financial year for same purpose as originally intended	
Make minor changes to the Financial Rules to reflect changes in fact and accounting and audit requirements/best practice	Executive Leadership Team and Group Leaders to be informed of any change which the Director considers to be significant

⁴ S92 LGA 2000

Monitoring Officer	
Function	Condition
Amend the Constitution to reflect changes of fact including changes in allocation of Functions	Executive Leadership Team and Group Leaders to be informed of any change which the Monitoring Officer considers to be significant
Make minor changes to the Contract Rules to reflect changes in fact and procurement requirements and best practice	Executive Leadership Team and Group Leaders to be informed of any change which the Monitoring Officer considers to be significant
Undertake the functions of the Monitoring Officer prescribed by law and in this Constitution	
Make minor changes to the Constitution to reflect changes in fact, law and best practice and rectify errors and inconsistencies	Executive Leadership Team and Group Leaders to be informed of any change which the Monitoring Officer considers to be significant
Receive complaints in writing regarding allegations of failure to comply with the Members' Code of Conduct and - to determine, after consultation with the Independent Person(s), whether a complaint should be investigated and to arrange such investigation; - to seek local resolution of complaints without formal investigation where it is possible to do so; - to close a complaint if the investigation finds no evidence of failure to comply with the Code of Conduct; - to agree a local resolution where an investigation finds evidence of a failure to comply with the Code of Conduct, subject to consultation with the Independent Person(s) and the complainant being satisfied with the proposed resolution;	

Monitoring Officer	
Function	Condition
- to grant dispensations if, after considering all of the circumstances of the case, the Monitoring Officer considers:- (a) that the business will be impeded because of the number of Members prohibited from participating; (b) that without the dispensation the political proportionality would be distorted to alter the outcome of the vote.	

Executive Directors and Directors	
Function	Condition
Appoint, dismiss and discipline employees within their service areas and determine their individual terms and conditions of employment and matters relating thereto	Director level and above is allocated to Members in Part 3C Table 2. Subject to Employment Rules (Part 4F) and corporate HR policies
Approve revenue budget virements between service areas/budget heads not exceeding £25,000	<u>Amounts over £10,000 but not exceeding £25,000 – Approved by relevant Director(s) or Head of Service(s) and the Section 151 Officer. Relevant In-consultation with Chief Finance Officer. If exceeding £10,000, Cabinet Member to be informed of this virement.</u>
Set fees and charges and increase in line with inflation for non-Executive functions	Cabinet Member or Appropriate Committee Chairman to be informed

Director of Communities and Economic Development	
Function	Condition
Determine applications for: (a) full planning permission; (b) outline planning permission; (c) approval of reserved matters; (d) listed building consent; (e) conservation area consent; (f) advertisement control consent	Except as specifically allocated to Planning Committee under Part 3C Table 2
Determine planning applications relating to trees including (a) trees covered by Tree Preservation Orders: and (b) trees within Conservation Areas.	Except as specifically allocated to Planning Committee under Part 3C Table 2
Other actions and decisions (including enforcement, entry on to land and planning agreements) as local planning authority under the Town & Country Planning Act 1990, Planning (Listed Building & Conservation Area) Act 1990 and all planning related legislation	Except as specifically allocated to or by Council
Highway authority functions relating to on-street parking (as delegated to the Authority by the County Council)	
Authorise the stopping up or diversion of a highway, footpath or bridleway or extinguish public rights of way over land held for planning purposes ⁵	
Extinguish public right of way over land acquired for clearance ⁶	
Undertake functions relating to high hedges and protection of important hedgerows ⁷	

⁵ ss 247, 257, 258 TCPA 1990

⁶ s294 Housing Act 1981

⁷ Part 8 Anti-Social Beh Act 2003 & Hedgerows Regs 1997

Head of Public Protection	
Function	Condition
Determine any application for the grant, renewal, variation or transfer of a licence, consent, permit or permission	Except as specifically allocated to Licensing Committee or Sub-Committee under Part 3C Table 2
Suspend or continue the suspension of a hackney carriage or private hire driver, vehicle or operator's licence	Where public safety is at risk
Revoke or withdraw a licence, consent, permit or permission	Except as specifically allocated to Licensing Committee or Sub-Committee under Part 3C Table 2
Other actions and decisions (including enforcement, entry on to land and waiving of fees) as licensing authority under the Licensing Act 2003, Gambling Act 2005 and all other licensing legislation	Except as specifically allocated to Council, Licensing Committee or Sub-Committee under Part 3C Tables 1 and 2
Highway authority functions (as delegated to the Authority by the County Council)	Except as specifically allocated to Licensing Committee under Part 3C Table 2
Discharge all functions under the Health & Safety at Work etc. Act 1974 and other health and safety related legislation (otherwise than in the Authority's capacity as employer)	
Discharge all functions under food and food safety legislation which cannot be exercised as Executive Functions	

Part 3E – Executive Functions

- 3E.1 The Authority operates a Leader and Cabinet form of Executive and the Leader of the Council specifies how the functions of the Executive (known as ‘Executive Functions’) will be carried out.
- 3E.2 In law the Leader of the Council may discharge any Executive Functions and exercise any powers which are the responsibility of the Executive; alternatively the Leader may arrange for the discharge of any of those Functions by delegation to any of the following:-
- (a) the Cabinet
 - (b) a Cabinet Committee
 - (c) an individual member of the Cabinet (Cabinet Member)
 - (d) an officer of the Council
 - (e) another local authority
 - (f) jointly with another local authority through a joint committee or officer

Delegations

- 3E.3 The Leader has exercised their power of delegation in the manner set out below in Table 5 ‘Scheme of Delegation of Executive Functions’ and Table 6 ‘Additional Delegation of Executive Functions to Officers’. In Table 5 reference to ‘Cabinet Member’ means a Cabinet Member acting in portfolio and reference to ‘Officer’ means Chief Executive, Executive Director or Director.
- 3E.4 The Leader has directed that the Executive Functions delegated to Cabinet and Cabinet Members as set out in Table 5 shall not be sub-delegated to Officers without their prior consent.
- 3E.5 Each person or body to whom an Executive Function is delegated in Tables 5 and 6 and shall be empowered to take any step in the course of or otherwise for the purposes of or in connection with the discharge of the Function, do anything incidental or conducive to discharge of the Function or do anything expedient in connection with the discharge of the Function.
- 3E.6 The Leader may amend their delegations at any time by giving notice in writing to any person who currently holds the power and any person to whom the power is now to be delegated and to the Proper Officer¹ setting out the change to be made; such amendment to take effect immediately on receipt by the Proper Officer. The Proper Officer will ensure that this Part 3 of the Constitution is updated forthwith.
- 3E.7 Where an Executive Function has been delegated by the Leader this does not prevent the Leader from exercising that Function.
- 3E.8 In the absence of the Leader the Deputy Leader is authorised to exercise the functions of the Leader pursuant to the Constitution.

¹ The Chief Executive or, where they are absent or unable to act, the Monitoring Officer

3E.9 Article 13 'Decision Making' applies to the exercise of all Executive Functions in this Part 3E.

Officer Delegations - Special Provisions and Sub-delegations

3E.10 The Chief Executive, Executive Directors, Directors and Director of One Legal are not required to exercise all delegations personally and may sub-delegate any Function allocated under this Part 3E to officers of suitable experience and seniority in accordance with the following process:.

3E.11 An Officer does not have delegated authority to take a Key Decision² unless (a) specifically authorised to do so by the Leader or (b) the Chief Executive (or, in their absence or where they are unable to act, an Executive Director) is taking an urgent decision³ as set out in this Part 3E⁴.

3E.12 The fact that a function is delegated to an Officer under this Scheme does not preclude the person or body which gave the delegation from exercising the function in question.

3E.13 The Leader may direct in any particular case that a delegated power to an Officer in respect of an Executive Function shall not be exercised by an officer and that the Function in question shall instead be exercised by the Leader, a Cabinet Member or Cabinet. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director or Director(s).

3E.14 A Cabinet Member may in respect of an Executive Function which falls within their portfolio direct in any particular case that a delegated power to an Officer shall not be exercised by an officer and shall instead be exercised by them as Cabinet Member. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director(s) or Director(s) and the Leader.

3E.15 The Chief Executive or Executive Director or a Director may at their discretion and in consultation with the Leader or Cabinet Member refer any matter to the Leader, the Cabinet or a Cabinet Member for decision.

3E.16 Officers have responsibility to report to the Leader, Cabinet or the Cabinet Member matters that are of political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position

Sub-delegations

3E.17 A Director is not required to exercise all delegations personally and may sub-delegate functions to a Service Manager or other Employee in any of their service areas provided the following conditions are met:

² As defined in Article 13

³ As defined in Article 13

⁴ See Tables 5 and 6

- a) the Director is satisfied that
 - (i) the Service Manager or other Employee has suitable experience and seniority to undertake those functions, and
 - (ii) the sub-delegation is in the interest of the efficient operation of the Council's business;
- b) there is prior consultation with the appropriate Cabinet Member or Committee Chair; and
- c) the Director records the details of sub-delegation on a register which is kept by them

3E.18 The Chief Executive and Executive Directors may also sub-delegate direct to a Service Manager or other Employee subject to the same conditions.

Table 5 Scheme of Delegation of Executive Functions

In this table the following abbreviations have the following meanings:

CEO: Chief Executive

ED: Executive Director

MO: Monitoring Officer

All: Chief Executive, Executive Directors and Directors

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Policy and Strategy						
Recommend to Council all plans strategies and policies which comprise the Policy Framework and initiate consultation on such plans policies and strategies			✓			
Agree in year changes to the Policy Framework to the extent permitted by Council or by the Constitution			✓			
Refer to Cabinet for discussion those plans strategies and policies which comprise the Policy Framework and initiate any appropriate consultation on them	✓					
Take urgent decisions that are contrary to or not wholly in accordance with the Policy Framework	✓		✓	✓		CEO
Refer to Cabinet those plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval	✓	✓				All
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval			✓			
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Cabinet Member approval (except Key Decisions)		✓				

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Officer approval (except Key Decisions)						All
Respond to consultations from Government, local authority associations and similar bodies which have policy or cross service issues	✓	✓				
Respond to all other consultations						CEO or ED
Implement the Authority's Risk Management Policy & Strategy	✓	✓	✓			All
Finance						
Prepare and consult on the Authority's Budget and recommend to Council for approval			✓			
Receive and consider quarterly budget monitoring reports			✓			
Take urgent decisions that are contrary to or not wholly in accordance with the Budget	✓		✓	✓		CEO
Make bid for external funding or accept grant funding where the amount of funding exceeds £2 million ⁵ and to accept the terms and conditions of that funding, if awarded.			✓			All
Make bid for external funding or accept grant funding where the amount of funding exceeds £500,000 but does not exceed £2 million and to accept the terms and conditions of that funding, if awarded	✓	✓				

⁵ In cases where the funding bid or grant exceeds £2million and the deadline for submission or acceptance makes it impossible to seek a Cabinet decision the bid or acceptance may be approved by the CEO or an Executive Director in consultation with the Leader or relevant Cabinet Member. As a matter of good practice other Group Leaders will be notified of the proposed decisions and details of the submission or acceptance will be reported to the next meeting of the Cabinet.

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Make bid for external funding or accept grant funding where the amount of funding is less than £500,000 and to accept the terms and conditions of that funding, if awarded.						All
Propose to Council a contribution to reserves above the level set in the Budget			✓			
Agree use of charging and trading powers		✓	✓			
Set fees and charges		✓				
Agree increase in fees and charges by more than inflation			✓			
Agree increase in fees and charges in line with inflation				✓		All
Assets and Property						
Agree asset management plan			✓			
Make compulsory purchase order (CPO)			✓			
Acquire land or property following CPO						ED of finance, assets & regeneration
Acquire other land or property or acquire a lease or tenancy agreement where the value exceeds ~~£250,000~~ <u>£500,000</u>			✓			~~Head of Property & AM or~~ <u>Dierctor of Finance and Assets or</u> ED of Finance, Assets &

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
						Regeneration 6
Acquire other land or property or acquire a lease or tenancy agreement where the value does not exceed ~~£250,000~~ <u>£500,000</u>		✓				See footnote 6
Agree Void/Surplus Property Register in consultation with Asset Management Working Group						ED of finance, assets & regeneration
Dispose of or exchange land or property with a value exceeding ~~£250,000~~ <u>£500,000</u> including at an undervalue			✓			
Dispose of or exchange land or property with a value exceeding £10,000 and not exceeding ~~£250,000~~ <u>£500,000</u> including at an undervalue		✓				
Dispose of or exchange land or property with a value not exceeding ~~£10,000~~ <u>£50,000</u> including at an undervalue						ED of finance, assets & regeneration
Dispose of or exchange land or property where there is a statutory right to acquire						ED of finance, assets & regeneration
Dedicate sell or lease land for highway purposes and for public utilities where this does not materially interfere with the proper management of the land/retained land or its investment value		✓				

⁶ In respect of decisions to purchase dwellings suitable for affordable housing subject to a budget allocation and conditions in the decision made by leader [01/11/2019](#))

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Apply to Secretary of State to dispose of housing land under Housing Act 1985		✓				
Authorise the disposal of or change the use of (appropriate) public open space			✓			
Give public notice of a proposal to dispose of or change the use of public open space						ED of finance, assets & regeneration
Authorise the disposal of statutory allotments			✓			
Allocate and re-allocate all Authority owned assets, land and property between service areas	✓					
Authorise a change in use of Authority owned land or property		✓				
Authorise the grant of lease/rights/privileges of all Council owned land or property to external bodies where the annual rental or capital value exceeds £250,000.			✓			
Authorise the grant of lease/rights/privileges of all Council owned land or property to external bodies where the annual rental or capital value does not exceed £250,000						ED of finance, assets & regeneration
Authorise transfer by the Authority or surrender or agree the surrender of lease/rights/privileges of a capital value exceeding £250,000			✓			
Authorise transfer by the Authority or surrender or agree the surrender of lease/rights/privileges of a capital value exceeding £10,000 and not exceeding £250,000		✓				

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Authorise transfer by the Authority or surrender or agree the surrender of lease/rights/privileges of a capital value not exceeding £10,000						ED of finance, assets & regeneration
Authorise rent subsidy to third party on Authority owned land			✓			
Grants						
Agree service level agreements and service level agreement funding in respect of voluntary organisations			✓			
Make one off grants (excluding rent subsidy on Authority owned land) to voluntary organisations exceeding ~~£10,000~~ £50,000 pa			✓			
Make one off grants (excluding rent subsidy on Authority owned land) to voluntary organisations not exceeding ~~£10,000~~ £50,000 pa		✓				
Service Delivery						
Take all steps reasonably necessary to facilitate the effective and efficient delivery of services within their portfolio		✓				
Take all steps reasonably necessary for the effective and efficient delivery of services for which they are responsible				Subject to the terms of the delegation agreement with Ubico	Subject to the terms of the delegation agreement to Tewkesbury Borough Council	All

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Undertake internal transformation and improvement of the Authority's services						CEO
Commissioning and Contracts						
Approve the means by which the Authority's services will be provided including through a local authority company, community interest company, private organisation, trust or public/private partnership			✓			
Arrange for any Executive Function to be undertaken by another local authority ⁷			✓			
Arrange for any Executive Function to be exercised jointly ⁸ with one or more local authorities through joint arrangements ⁹			✓			
Appoint member to a joint committee which undertakes Executive Functions and decide on the number of Members to be appointed and their term of office	✓					
Agree to Council appointment of member to a joint committee which undertakes at least one Executive Function and agree the number of members to be appointed and their term of office	✓					
Represent (or arrange for a Cabinet Member or Officer to represent) the Authority as shareholder or member in a company in which the Authority holds an interest	✓					

⁷ Reg 7 Local Authorities (Arrgmts for Discharge of Functions) (Eng) Regs 2000

⁸ Reg 11 Local Authorities (Arrgmts for Discharge of Functions) (Eng) Regs 2000

⁹ As described in Article 11

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Monitor the performance of contracts and service level agreements in respect of all non-internally provided housing services						ED of Place and Communities
Monitor the performance of contracts and service level agreements in respect of all non-internally provided services						CEO
Accept tenders within budget and exceeding £100,000 and authorise entering into the related Contract ¹⁰		✓				
Accept tenders and quotations within budget and not exceeding £100,000 and authorise entering into the related Contract						All
Approve waiver to Contract Rules where the value is in excess of £100,000 ¹¹			✓			
Approve waiver to Contract Rules where the value does not exceed £100,000 ¹²						All
Approve waiver from Contract Rules where the value exceeds £100K and an urgent decision is required ¹³						CEO
Local Strategic Partnerships						
Establish a policy or strategic framework for a partnership			✓			
Establish a partnership's annual work programme and make in year changes	✓	✓				
Implement an agreed policy or strategy						All

¹⁰ The decision to award a contract above £100,000, which is within budget, is not a key decision under Article 13. The key decision (i.e. the budget expenditure in excess of £100,000) is made at budget setting. The decision to enter into of a contract is to facilitate the expenditure approved at budget setting and, accordingly, is not a key decision.

¹¹ In accordance with Rule 6.2.1 Contract Rules

¹² In accordance with Rule 6.2.2 Contract Rules

¹³ In accordance with Rule 6.2.1 Contract Rules

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Neighbourhood Plans¹⁴						
Designate neighbourhood area/forum			✓			
Adopt a neighbourhood development plan and a neighbourhood development order			✓			
Localism Act						
Determine applications to register Assets of Community Value						Director of Planning, Environmental & Regulatory services
Determine Appeals against applications to register Assets of Community Value						ED of Place and Communities or MO
Constitution and Democratic Process						
Make Key Decision ¹⁵		✓ ¹⁶	✓			Head of Property & AM or Director of Finance and Assets or ED of Finance, Assets & Regeneration
Make urgent Key Decision ¹⁷	✓		✓			CEO
Respond to call-in of a decision ¹⁸	✓	✓	✓	✓	✓	All ✓

¹⁴ See Neighbourhood Planning protocol agreed by Council 14 Dec 2015

¹⁵ As defined in Article 13.

¹⁶ Cabinet Member in respect of the spending on individual elements of the Cheltenham Transport Plan

¹⁷ The Leader, Chief Executive (or, in their absence or where he is unable to act, an Executive Director) may take an urgent key decision in accordance with Rule 16 Access to Information Rules (Part 4E). Also see Table 6.

¹⁸ Whoever took the decision will respond

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Respond to a petition to Council		✓				
Appoint and remove Cabinet Members and decide their portfolios	✓					
Establish Cabinet Committee or working group			✓			
Delegate Executive Function to a Cabinet Member or Officer pursuant to 3E.6	✓					
Delegate Executive Function to an Officer with prior consent of Leader pursuant to 3E.4		✓	✓			
Undertake such specific Executive Function as may be allocated from time to time by the Leader	✓	✓	✓			All
Undertake such specific Executive Function as may be delegated from time to time by Cabinet						✓
Undertake any Executive Function which is delegated to an Officer where the Leader directs it should be exercised by Cabinet			✓			
Undertake any Executive Function which is delegated to an Officer where the Leader directs it should be exercised by a Cabinet Member		✓				
Undertake any Executive Function which is delegated to an Officer where the Cabinet Member directs it should be exercised by themselves in accordance with Rule 3E.14		✓				
Undertake any Executive Function which is delegated to an Officer where the Officer decides to refer it to Cabinet			✓			
Undertake any Executive Function which is delegated to an Officer where the Officer decides to refer it to a Cabinet Member		✓				

Function	Leader	Cabinet Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Undertake any Executive Function delegated to a Cabinet Member where through absence, conflict or otherwise the Cabinet Member is unable to act	✓					
Undertake any Executive Function delegated to Cabinet which in the opinion of the Chief Executive requires an urgent decision before the next Cabinet meeting.	✓					
Appoint or nominate individuals to outside bodies in respect of Executive Functions and revoke or withdraw such appointment or nomination provided all Group Leaders agree ¹⁹	✓					
Legal Services						
Undertake the role and functions of the Authority's chief legal officer and provide the Authority's legal service					Subject to the terms of the delegation agreement to Tewkesbury Borough Council	
Waste						
Undertake functions of the Authority in respect of waste collection, recycling and street cleansing except for those functions reserved to the Authority ²⁰				Subject to the terms of the delegation agreement with Ubico		

¹⁹ Where there is no Group Leader consensus on an appointment or nomination or revocation or withdrawal of such, the matter will be referred to Council for decision

²⁰ See CE functions in Table 6

Additional delegation of Executive Functions to Officers

3E.19 All Executive Functions, other than those allocated in Table 5 of this Part 3E, are delegated to the Chief Executive, Member of the Executive Directors, Directors and the Director of One Legal as set out in Table 6 below.

3E.20 In addition, the Chief Executive, Executive Directors and Directors will exercise powers or duties specifically delegated to them by the Leader, Cabinet or a Cabinet Member²¹.

Table 6

Function	Condition
Chief Executive	
Discharge any Executive Function which is delegated to an Officer under Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise
Take an urgent decision in respect of an Executive Function (excluding a key decision) in a situation where there is not sufficient time for a report to be considered by the Leader, Cabinet or Cabinet Member.	Wherever possible this shall be done in consultation with the Leader and Cabinet Member (where not the Leader). The decision shall be reported to the next scheduled ordinary Cabinet meeting.
Authorise the use of the Authority's Coat of Arms and make arrangements for civic and twinning functions	
Authorise any Officer to or for any legal purpose including Statutory Officer appointments	Unless otherwise prescribed by law or allocated to Council in Part 3B
Make arrangements with other local authorities for the placing of staff at the disposal of those other authorities	
Approve transformational change, cultural and organisational development strategy and associated policies	Except those relating to terms and conditions of employment ²² of Executive Officers
In respect of joint waste: - authorising changes to the inter authority agreement²³ - budget setting; - service charges; - collection and disposal methods and policy changes to such collection and disposal methods; - procurement decisions in respect of the Functions; - enforcement proceedings or other legal action in respect of the Functions and - corporate media communications.	

²¹ Cabinet or a Cabinet Member may only delegate to an Officer with the prior approval of the Leader

²² This is a non-Executive Function and is delegated in Part 3D

²³ Dated 1 April 2013

Function	Condition
Executive Directors and Directors	
Discharge any Executive Function which is delegated to an Officer (including the Head of Paid Service) under this Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise.
Undertake the role of Head of Paid Service	Where the Chief Executive is absent or unable to act through conflict of interest or otherwise. This Function falls to the Executive Director who is deputising for that period
Undertake emergency planning and civil defence functions	
Functions in respect of service areas	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Arrangements or other local authority or other Officer under Part 3E
Director of One Legal	
To authorise Officers to represent the Authority before a court or tribunal pursuant to: - (a) Paragraph 1(3) Schedule 3 of the Legal Services Act 2007 in respect of: (i) Section 223 of the Local Government Act 1972 (ii) Section 60 of the County Courts Act 1984 (b) Paragraph 1(7) Schedule 3 of the Legal Services Act 2007 (c) The Lay Representatives (Rights of Audience) Order 1999	

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PART 4

Rules of Procedure

Part 4H – Financial Rules

~~These financial rules relate to each of the Local Authorities forming Publica Group (Support) Ltd (“Publica”), being Cotswold District Council, Cheltenham Borough Council, Forest of Dean District Council and West Oxfordshire District Council. This shared service provides shared financial, payroll, procurement and human resources services across the partnering authorities. Each council’s governance structure is laid down in their constitutions.~~

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Appendices

~~Appendix A1 – Schedule of Financial limits~~

1. Introduction

- 1.1 Financial Rules, together with Contract Procedure Rules and other forms of guidance on procedure and conduct, provide the framework for managing the council's financial affairs, ensuring high integrity and accountability. They apply to every Member and Officer of the council and anyone acting on behalf of the council.
- 1.2 To conduct its business efficiently the council needs to ensure that there are sound financial management policies in place and that these are strictly adhered to. Part of this process is the establishment of Financial Rules that set out the financial policies of the council ~~s-forming Publica.~~
- 1.3 These Financial Rules are made pursuant of the Local Government Act 1972, Section 151 the Accounts and Audit Regulations 2003 (as amended) and all other enabling powers.
- 1.4 The Financial Rules provide clarity over the accountabilities of individuals, ensures that the council uses best practice when dealing with financial matters and that council resources are used wisely.
- 1.5 For the purpose of these Financial Rules, the description "Council" shall refer to the Full Council, made up of elected members, and the term "council" shall relate to the local authority.
- 1.6 The financial limits approved as part of these Financial Rules are summarised in Appendix A1 – Schedule of Financial Limits.

2. Status of Financial Rules

- 2.1 These Financial Rules relate ~~to each of the Local Authorities forming Publica, being Gotswold District Council, Cheltenham Borough Council, Forest of Dean District Council and West Oxfordshire District Council. This service provides shared financial, payroll, procurement and human resources services across the partnering authorities.~~
- 2.2 The Financial Rules shall be complied with by all Officers and Members ~~of the council. from each of the above Local Authorities. If job titles and roles differ between the councils, the responsibilities defined in the Rules shall be adopted by the most appropriate level of employee within each council's structure, agreed locally.~~
- 2.3 ~~The Financial Rules shall apply to all Officers within Publica, irrespective of the client council. Full access to financial systems and records shall be given to delegated Officers within Publica in order to facilitate transactional processing and other finance related work, as required.~~

- 2.4** The Financial Rules identify the financial responsibilities of the Council, Cabinet and Cabinet Members, other Members, the Head of Paid Service (Chief Executive), the Monitoring Officer, the Section 151 Officer, other Directors and Heads of Service and all other employees and agents of the council.
- 2.5** Directors and Heads of Service are responsible for ensuring that all staff in their departments are aware of their responsibilities according to the Financial Rules and other internal regulatory documents and comply with them.
- 2.6** Cabinet Members and Senior Officers should maintain a written record where these responsibilities have been delegated to members of staff, including seconded staff.
- 2.7** Where responsibilities have been delegated or devolved to other responsible Officers, references to the Members or Senior Officers in the rules should be read as referring to them.
- 2.8** All Members and Employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money. Nothing included in or omitted from these Financial Rules shall detract from this responsibility.
- 2.9** The Section 151 Officer is responsible for maintaining a continuous review of the Financial Rules and advising the Cabinet of any non-material additions or changes necessary.
- 2.10** The Rules will be formally reviewed every 5 years under the control of the Section 151 Officer, ~~in consultation with the Head of Public, Publica Heads of Finance and all those who deal with financial matters within and on behalf of the council.~~ The revised Rules will be reported to each Council for approval. In the meantime, if material changes make a review of the Rules necessary, this should be the subject of a report by the Section 151 Officer ~~at each council.~~
- 2.11** Should an instance of non-compliance with these rules be discovered the Section 151 Officer may, after consultation with the Chief Executive, make a report to the Leader, Full Council and/or Cabinet, as appropriate. Non-compliance with financial rules may also lead to disciplinary action being taken.

A: FINANCIAL MANAGEMENT

A1 Introduction

A1.1 Financial management covers all financial accountabilities in relation to the running of the council, including the policy framework and budget.

A1.2 Key processes and controls must be in place to ensure good financial management and help the council conduct affairs in an efficient, effective and economic manner.

A1.3 Monitoring systems must be in place to review compliance with financial standards and to ensure compliance with legal and corporate requirements for accountability.

A2 Emergencies

A2.1 Nothing in these Financial Rules or the Contract Rules shall prevent the Cabinet, the Executive Board or a Director from incurring expenditure essential to meet any immediate needs created by an emergency, or which is referable to Section 138 of the Local Government Act 1972. This should be done in accordance with the council's constitution. Any such action shall be reported as soon as possible to Cabinet, detailing the nature of the emergency, the action taken, the financial implications and any other consequences.

A3 Full Council

A3.1 The Full Council for each authority is responsible for:

- Adopting the council's Constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Cabinet operates.
- Approving and monitoring compliance with the council's overall framework of accountability and control. The framework is set out in the council's written Constitution.
- Approving procedures for recording and reporting decisions taken. This includes decisions taken by the Council, the Cabinet, Committees and Officers. These delegations and details of who has responsibility for which decisions are set out in the council's Constitution.

A3.2 The Full Council (together with the Section 151 Officer) has a statutory responsibility to ensure:

- The setting of the annual budget, including the allocation of financial resources to different services and projects, proposed reserves, the Council tax base and the setting of the Council tax.
- The preparation of the annual Statement of Accounts, in accordance with the Accounts and Audit Regulations 2015¹, before 31st May^{30th}

June following the year end to which they relate. The Section 151 Officer shall sign and date the draft Statements before ~~30th~~ 31st ~~May~~June of each year and the final audited Statements before 30th September each year)

- The publishing of the Statement of Accounts, and the external auditor's Certificate, Opinion or Report by 30th September each year following the year end to which they relate. The Council has given delegated authority for the Statement to be approved by Audit, Compliance and Governance Committee or other approved Committee as per the council's constitution, and signed by the person presiding at the Committee meeting at which the approval is given.
- The Statement of Accounts are made available for public inspection for 20 days prior to the date set by the external auditor, on or after which the electors rights under Section 15 (2) and 16 (1) of the Audit Commission Act 1988 can be exercised in accordance with the Accounts and Audit Regulations 2003. Also to ensure publish of the Annual Audit and Inspection letter received from the external auditor.
- That public notice is given by advertisement of the conclusion of the audit and that the Statement of Accounts and the external auditor's report are available for inspection.

A4 Cabinet

A4.1 The Cabinet is responsible for discharging executive functions in accordance with the policy framework and budget and for monitoring compliance with the agreed policy and related executive decisions.

A4.2 Executive decisions can be delegated to a Committee of the Cabinet, an individual Cabinet Member, an Officer, a Joint Committee.

A4.3 The constitution contains a requirement to ensure that an individual Cabinet Member consults with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

A4.4 No member shall ask an employee to incur expenditure for which there is no appropriate provision in the budget, unless in consultation as part of an emergency as detailed in paragraph A2.1.

A4.5 A record shall be kept of the decision making process.

A5 Overview and Scrutiny Committee(s)

A5.1 The council has Overview and Scrutiny Committee(s), responsible for the scrutiny of Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. These Committee(s) are also responsible for making recommendations on future policy options and reviewing the general policy and service delivery of the council.

A5.2 Overview and Scrutiny Committee(s) do not have authority over any financial activity, other than to support the work of the Committee itself, but can make reports to Cabinet and the council concerning any matter.

A6 Audit, Compliance and Governance Committee

A6.1 The council has an Audit, Compliance and Governance Committee, responsible for ensuring effective internal control and independent assurance mechanisms across all areas of the council.

A6.2 The Audit, Compliance and Governance Committee is responsible for Internal Audit, External Audit provision, risk management, the signed approval of the Annual Statement of Accounts and the Corporate Governance Framework. This Committee does not have authority over any financial activity, other than to support the work of the Committee itself, but can make reports to other Committees and the council concerning any matter.

A7 Standards Committee

A7.1 The council has a Standards Committee, established by Full Council, responsible for promoting and maintaining high standards of conduct amongst Members of the council and co-opted Members on its Committees and Sub-Committees. In particular, it is responsible for advising the council on the adoption of the Members' Code of Conduct, and for monitoring the operation of the code.

A7.2 The Standards Committee does not have authority over any financial activity, other than to support the work of the Committee itself, but can make reports to other Committees and the council concerning any matter.

A8 Other Committees

A8.1 Planning and Licensing Committees-
Planning regulation and licensing are quasi-judicial functions and are exercised through Planning and Licensing Committees within the council, under powers delegated by Full Council. The terms and references of these committees are set out in the Constitution.

A8.2 Joint Committees-
The council can set up Joint Committees with other organisations to oversee the management of activities or facilities. The financial activity of Joint Committees is governed by their terms of reference. The council's procedural and Financial Rules apply to Joint Committees unless there has been specific agreement in line with the constitution to operate under other rules.

A9 Head of Paid Service (Chief Executive)

A9.1 The Head of Paid Service (Chief Executive) is responsible for the corporate and strategic management of the council and fulfils the statutory role of Head of Paid Service. He or she must report to and provide information

for Full Council, Cabinet, Overview and Scrutiny Committees, Audit, Compliance and Governance Committee and any other Committees as required. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

A9.2 The Head of Paid Service (Chief Executive) is also responsible, together with the Monitoring Officer and/or other delegated Officer, for the system of record keeping in relation to all Full Council's decisions.

A10. Monitoring Officer

A10.1 The Monitoring Officer is a statutory role within the council, and is the lead Solicitor for the Authority. This role cannot be the Head of Paid Service or the Section 151 Officer. The Monitoring Officer's role is defined in the Constitution, including responsibility for:

- Advising, as appropriate, the Council on amendments to the constitution or making such amendments as necessary to take account of decisions of the Council, a Committee, the Cabinet or Leader and changes of law or fact. He or she shall notify Members, the Head of Paid Service and other Officers as ~~he/she~~they considers appropriate.
- Contributing to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee.
- Receiving and acting on reports made by ethical standards officers and decisions of the First-Tier Tribunal.
- Conducting investigations into matters referred by an Initial Assessment Sub-Committee or an Appeals Sub-Committee of the Standards Committee, or arranging for such investigations to be made, and making reports or recommendations in respect of them to the Standards Committee.
- After consultation with the Head of Paid Service and the Section 151 Officer, reporting to Council (or Cabinet in relation to an Executive function), if he or she considers that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

A11 Section 151 Officer

A11.1 Section 151 of the Local Government Act 1972 requires that every local authority in England and Wales should make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. This Officer must be a member of a specific accounting body.

A11.2 The Section 151 Officer is therefore a statutory role of the council, with statutory duties in relation to the financial administration and stewardship of

the council. He or she (or ~~his/her~~their designated deputy) shall have the right and duty to advise the Council, Cabinet, Committees and Senior Management Team on priorities in relation to resources and capital expenditure. This statutory responsibility cannot be overridden.

A11.3 The Section 151 Officer is responsible for:

- The proper administration of the council's financial affairs.
- Determining the council's accounting records, including the form of accounts and supporting accounting records and its accounting control systems, in compliance with the Accounts and Audit regulations 2003.
- Providing financial information and advising on the corporate financial position to the authority as required.
- Ensuring that the Annual Statements of Accounts are prepared in accordance with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.
- Signing the Annual Statement of Accounts and certifying that it presents a true and fair view of the financial position of the council at the financial year end.

Preparing the Medium Term Financial Strategy and the Annual Revenue Budgets and Capital Programmes, within the Policy Framework.

- Reporting to Full Council (under the requirement of Section 25 of the Local Government Act 2003), when it is considering its budget, council tax and housing rents (if applicable) for the new financial year. This 'Section 25' report to include the robustness of estimates and adequacy of reserves.
- Advising the council on the level of reserves needed for meeting estimated future expenditure, in accordance with the statutory requirement for billing authorities to maintain financial reserves (under Sections 32 and 43 of the Local Government Finance Act 1992).
- Treasury Management.
- Advising the Cabinet or Full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the approved budget.
- Providing regular reports to the Cabinet on the council's finances and financial performance.
- Monitoring compliance with the Financial Rules and Contract Procedure Rules and reporting, where appropriate, breaches of these rules to the Cabinet and/or full Council.

- Formally reviewing the Financial and Contract Procedure Rules every 5 years and reporting the revised Rules to the council for approval.
- Maintaining a continuous review of the Financial and Contract Procedure Rules and making any non-material changes to the Rules, as considered necessary, or as part of the formal 5 year review.
- Advising the Cabinet of any material additions or changes necessary to the Financial Rules.
- Issuing advice and guidance to underpin these rules for Members, employees and agents of the council to follow.

A11.4 Section 114 of the Local Government Finance Act 1988 requires:

- The Section 151 Officer to nominate a properly qualified member of his or her staff to deputise should he or she be unable to perform the Section 151 Officer duties personally.
- The council to provide the Section 151 Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, in order to carry out the Section 151 Officer duties.

A12 Directors and Heads of Service

A12.1 Directors and Heads of Service are responsible for the delivery of their own service(s) and for the day to day management of their service(s) budgets. Spending and income generation should be in accordance with service budgets and performance monitored against budget.

A12.2 Each Director or Head of Service is responsible for:

- Complying with the Financial and Contract Rules and other internal regulatory documents and ensuring that all employees within his or her service(s) are aware of the existence and content of these Rules.
- Advising Cabinet Members of the financial implications of all proposals and ensuring that the financial implications have been agreed by the Section 151 Officer.
- Consulting with the Section 151 Officer or delegated Deputy and seeking approval on any matter liable to affect the Council's finances materially (defined as in excess of £25,000), before any commitments are incurred.
- Ensuring that all systems and controls within his or her service(s) are operated to prevent, minimise and detect any opportunity for fraud, theft or other irregularity. He or she should ensure the accountability and control of employees and the security, custody and control of all other resources within the service(s).

A13 Employees

A13.1 All employees and/or agents acting on behalf of the council are responsible for:

- Complying with the Financial and Contract Procedure Rules and any other internal regulatory documents of the council.
- Keeping accurate and comprehensive records to support transactions they undertake on the council's behalf. These records must be in accordance with the accounting systems and policies established by the Section 151 Officer.
- Avoiding conflicts of interest and ensuring compliance with the employees code of conduct.

A14 Internal Audit

A14.1 The Accounts and Audit Regulations 2015~~1~~ (England) requires that the council must undertake an adequate and effective internal audit of its accounting records and its system of internal control, in accordance with the proper practices in relation to internal control.

A14.2 The Section 151 Officer is responsible for ensuring that arrangements are put in place to ensure financial stewardship, probity and compliance with laws and regulations within the council.

A14.3 The Head of Internal Audit is responsible for providing a written report to those charged with governance, which includes an opinion on the adequacy and effectiveness of the council's control environment under the CIPFA Code of Practice for Internal Audit in Local Government 2006.

A14.4 The council's Internal Audit function is responsible for reviewing and reporting on corporate and departmental internal control arrangements, both financial and operational, as appropriate. This function can be provided by a suitably qualified external body (for example a shared Internal Audit Service).

A14.5 Internal Audit shall provide positive assurance when financial controls are effective and recommendations for improvement where they are not. They shall advise all levels of management on the operation of financial and operational controls to help prevent things going wrong.

A14.6 Internal Audit are responsible for the investigation and reporting of all suspected irregularities, at the request of the Section 151 Officer, Monitoring Officer, the Chief Executive or a Director.

A15 External Audit

A15.1 The council's External Auditor is responsible for considering whether the council has proper arrangements in place for:

- Securing financial resilience; reviewing the council's financial governance, financial planning and financial control processes.

- Challenging how it secures economy, efficiency and effectiveness; looking at how the council is prioritising resources and improving efficiency and productivity.

B: FINANCIAL PLANNING, BUDGET PREPARATION AND BUDGET MONITORING

B1 Introduction

B1.1 Full Council is responsible for agreeing the council's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are the corporate plan, the annual revenue budget, the capital programme and the Medium Term Financial Strategy.

B1.2 The policy framework comprises a number of statutory plans and strategies that are listed in the council's Constitution.

B1.3 The budget is the financial expression of the council's plans and policies. It reflects Council, Cabinet and Committee priorities and gives authority to Budget Holders to incur expenditure or collect income. It should take due account of the risks and opportunities facing the council.

B1.4 The revenue budget must be constructed to ensure that resource allocation properly reflects the service plans and priorities of the council. Budgets are needed so that the council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the council to budget for a deficit.

B1.5 Medium term financial planning covering a minimum period of 4 years, which incorporates both revenue and capital plans, involves a planning cycle in which Members, the Chief Executive, Directors and Budget Holders plan for significant events and changes to spending and income. This allows for measured and appropriate action to be taken each year when setting detailed budgets and avoids the need for urgent or undesirable action.

B2 Full Council

B2.1 Full Council is responsible for the approval and adoption of its annual Budget in February of each year prior to the start of the next financial year.

B2.2 This includes:

- The allocation of financial resources to services and projects.
- The control of capital expenditure.
- The approval of the Medium Term Financial Strategy.
- The control of the council's borrowing requirement.
- Setting the rate of Council Tax.
- Setting the Council Tax base (unless delegated under the constitution)

B2.3 Full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework, unless otherwise delegated under the constitution.

B2.4 Full Council is responsible for setting the level at which the Cabinet, Cabinet Members and Officers may reallocate budget funds from one service to another (see virement rules, Section C).

B3 Cabinet

B3.1 The general format of the annual budget will be approved by Cabinet, on the advice of the Section 151 Officer, in the autumn of each year prior to the start of the next financial year.

B3.2 The Cabinet is responsible for:

- Co-ordinating the development of the Budget and Policy Framework and submitting budget proposals to Full Council in February prior to the start of the next financial year.
- Taking in-year decisions on resources and priorities in order to deliver the budget and Policy Framework within the financial limits set by the council.
- Monitoring financial performance against the budget.

B4 Section 151 Officer

B4.1 The Section 151 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a Medium Term Financial Strategy is prepared on a minimum 4 year basis for consideration by the Cabinet, before submission to Full Council in February prior to the start of the next financial year.

B4.2 The Section 151 Officer is responsible for:

- Determining the format and the timetable for the budget, to be agreed by Cabinet in the autumn prior to the start of the next financial year.
- Supplying the financial information that needs to be included in policies, strategies and performance plans in accordance with statutory requirements and agreed timetables.
- Providing guidance to Officers on budget preparation.
- Advising Full Council on Cabinet budget proposals in accordance with his or her responsibilities under Section 151 of the Local Government Act 1972. This advice to be presented to Full Council at its budget setting meeting in February, as part of his or her S25 Report.
- Ensuring that expenditure is committed only against an approved budget and that all Officers responsible for committing expenditure comply with the Financial Rules and other relevant guidance.
- Establishing a framework of budgetary management and control, ensuring that financial performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

- The preparation of Budget Monitoring reports, to be reported to Cabinet, reflecting significant variations to income and expenditure budgets (in excess of £25,000) and the overall financial position, on a minimum quarterly basis.
- Ensuring that appropriate and timely information is provided on receipts and payments, in order to allow budgets to be monitored effectively.
- Ensuring that systems are in place to measure activity and collect accurate financial information for use in local financial performance indicators.
- Complying with all legal requirements and CIPFA's Code of Practice on Local Authority Accounting and CIPFA's Service Reporting Code of Practice for Local Authorities.

B5 Directors and Heads of Service

B5.1 Directors and Heads of Service should manage their budgets responsibly and prudently and not create future commitments without approved budget.

B5.2 Directors and Heads of Service are responsible for:

- Contributing to the development of the Policy Framework, budgets and performance plans within their areas of responsibility. Budget estimates should be prepared in line with guidance issued by the Section 151 Officer and have regard to known spending patterns, legal requirements and agreed corporate and/or service plans.
- Contributing to the development of corporate and service targets, objectives and performance information in their areas of responsibility.
- Developing their services' performance plans in line with statutory requirements and corporate guidance.
- Achieving the targets, objectives and levels of performance as set out in the corporate plans (including achievement of budgetary targets within their areas of responsibility).
- Complying with the accounting guidance provided by the Section 151 Officer and ensuring that income and expenditure is properly recorded and accounted for in their service areas. Income and expenditure should not be miscoded as a means of applying unauthorised virement.
- Monitoring income and expenditure within their approved budgets and reporting to the Section 151 Officer and Cabinet Member significant variations to budget (in excess of £25,000). He or she should also take the necessary action required to improve the financial position.

B5.3 Directors and Heads of Service are able to delegate budget responsibilities to Service Managers within their given area of responsibility.

Any such scheme of delegation should be documented and the Budget Holder made aware of their levels of authority and the contents of the Financial Rules. Adequate training and support should be provided to Budget Holders to enable them to carry out their financial responsibilities and internal controls should be established to ensure that budgets are properly monitored.

B6 Budget Holders and Other Employees

B6.1 Each delegated budget holder and employee shall be responsible for the sound financial management and budgetary control of their delegated area. This will include the monitoring and control of all financial and finance related systems and the monitoring and control of access to computerised financial records. Significant variations to budgets should be reported to their Director or Head of Service.

B7 Preparation of Capital Programme

B7.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure may include loans and grants which are used by others for capital purposes.

B7.2 The Section 151 Officer is responsible for defining whether expenditure is classed as capital or revenue expenditure, having regard to Government regulations and accounting requirements.

B7.3 The council can set a “de minimis” level for treating capital expenditure as revenue, to avoid unnecessary work in identifying potential capital spend. The current “de minimis” level is set at £25,000. Expenditure falling within the definition of capital expenditure will be charged to revenue if it is for £25,000 or less.

B7.4 The Section 151 Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by Cabinet, before submission to Full Council for approval as part of the annual Budget setting process.

B7.5 Each Director or Head of Service will prepare a business case for each new item to be included in the capital programme, including details of the scheme, the capital budget requirement, a project plan, associated revenue expenditure and any other details requested by the Section 151 Officer.

B7.6 No capital scheme shall commence which will increase the revenue expenditure of the council until such revenue provision has been approved.

B7.7 The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

B7.8 New capital schemes in year should be approved as follows:

- Amounts not exceeding £100,000 – by Cabinet
- Amounts in excess of £100,000 – by Full Council.

This approval is subject to the availability of the approved budget.

B7.9 As part of the capital programme, an asset management plan shall be maintained by a designated Director or Head of Service and a capital strategy shall be maintained by the Section 151 Officer. The plan and strategy shall be reported to Cabinet every three years.

B7.10 Once a capital project has been approved, a Director, or delegated employee, will be accountable for the delivery of the scheme and must comply with the council's Contract Procedure Rules, Financial Rules and any other internal regulatory documents.

B8 Resource Allocation

B8.1 Where there is a mismatch between available resources and required resources, service needs should be prioritised and resources fairly allocated.

B8.2 The Section 151 Officer is responsible for:

- Developing and maintaining a resource allocation process that ensures due consideration of the council's policy framework.
- Advising on methods available for accessing additional resources and assessing their financial implications.
- Assisting in the allocation of resources to budget holders.

B9 Increases in Estimates

B9.1 Other than by virement or supplementary estimate, expenditure estimates may not be increased as a result of increased income, unless the service is designated as a trading service by the Section 151 Officer, in consultation with the relevant Director and Cabinet Member. In these circumstances expenditure estimates approved by the Council may be increased as a result of increased income, in line with the virement rules set out in the Financial Rules.

B10 Carry Forward of Budget

B10.1 Carry forward of planned underspend of revenue budgets into the following financial year will only be allowed with the agreement of the Section 151 Officer, in order to meet the needs of approved service delivery. All applications shall be submitted to the Section 151 Officer in accordance with the agreed year end timetable.

B10.2 Section 151 Officer approval is subject to evidence that the underspend is as a result of timing, has been committed for the **same purpose** as originally intended, and will be spent in the new financial year. The Section 151 Officer will report agreed carry forwards to the Cabinet each year.

B10.3 All other carry forward requests, including budget under spends that have been carried forward in previous financial years, will be subject to Full Council approval at the Financial Outturn meeting held after the year end (unless otherwise delegated under the constitution).

B11 Maintenance of Reserves

B11.1 Full Council must set the level of general reserves it wishes to maintain before it can decide the level of the Council Tax. Reserves are maintained as a matter of prudence. They enable the council to provide for unexpected events and thereby protect it from overspending should such events occur.

B11.2 The Section 151 Officer has a statutory obligation under the Local Government Act 2003 to report on the adequacy of the council's reserves to Cabinet and Full Council, at the time the Council considers its budget for the coming year.

B11.3 Reserves can be maintained for three main purposes:

- A working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing (This forms part of general reserves).
- A contingency to cushion the impact of unexpected events or emergencies (This also forms part of general reserves).
- A means of building up funds to meet known or predicted requirements (Earmarked reserves).

B11.4 The Section 151 Officer has delegated authority to approve in year transfers to and from earmarked reserves to support the activities of the council.

B11.5 The transfer to and from general reserves shall be the responsibility of Full Council. As part of the annual budget approval process, Full Council may delegate the amount by which such funds may be utilised and approved by Cabinet in meeting unforeseen expenditure.

C: SCHEME OF VIREMENT

C1 Introduction

C1.1 The scheme of virement is intended to enable the Cabinet, Directors and Heads of Service and Budget Holders to manage budgets with a degree of flexibility within the overall Policy Framework determined by the council, and therefore to optimise the use of available resources.

C1.2 Virement is the switching of resources between approved budgets at a service or cost centre level. This transfer of budgetary provision may be used if additional expenditure is required on an existing budget, providing that an equal expenditure saving or additional income can be made on another budget, subject to the Virement Rules.

C2 Full Council

C2.1 Full Council is responsible for agreeing procedures for virement of expenditure between budget headings. The virement scheme is administered by the Section 151 Officer within the guidelines set by Full Council. Any variation from this scheme requires the approval of Full Council.

C2.2 Virement in excess of £100,000 are deemed to change the Budget and Policy Framework and require the approval of Full Council.

C3 Budget Variations within a Service

C3.1 Action to correct actual or projected variations in budgeted income or expenditure within an approved cost centre / service is delegated to the relevant Service Manager or Budget Holder, ~~in consultation with Publica~~. These variations should not have a financial impact on the approved net budget on the cost centre / service.

C4 Virement Rules / Limits

C4.1 The prior approval of the relevant Cabinet Member and the Section 151 Officer is required for any virement, of whatever amount, where it is proposed to vire as a result of a fortuitous increase in income to a cost centre not designated as Trading. The rules below cover the delegated virement limits.

C4.2 The following rules apply to virement between services:

C4.2.1 Revenue budgets:

- **Amounts up to £25,000 –**
Approval by relevant Director(s) or Head of Service(s). The Section 151 Officer should be informed of this virement.
- **Amounts over £25,000 but not exceeding £50,000 –**
Approval by Cabinet Member(s) in consultation with Section 151 Officer.

- **Amounts over £50,000 but not in excess of £100,000 –**
Approval of Cabinet.
- **Amounts in excess of £100,000 –**
Approval of Full Council, or as delegated in the constitution.

C4.2.2 Capital Schemes:

- **Amounts up to £50,000 –**
Approval of relevant Director(s) or Head of Service(s), with the agreement of the Section 151 Officer. Cabinet Member(s) to be informed.
- **Amounts over £50,000 but not exceeding £100,000 –**
Approval by Cabinet
- **Amounts in excess of £100,000 –**
Approval of Full Council, or as delegated in the constitution.

C4.3 Virement that is likely to have a financial impact on the level of service activity falling under the responsibility of another Director should only be implemented with the approval of each Director or Cabinet Member concerned.

C4.4 Virement must not be aggregated or disaggregated in order to avoid the Virement Rules.

C4.5 No virement relating to a specific financial year will be made after 31st March in that year.

C4.6 Where an approved budget is a lump sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

- the amount is used in accordance with the purposes for which it has been established.
- the Cabinet or Full Council has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet or Full Council as required.

C4.7 The virement must not contravene any statutory requirement.

C4.8 All virement must be properly documented and approved. A record of all virement should be maintained by the Section 151 Officer and reported to the appropriate Cabinet Member.

D: RISK MANAGEMENT AND INSURANCE

D1 Introduction

D1.1 Risk is the chance of something going wrong which may result in loss, damage, injury, failure to achieve objectives or missed opportunity caused by an unwanted, uncertain or lack of action or event. It includes corporate and strategic risks. All organisations, whether they are in the private or public sectors, face risks to credibility, people, property and continued operations.

D1.2 Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the organisation's opportunities and assets and to ensure its continued financial and organisational well-being. Risk management is, therefore, an integral part of good business practice.

D1.3 It is essential that robust systems are developed and maintained for identifying and evaluating all significant opportunities and risks to the council as an integral part of management. This should include the active participation of all those associated with the planning and delivery of services.

D1.4 The Council's Risk Management Policy and Strategy sets out criteria for risk assessment and guidance on how it should be managed.

D2 Cabinet

D2.1 The Cabinet is responsible for:

- Implementing the council's Risk Management Policy and Strategy.
- Promoting a culture of risk management awareness throughout the council
- Ensuring that adequate insurance cover exists where appropriate.

D3 Audit, Compliance and Governance Committee

D3.1 The Audit, Compliance and Governance Committee is responsible for:

- Approving the council's annual risk management strategy
- Ensuring that risk management procedures are satisfactorily carried out.
- Ongoing monitoring and review of the risk management strategy.

D4 Section 151 Officer

D4.1 The Section 151 Officer is responsible for:

- Preparing the Risk Management Policy & Strategy for Audit, Compliance and Governance Committee.
- Promoting the culture of Risk Management throughout the council.
- Advising the Cabinet on appropriate insurance cover for known insurance risks and assets owned and/or used in connection with the council's activities.
- The negotiation, and where appropriate, settlement, of insurance claims, in consultation with the Monitoring Officer and other Employees as appropriate.
- Ensuring that all appropriate Employees are included in a suitable fidelity guarantee insurance.
- Reviewing annually, or at any such other period considered necessary, all insurances, in consultation with Directors and other Employees as appropriate.

D5 Directors and Heads of Service:

D5.1 Directors and Heads of Service are responsible for risk management and the regular review of risk and opportunity within their services, having regard to advice from the Section 151 Officer and other specialist Officers (e.g. Health & Safety Advisor).

D5.2 Directors and Heads of Service are responsible for:

- Actively managing opportunities and risk in their area of responsibility.
- Providing prompt notification to the Section 151 Officer for all new risks, properties, services or vehicles which require to be insured and of any alterations affecting existing insurances. This should include any areas of responsibility undertaken in respect of an external organisation, whether or not linked to the council's activities.
- Providing notification to the Section 151 Officer in writing of any loss, liability or damage or any event likely to lead to a claim. Further notification should be given to the Section 151 Officer immediately on receipt of any insurance claim.
- Consulting with the Section 151 Officer and the Monitoring Officer concerning the terms of any indemnity which the council is requested to give.
- Ensuring that all employees:-
 - are aware of their responsibilities for risk management and insurance.
 - receive adequate support and training to carry out their responsibilities.

- comply with the council's standards of financial management.
- are personally protected from risk.

D6 Budget Holders and Other Employees

D6.1 Budget Holders and other Employees are responsible for:

- Identifying opportunities and risks in their service areas.
- Assessing the likelihood of their occurrence and evaluating the possible impact. This involves arranging them in order of priority, recording the risks and judging the potential financial cost, lost time, inconvenience or upheaval, disruption to service, bad publicity or loss of service quality.
- Taking steps to minimise potential losses. Effective action will represent a judgement between the likely risk and the cost or effort required to safeguard against it.
- Notifying the Section 151 Officer promptly of all new risks, properties or vehicles which require insurance and of any alterations affecting existing insurance.
- Notifying the Section 151 Officer immediately of any loss, liability or damage which may lead to a claim against the council, together with any information or explanation required by the Section 151 Officer or the council's insurers.
- Recording any incident which may result in a loss.
- Consulting the Section 151 Officer and the Monitoring Officer on the terms of any indemnities which the council is required to give.
- Ensuring that the council's employees, or anyone covered by the council's insurance, do not admit liability or make any offer to pay compensation which may prejudice the assessment of liability in respect of an insurance claim.

E: INTERNAL CONTROLS AND AUDIT

E1 Introduction

E1.1 Internal control refers to the systems of control devised by management to help ensure the council's objectives are achieved in a manner which promotes economical, efficient and effective use of resources and that the council's assets and interests are safeguarded.

E1.2 The council faces a wide range of financial, administrative and commercial risks, both from internal and external factors. Internal controls are necessary to help manage these risks and to monitor progress towards its strategic objectives.

E2 Internal Audit

E2.1 The Accounts and Audit Regulations 201~~5~~⁴ require that the council must undertake an adequate and effective internal audit of its accounting records and of its system of internal control, in accordance with proper practices in relation to internal control.

E2.2 The internal audit function should operate in accordance with the CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom, the Chartered Institute of Internal Auditors (UK and Ireland) Standards for the Professional Practice of Internal Auditing, and with any other statutory obligations and regulations.

E2.3 Internal Audit shall provide an independent, objective, assurance and consulting activity for the review of the council's system of internal control.

E2.4 The Head of Internal Audit is responsible for providing a written report to those charged with governance, which includes an opinion on the adequacy and effectiveness of the council's control environment under the CIPFA Code of Practice for Internal Audit in Local Government 2006.

E2.5 The Head of Internal Audit has the right to meet the Chair of the Audit, Compliance and Governance Committee in private.

E2.6 Internal Audit shall have direct access to the Head of Paid Service, the Section 151 Officer, the Monitoring Officer, all levels of Management and Elected Members.

E2.7 Internal Audit shall have full and complete access to all information, records, facilities and personnel relevant to the performance of an audit review.

E3 External Audit and Inspection

E3.1 The Audit Commission is responsible for appointing external auditors to each local authority in England and Wales. The basic duties of the external auditors are defined in the Audit Commission Act 1998 and the Local

Government Act 1999.

E3.2 The external auditor's main objectives are to review and report on the financial aspects of the council's corporate governance arrangements, the financial statements and the arrangements to manage its performance.

E3.3 External Audit is responsible for considering whether the council has proper arrangements in place for:

- Securing financial resilience; reviewing the council's financial governance, financial planning and financial control processes.
- Challenging how it secures economy, efficiency and effectiveness; looking at how the council is prioritising resources and improving efficiency and productivity.

E3.4 The council may, from time to time, be subject to audit, inspection or investigation by other external bodies, such as HMRC, all of whom have statutory rights of access.

E4 Audit, Compliance and Governance Committee

E4.1 The Audit, Compliance and Governance Committee provides a broad base audit role across all areas of the council, while promoting and ensuring effective governance, internal control and assurance mechanisms.

Audit, Compliance and Governance Committee is responsible for:

- Reviewing internal and external reports and assessments in respect of corporate governance.
- Considering the Head of Internal Audit's annual report and opinion and annual internal audit plan and the level of assurance it gives over the council's corporate governance arrangements.
- Monitoring the operational Internal Audit plan and the audit planning process; ensuring that internal audit work is planned with due regard to risk, materiality and supports the council's corporate aims and priorities.
- Consulting with the Audit Commission on the appointment of the council's external auditor.
- Consideration and review of the external audit annual Report to those charged with governance (ISA 260) and all associated reports and other documents.
- Reviewing all matters relating to external audit, including audit and inspection planning, action points and reports
- Monitoring and review of actions required arising out of external and internal audit recommendations.

- Ensuring effective liaison between external and internal audit and any other inspection agency.
- Reviewing and signing approval of the audited annual statement of accounts and annual governance statement, including the statement of the system of internal financial control by 30th September of each year following the financial year end.

E5 Section 151 Officer

E.5.1 The Section 151 Officer is responsible for:

- Advising and assisting the council to put in place a control environment which provides reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- Ensuring that an adequate and effective Internal Audit Service is maintained, with the authority to access all assets, records, documents, correspondence and control systems of the council, and such records belonging to third parties, such as contractors, when required.
- Ensuring that effective procedures are in place to investigate promptly any suspected fraud or irregularity.
- Ensuring that all External Auditors and Inspectors are given access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.
- Working with the appointed External Auditors and Inspectors and advising the Audit, Compliance and Governance Committee, Cabinet, Directors and Heads of Service on their responsibilities in relation to external audit and inspection.
- Ensuring there is effective communication between External and Internal Audit.

E6 Directors and Heads of Service

E6.1 Each Director and Head of Service is responsible for:

- Establishing sound arrangements for planning, appraising, authorising and controlling their operations, in accordance with the Code of Corporate Governance and the Annual Governance Statement.
- Achieving continuous improvement, economy, efficiency and effectiveness within services.
- Implementing processes to check that established controls are being complied with and to evaluate their effectiveness.

- Reviewing existing controls and establishing new controls where necessary, in order to reflect changes within the council. They shall consult with Internal Audit on any proposed new systems, before implementation.
- Ensuring that Internal Auditors are given access to all records and assets of the authority, in accordance with their authority as set out above.
- Ensuring that all External Auditors and Inspectors are given access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.
- Considering and responding promptly to recommendations in audit reports. Implementing agreed actions arising from audit recommendations in a timely and efficient fashion.
- Notifying the Section 151 Officer and the Head of Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources.
- Ensuring that, as far as possible, the same officer is not responsible for receiving or paying money and rendering accounts or issuing receipts for the same.

E7 Preventing Fraud and Corruption

E7.1 The council has an Anti-Fraud and Corruption Policy / Strategy and maintains a culture which will not tolerate fraud or corruption. The council's expectation of propriety and accountability is that Members and all Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

E7.2 The council also expects that individuals and organisations (e.g. service providers, contractors and suppliers) that it comes in contact with, will act towards the council with integrity and without thoughts or actions involving fraud and corruption.

E7.3 The Section 151 Officer is responsible for the development and maintenance of an Anti-Fraud, Corruption and Whistle-blowing Policy.

E7.4 The Monitoring Officer is responsible for ensuring that all legislation, including the Public Interest Disclosure Act 1988, the Bribery Act 2010 and the Fraud Act 2006, is adhered to.

E7.5 Each Director and Head of Service is responsible for ensuring that the systems operated within his or her control seek to prevent or minimise the opportunity for fraud, corruption or irregularity to arise. And that all staff are aware of and comply with the council's anti-fraud and whistle blowing policies.

E7.6 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the council, or any

suspected irregularity in the exercise of the functions of the council, the Director or Head of Service has a duty to immediately notify the Section 151 Officer and the Monitoring Officer, who shall take such steps as they consider necessary by way of investigation and report.

E7.7 All Members and Employees must be aware of the maintenance of the Register of Interests, which should be updated annually or more frequently if other changes occur. Any offer of hospitality or gifts must be recorded, whether accepted or refused.

E8 Ex-Gratia / Maladministration Payments

E8.1 A payment is sometimes made to compensate someone for loss or damage incurred through no fault of the council. Most usually, this is to an employee who has suffered loss or damage in the course of their duties but can be to a member of the public for a minor loss within the influence of the council (such as thefts from secured lockers at Leisure Centres) This is funded through the council's insurance arrangements.

E8.2 Compensation payments under the local complaints procedure up to £5,000 shall only be made following an investigation by the Section 151 Officer and a Director or Head of Service and/or the Monitoring Officer, and with the approval of at least two of those employees.

E8.3 Compensation payments in excess of £5,000 shall only be made following a report from one of the three employees named in Financial Rule E8.2, above and with the following approval:-

- Amounts £5,001 to £50,000 – by Cabinet Member
- Amounts £50,001 to £100,000 – by Cabinet
- Amounts in excess of £100,000 – by Council

F: ASSETS

F1 Introduction

F1.1 The council holds assets in the form of property, vehicles, equipment, furniture, cash and other items worth many millions of pounds. It is important that assets should be safeguarded and used efficiently in the delivery of services. Assets should be used to achieve the approved policies and objectives of the council with the minimum of waste, inefficiency or loss.

F1.2 This involves ensuring that appropriate assets are acquired, in line with the Council's Procurement Strategy; that they are recorded and kept securely and are disposed of effectively and economically when no longer required.

F2 Full Council

F2.1 Full Council is responsible for deciding the extent of the Property Portfolio and for agreeing acquisitions and disposals. Approval is delegated to Cabinet for acquisitions not exceeding £500,000 ~~(for Social Housing) and not exceeding £250,000 (for other land or property)~~, unless otherwise delegated in the constitution.

F2.2 Assets no longer required should be disposed off in accordance with the law and the rules and policies of the council, so as to maximise benefits.

F3 Cabinet

F3.1 The Cabinet is responsible for approving terms for land / property acquisitions, as above 2.1

F4 Chief Executive (or other delegated Officer)

F4.1 The Chief Executive (or other delegated officer) is responsible for:

- Determining applications for the assignment of leases and granting sub-leases and under-leases and other applications for consent required by leases, as delegated in the constitution.
- Signing contracts for the sale or purchase of land, for which the disposal/acquisition has been agreed by the Cabinet or Full Council.

F5 Director or Head of Property Services (or other delegated Officer)

F5.1 The Director or Head of Property Services is responsible for:

- Maintaining a terrier / asset register of all properties and assets owned by the council, in a form approved by the Section 151 Officer. This shall record the purpose for which the property is held, its location, its extent and plan reference, purchase details, particulars of nature of interests and rents payable and particulars of tenancies granted.

- Advising Members, the Section 151 Officer, Cabinet, Council and other Officers on property-related issues.
- Processing all authorised acquisitions and disposals of land and property.
- The maintenance of council-owned property including open-spaces. Such maintenance work to be carried out within the terms of contracts for responsive maintenance to Council properties.
- in the case of non-housing capital building contracts, consulting with the relevant Cabinet Member and the Section 151 Officer, where the contingency sum in the contract is likely to be exceeded. Financial Rules in respect of budget approval and /or virement are to be followed.

F5.2 The Director ~~or Head of Property Services~~[Finance and Assets](#) (or other delegated Officer) has authority to sell surplus equipment on receipt of bids where appropriate, with the following notifications:-

- Estimated residual value not in excess of £~~25~~,000 – in consultation with the Section 151 Officer
- Estimated residual value £~~25~~,001 to £~~51~~0,000 – in consultation with Section 151 Officer. Cabinet Member to be informed.
- Estimated residual value in excess of £~~51~~0,000 – in consultation with the Section 151 Officer. Cabinet to be informed.

F6 Monitoring Officer (or other appropriate Officer as delegated in the Constitution)

F6.1 The Monitoring Officer (or other delegated Officer), in consultation with the relevant Cabinet Members and relevant Ward Member(s) and the relevant Director, has authority, in the case of the resale of former Council houses, to give the Council's consent in all cases under Section 157(1) of the Housing Act 1985 where consent is obligatory and in other cases approved by the Cabinet; and authority to approve applications for the sale of former Council houses in Areas of Outstanding Natural Beauty.

F6.2 The Monitoring Officer (or other delegated Officer), in consultation with the relevant Ward Member(s) and a 48 hour period being allowed for any response to such consultation, has authority to approve all transactions relating to the council's properties (except residual housing land) within their existing classifications; including:

- New leases granted by the Council
- Determination of applications for the Council's consent as landlord, required under leasehold covenants, including assignments, sub-letting and alterations/improvements
- Rent reviews
- Lease terminations (including surrenders);

- Lease renewals
- Institution of proceedings for breach of any leasehold covenant (including recovery of rent arrears and forfeiture) and enforcement of any resultant Court Order or Warrants for Possession (in consultation with the Head of Property Services)
- Licences regulating the use or occupation of council property.

F6.2.1 Such approval (where appropriate) is to be on terms recommended by the District Valuer, or an independent Valuer.

F6.3 The Monitoring Officer (or other delegated Officer), in consultation with the relevant Cabinet Member and the relevant Ward Member(s), has authority to agree the sale of Council-owned land on terms recommended by the District Valuer, or an independent Valuer, where the following conditions are fulfilled:

- The sale price of the land and easements does not exceed £50,000 and easements up to £25,000 per annum
- The terms of the sale are not unusual or contentious.
- The Cabinet Member and the Ward Member(s) have no objection to the sale.

F6.4 The Monitoring Officer (or other delegated Officer) has similar delegated authority in relation to land purchases and easements, as set above.

F6.5 The Monitoring Officer (or other delegated Officer), in consultation with the appropriate Director and Head of Property Services, has authority to approve the granting of way leaves, licences and other rights of use in respect of Council property.

F6.6 The Monitoring Officer (or other delegated Officer) has the authority to instigate any investigations ~~he/she~~they considers necessary in particular cases regarding the lease of Council-owned commercial premises.

F6.7 The Monitoring Officer (or other delegated Officer) shall have custody of all title deeds under secure arrangements agreed with the Chief Executive.

F7 Section 151 Officer

F7.1 The Section 151 Officer is responsible for:

- Ensuring that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £10,000. The purpose of an asset register is to provide the Council with information about fixed assets so that they are safeguarded, used efficiently and effectively and are adequately maintained.
- Ensuring that assets are valued in accordance with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.

- Maintaining a property database for all land, properties, plant and machinery, and moveable assets currently owned and used by the Council.
- Managing the risk implications of the Property Portfolio, particularly in terms of insurance cover.
- Co-ordinating the security of the council's administrative and operational offices.

F8 Directors, Heads of Service and Budget Holders

F8.1 Directors, Heads of Service and Budget Holders are responsible for:

- Ensuring that records and assets are properly maintained.
- Drawing up contingency plans for the security of assets and continuity of service in the event of disaster or system failure.
- Ensuring that lessees and other prospective occupiers of council land or property are not allowed to take possession or enter the land until a lease or agreement has been established. The lease or agreement should be in a form approved by the Head of Property Services, in consultation with the Section 151 Officer and the Monitoring Officer, where appropriate.
- Ensuring the proper security and safe custody of all buildings, vehicles, equipment, furniture, stock, stores, money and other property belonging to the council.
- Where land or buildings are surplus to requirements, preparing a report containing a recommendation for the disposal of the land, in consultation with the Head of Property Services and the Section 151 Officer.
- Maintaining an inventory of moveable assets (all furniture, fittings and equipment, plant and machinery) above the value of ~~£5001,000~~, held within his or her areas of responsibility. The Director or Head of Information Community Technology shall maintain a separate register of all ICT equipment, on behalf of the council, as per financial rule F9.2.
- Passing title deeds of council property to the Monitoring Officer who is responsible for the custody of all title deeds on behalf of the council.
- Ensuring that council assets are not taken, borrowed or used by a Member or Employee for their personal use without proper authority.
- Ensuring, in accordance with arrangements agreed by the Section 151 Officer that all assets are correctly identified and insured.
- Notifying the Section 151 Officer and the Director or Head of Property Services of any proposals to acquire or dispose of council property.

- Arranging for the valuation of assets for accounting purposes to meet requirements specified by the Section 151 Officer.
- Ensuring that all Employees under their management are aware that they have a personal responsibility with regard to safeguarding the council's assets and information, including the requirements of the Data Protection Acts and software copyright legislation. This should include confidentiality of information, whether held in manual or computerised records.

F9 Information and Communication Technology (ICT)

F9.1 All ICT equipment, irrespective of its individual value, shall be procured by, or with the prior approval of the Director or Head of Service responsible for ICT Services (or his or her delegated Officer), particularly where the equipment has a strategic value or requires network access.

F9.2 This Director or delegated Officer shall maintain a register of all ICT equipment above the value of £~~250~~500 owned by the council, including its location and serial number.

F9.3 Certain equipment to be determined by the Director or Head of Service responsible for Information Communication Technology, such as cameras, blackberries, etc shall be procured by him or her and recorded in the ICT inventory.

F9.4 The Council's internal IT policy and guidance should be followed, and in particular, no unofficial or unlicensed software shall be used on the council's computer equipment, under any circumstances.

F9.5 Computer games supplied as part of licensed software shall not be played in council time.

F10 Stocks and Stores

F10.1 Disposable items such as stationery, goods for sale or materials may be held in store. They should be properly controlled and accounted for to ensure they are used only for council purposes.

F10.2 Stocks shall not be in excess of normal requirements except in special circumstances, with the approval of the Director or Head of Service, who shall keep a written record and justification of such circumstances.

F10.3 Each Director or Head of Service shall be responsible for the care and custody of the stocks and stores within his or her service(s).

F10.4 Directors or Heads of Service shall arrange for periodical test examinations of stocks and ensure that all stocks are checked at least once a year, where appropriate, as determined by the Section 151 Officer. This is to be under the supervision of persons without direct responsibility for the custody of the stocks or stores being checked.

F10.5 The Section 151 Officer shall be entitled to receive from each Director or Head of Service such information as he or she requires in relation to stocks or stores, for the accounting, costing and financial records at the financial year end.

F10.6 Budget holders are responsible for investigating discrepancies and pursuing them to a satisfactory conclusion. Where this is not possible or the amount is over £~~250~~500, this should be reported to the Section 151 Officer and Head of Internal Audit.

F10.7 Adjustments in respect of stock deficiencies and surpluses shall be subject to the approval of the Section 151 Officer, or in the case of major items, the Cabinet.

F10.8 Private individuals or companies shall not be permitted to purchase items previously acquired by the council unless they:

- Are sold through a retail outlet incidental to the provision of a specific service (e.g. Leisure centre or Museum shop), or
- Are obsolete or surplus to requirements and are sold as a means of disposal, in accordance with the council's disposal policies.

F10.9 Individual Members and Employees of the council must not use the auspices of the council to purchase works, goods or services for their personal use.

F11 Write-offs

F11.1 Limit of the council to write off and/or dispose of obsolete stock, per individual item:

- Estimated residual value up to £~~250~~500 - Directors or Heads of Service.
- Estimated residual value over £~~250~~500 - Section 151 Officer.

F11.2 At any one time up to £5,000 may be written out of stock records with the Section 151 Officer approval. If the accumulated amount to be written out exceeds £10,000 during the financial year, a report must be made to Cabinet. Individual amounts in excess of £5,000 shall be approved by Cabinet.

~~F12 Petty Cash and Cash Floats~~

~~**F12.1** Maximum limits for cash holdings shall be agreed with the Section 151 Officer and shall not be exceeded without his or her express permission.~~

~~**F12.2** The Section 151 Officer may provide petty cash advance accounts or cash floats for such Employees as may need them for the purpose of defraying petty cash or other expenses. Petty cash accounts shall be~~

~~maintained in the imprest system and shall be controlled by the Employee designated by the Director concerned.~~

~~**F12.3** Payments from any such account shall be limited to minor individual items of expenditure up to a maximum of £50. The Section 151 Officer has discretion to allow larger payments in exceptional circumstances.~~

~~**F12.4** All payments shall normally be supported by a receipted voucher and proper VAT receipts where appropriate. However, the Section 151 Officer has discretion to allow payments to be obtained without obtaining receipts in exceptional circumstances.~~

~~**F12.5** Payments in reimbursement of travelling or subsistence expenses shall not be paid out of petty cash accounts.~~

~~**F12.6** An employee responsible for a petty cash or cash float shall, if so requested, give the Section 151 Officer a certificate as to the state of such a float.~~

~~**F12.7** Change floats are not to be used for any other purpose than for providing change, with the exception of cash advances in special circumstances, subject to the approval of the Section 151 Officer. Such approval should be recorded.~~

~~**F12.8** When an Employee responsible for such an account leaves the employment of the council, or ceases to be entitled to hold an advance, his or her Director or Head of Service shall ensure that he or she accounts to him for the amount advanced.~~

F13 Intellectual Property

F13.1 Intellectual Property is a generic term that includes inventions and writing. If these are created by an Employee during the course of employment, as a general rule they belong to the Employer. There is a variety of legislation covering different types of intellectual property.

F13.2 Certain activities undertaken by the council may give rise to items which are patentable e.g. the development of software. These are collectively known as Intellectual Property.

F13.3 The Monitoring Officer, in conjunction with Section 151 Officer shall determine a policy and procedure guidance relating to intellectual property of the Council.

F13.4 Directors and Heads of Service are responsible for implementing the council's intellectual property procedures and for putting controls in place to ensure that Officers do not carry out private work in the council's time.

F13.5 Officers should be made aware of the Employer's rights with regard to intellectual property.

G: TREASURY MANAGEMENT

G1 Introduction

G1.1 Many millions of pounds pass through the council's books each year and must be carefully managed in a way which balances risk with return, but with the overriding consideration being the security of the council's funds.

G1.2 The general policy objective is that the council should invest prudently the surplus funds held on behalf of the community, giving priority to security and liquidity of the funds.

G1.3 The council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities. All of the council's borrowings and investments are carried out in accordance with this code.

G2 Full Council

G2.1 Full Council is responsible for approving the Treasury Management Policy / Strategy Statement, proposed by the Cabinet, setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities.

G3 Cabinet or other appropriate Committee

G3.1 The Cabinet is responsible for:

- Proposing the Treasury Management Policy Statement to the Council, in accordance with advice from the Section 151 Officer.
- Decisions relating to Treasury Management within the Policy Statement.
- Deciding an annual Treasury Management Strategy Statement and Annual Investment Strategy.
- Implementing and monitoring performance against the Treasury Management Policy Statement.
- Delegating responsibility for borrowing, investment and financing to the Section 151 Officer.

G4 Section 151 Officer

G4.1 The Section 151 Officer is responsible for:

- Controlling all money in the hands of the council.
- Acting in accordance with the CIPFA's Code of Practice for Treasury Management in Local Authorities.
- Reporting to the Cabinet a proposed Treasury Management Strategy for the coming financial year at or before the start of the financial year.

- Implementing and monitoring the council's Treasury Management Statement.
- Reporting to the Full Council twice in each financial year on treasury management activity and prudential indicators and the exercise of his or her delegated treasury management authority. One such report will comprise an annual report on treasury management outturn, for presentation by 30th September of the succeeding financial year.
- Ensuring that all investment and borrowing is made in the name of the council.
- Ensuring that all securities that are the property of the council and the title deeds of all property in the council's ownership are held securely.
- Acting as the council's registrar of stocks, bonds and mortgages and maintaining records of all borrowing and investment of money by the council.
- Arranging for all trust funds to be held, where possible, in the name of the council. All Officers acting as Trustees by virtue of their official position, shall deposit securities, etc. relating to the trust with the Section 151 Officer unless the deed otherwise provides.
- Where funds are held on behalf of third parties, arranging for their secure administration, approved by the Section 151 Officer, and maintaining written records of transactions.
- Ensuring that all trust funds are operated within any relevant legislation and the specific requirements of each trust.

G5 Banking Arrangements

G5.1 The Section 151 Officer is responsible for:

- Operating bank accounts as ~~he/she/they~~ considers necessary. No bank accounts may be opened in the council's name, or closed, without the prior approval of the Section 151 Officer.
- Instructing the council's bankers to prohibit an overdrawn position on the aggregate bank accounts of the council beyond the level set out in the facilities agreement between the council and its bankers.
- Ensuring that an up to date list of all authorised bank signatories on the council's bank accounts is maintained and made available to the council's bankers.

~~Designated Officers from within Publica are permitted to act as authorised bank signatories for each of the councils being served by Publica.~~

- Ensuring that an up to date list of Officers holding Business Charge Cards or Government Procurement cards on behalf of the council is maintained, showing individual approved credit limits.
- Advising on secure arrangements for banking and cash handling.
- ~~Authorising the provision of change floats at the request of the Directors or Heads of Service (see Petty Cash Financial Rules).~~
- ~~Ensuring that designated Officers within Publica are given access to the bank account details of each of the councils being served by Publica, to facilitate transactional processing and other finance related work, as required.~~

G5.2 Directors and Heads of Service are responsible for:

- Ensuring that banking and cash handling is carried out in accordance with Financial Rules.
- Ensuring that Officers are properly trained and aware of their responsibilities.
- Ensuring that Officers are personally protected against risk.
- Ensuring that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council, following consultation with the Section 151 Officer.

G5.3 Budget Holders are responsible for:

- Ensuring that all Officers are aware of the controls required over banking and cash handling and follow instructions thereon.
- Ensuring that cash held on the premises is kept to a minimum, held securely, and is always within the limits agreed with the council's insurers. Cash in excess of these limits should be banked before the end of the day. Cash should not be held at an Officer's home as this may negate the Council's insurance cover.
- Holding change floats issued to the service by the Section 151 Officer and accounting for them when required to do so.
- Ensuring that keys to safes and other receptacles used for holding cash are kept secure by the person of those responsible at all times. Loss of keys must be reported to the Section 151 Officer as soon as possible.
- Ensuring that, where money passes from one Officer to another, there are procedures in place to evidence the transfer, the amount and the certification of the Officers involved.

- Ensuring that Council money is not kept with or confused with unofficial funds, e.g. tea, lottery or pools funds.
- Ensuring that payments are not made from cash received.
- Implementing documented procedures for recording, receipting and banking money. Banking should be carried out as frequently as is necessary to keep the amount of money within insurance limits. Each deposit to the bank should be accompanied by a properly completed bank paying-in slip showing:
 - the name and title of the Officer making the banking.
 - the total deposited, analysed in denominations of cash and cheques.
 - the name of the cheque payees and a debtors reference, where this is available, on the reverse of the slip (also on the reverse of the cheque where payment is by cheque).

N.B. Cheques received to a value in excess of £10,000 must be banked on the day of receipt.

- Reconciling income records to the Council's financial information system, checking that all money received has reached the correct budget head. Discrepancies should be investigated and corrected immediately.

G6 BACS Payments and Cheques

G6.1 The payment of all monies from the council, with the exception of sums payable from advance accounts or business credit cards, shall be by BACS or other instrument drawn on the council's bank account by the section 151 Officer, including cheques when payment by BACS is not possible or appropriate.

G6.2 All BACS transmissions, irrespective of value, will be supported by an authorisation form signed by the Officer responsible for producing the payment, plus either the Section 151 Officer or another authorised bank signatory.

G6.3 All individual cheques drawn for an amount in excess of £25,000 shall be countersigned by another authorised Employee, who shall be an authorised bank signatory to the bank account.

G6.4 All cheque stocks shall be ordered only on the authority of the Section 151 Officer, who shall make proper arrangements for their safe custody.

G6.5 All cheques drawn on the council's main bank accounts shall bear the facsimile signature of the Section 151 Officer or other employee authorised to do so.

G6.6 All manually prepared cheques for an amount in excess of £5,000 shall be countersigned by another authorised employee, who shall be an authorised bank signatory to the bank account.

H: FINANCIAL SYSTEMS AND ACCOUNTING PROCEDURES

H1 Introduction

H1.1 Sound systems and procedures are essential to an effective framework of accountability and control. They are needed to ensure that accounting records can be relied upon to present a true and fair view of the council's financial activity and that management information is appropriate, accurate and timely.

H1.2 The council must operate within legal requirements and adopt best practice guidance. The council will follow the CIPFA Code of Practice on Local Authority Accounting and the Service Reporting Code of Practice for Local Authorities.

H2 Section 151 Officer

H2.1 The Section 151 Officer has a statutory and professional responsibility for ensuring that the council's financial systems are sound and for making arrangements for the proper administration of the council's financial affairs, including:-

- Selecting suitable accounting policies that comply with legislation and best practice guidance, and ensuring that they are applied consistently.
- Determining the accounting systems and procedures, form of accounts and supporting financial records.
- ~~Ensuring that delegated Officers within Publica are given access to the financial records of each of the councils being served by Publica, to facilitate transactional processing and other finance related work, as required.~~
- Issuing advice, guidance and procedures for Officers and others acting on the council's behalf.
- Establishing arrangements for the audit of the council's financial affairs.
- Approving any new financial system to be introduced and any changes to be made to existing financial systems.
- Producing timetables for accounting tasks such as the production of budgets and final accounts and the collection or submission of other financial information for processing (e.g. Accounts Payable deadlines).
- Ensuring that all suspense and holding accounts are controlled and reconciled on a monthly basis.
- Ensuring that all bank accounts are controlled and reconciled to the main accounting system regularly (at least monthly) to confirm that all transactions have been processed into the Council's accounts.

H2.2 The Section 151 Officer has a statutory responsibility for ensuring that the annual Statement of Accounts is prepared in accordance with the CIPFA Code of Practice on Local Authority Accounting and the Service Reporting Code of Practice for Local Authorities.

H3 Directors, Heads of Service and Budget Holders

H3.1 Each Director or Head of Service shall ensure that all financial and computerised systems for which he or she is responsible are adequately controlled and comply with the requirements laid down by the Section 151 Officer. Any proposed changes to these systems / procedures or any new systems / procedures must be also approved by the Section 151 Officer.

H3.2 Directors, Heads of Service and Budget Holders are responsible for:-

- The proper operation of financial processes in their areas of responsibility and ensuring that all Officers under their management are aware of, and properly operate, the financial systems relevant to their area of work.
- Establishing and maintaining sound financial processes within their areas of management.
- Documenting systems and ensuring that Officers are properly trained in their use.
- Ensuring that financial transactions are recorded in a timely and accurate manner, and are processed into the main accounting system using correct accounting codes. Transactions should not be processed to incorrect accounting codes as a way of avoiding virement rules.
- Using only their own accounting codes unless they have the express written permission of another Budget Holder to use theirs.
- Properly recording the nature and value of income, expenditure and assets and referring to original documentation where possible.
- Ensuring that income and expenditure are accounted for separately and are not set off against each other.
- Accounting for revenue and capital income and expenditure separately.
- Maintaining a complete audit trail allowing financial transactions to be traced from the accounting records to the original documentation and vice versa.
- Ensuring that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements under Data Protection legislation, approved by the Section 151 Officer.
- Implementing organisational structures that provide adequate segregation of duties to minimise the risk of fraud, error or other malpractice. In particular, ensuring that Employees charged with the duty of examining

and checking the amounts of cash transactions (or cash equivalents) shall not themselves be engaged in any of these transactions.

- Establishing an effective scheme of delegation, identifying Officers authorised to act on their behalf in respect of financial transactions, determining the limits of their authority and ensuring that the scheme operates effectively.
- Supplying a written record of authorised Officers within his or her area of responsibility, with specimen signatures and delegated limits, to the Section 151 Officer, and ensuring they are maintained up-to-date. Directors shall still remain responsible for the activities of delegated functions.
- Implementing and documenting effective contingency arrangements in a disaster recovery plan, including back-up procedures, to allow systems to resume operation quickly in the event of an interruption in service. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off-site, or in an alternative location within the building.
- Ensuring that computer and other systems are registered in accordance with Data Protection legislation and that staff are aware of their responsibilities under this and the Freedom of Information legislation.
- Carrying out accounting tasks to meet the standards and timescales set by the Section 151 Officer or his delegated Deputy.

H4 Employees

H4.1 Each nominated employee shall ensure that all financial and finance related systems are reconciled to the council's main financial management system quarterly, unless more frequent reconciliation is required by the Section 151 Officer.

H4.2 Any amendments to a prime record should be made in ink and initialled by the Employee making it. Correcting fluid, or any other means of obliteration, shall not be used to amend prime financial records.

H5 Orders for Work, Goods and Services

H5.1 Requisitions and official orders shall, in addition to any requirement under the Contracts Procedure Rules, be in a form approved by the Section 151 Officer and are to be authorised only by Employees designated for that purpose.

H5.2 Requisitions and official orders shall be issued for all works, supplies or services to be supplied to the council, except for supplies of public utility services, periodical payments such as rent or business rates, for petty cash purchases or such other exceptions as the Section 151 Officer may approve.

H5.3 Requisitions or official orders shall clearly indicate the nature and quantity of the work or services required and any relevant contract or agreed prices.

H5.4 Each requisition and order shall conform to the guidelines contained in the council's Contract Procedure Rules.

H5.5 Prior to placing an order Employees shall ensure that provision has been made in the budget for the cost of the works, goods or services to be supplied. Where applicable, these should comply with European Community Directories and prescribed procedures.

H5.6 All goods and services shall only be ordered by an authorised Officer, in accordance with written delegations and procedures.

H5.7 All orders for goods and services must be approved by budget holders before being issued to the supplier. The approval limits will normally be assigned in accordance with the following levels of authority:-

- Authorised Budget Holder –Up to £25,000, subject to individual approved limit
- Budget Holder or Manager –£25,001 to £50,000, subject to individual approved limit
- Manager or Director or Head of Service– £50,001 to £100,000, subject to individual approved limit
- Director or Head of Service or Section 151 Officer or Deputy Section 151 Officer – £100,001 to £250,000
- [Chief Executive](#), Section 151 Officer or Deputy Section 151 Officer– Amounts over £250,000

Each Director or Head of Service will agree the appropriate approval limit for individual Officers within their service with the Section 151 Officer or Deputy Section 151 Officer, based on their level of responsibility and/or their budget amounts.

H5.8 All ICT equipment, irrespective of its individual value, shall only be procured by, or with the prior approval of the Director responsible for ICT Services (or his or her delegated Officer), particularly where the equipment has a strategic value or requires network access.

H5.9 All goods and services received shall be checked, to ensure that they are in accordance with the order, are for the correct quantity and quality standards and that any work has been completed satisfactorily. Proper entries shall be made in inventories or stores records, where appropriate.

H5.10 All orders should be checked to ensure prices, calculations, trade discounts, other allowances and credits are correct

H5.11 All expenditure, including VAT shall be accurately recorded against the correct allocated budget and any exceptions corrected.

H5.12 All appropriate evidence of the transaction and payment documents shall be retained and stored for the defined period, in accordance with the council's document retention schedule.

H6 Payment of Accounts

H6.1 The payment of all monies from the council, with the exception of sums payable from advance accounts or business credit cards (if applicable), shall be by BACS or other instrument drawn on the council's bank account by the section 151 Officer, including cheques when payment by BACS is not possible or appropriate.

H6.2 Payment will only be made if the budget holder is satisfied that the requirements of Financial Rules H5.9 and H5.10 have been met. All payments should be made to the correct organisation /individual, for the correct amount.

H6.3 VAT invoices must not be altered. If the amount of the invoice is incorrect, either a replacement or a credit note shall be requested

~~**H6.4** Purchase invoices received into a department shall be passed without delay to Publica, Financial Services, to be examined as considered necessary. For this purpose, Financial Services are entitled to make such enquiries and to receive such information and explanation as they may require.~~

H6.5 Payment will not be made on the basis of a statement or a reminder account.

H6.6 Payments shall be made within 30 days of receipt by the council or within any mutually agreed terms, in order to avoid the possibility of penalty interest becoming payable.

H6.7 Any penalty interest becoming payable under the Late Payment of Commercial Debts (Interest) Act 1998 shall be charged back to the appropriate budget head unless, in the view of the Section 151 Officer, unreasonable delays were occasioned by another Employee.

H6.8 A Director must consult with the Section 151 Officer before entering into any mutual payment terms with a supplier. All such agreements must be made in writing.

H6.9 Prepayment for goods and services should be avoided where possible, in order to minimise risk to the council. ~~If a prepayment is unavoidable then it should be approved by Publica.~~

H7 Payments to Employees and Members

H7.1 The interpretation and application of pay scales, conditions of service and other related matters shall be the responsibility of the Head of Paid Service (Chief Executive), with whom Directors shall confer, as necessary, in connection with their application to employees in their areas of responsibility.

H7.2 The Section 151 Officer is responsible for ensuring that budget provision exists for all existing and new employees and for making all payments of salaries and wages to all staff and Members, in accordance with agreed terms and conditions and timescales.

H7.3 The Section 151 Officer is responsible for the maintenance of proper national insurance, income tax and other statutory pay records and for the accurate and timely payment of pension contributions and other deductions to third parties.

H7.4 The ~~Publica~~ Head of Human Resources, in consultation with the Section 151 Officer, shall approve and control the arrangements for payments of salaries and wages to all staff, including the process for payments for overtime and for payment of allowances to Members.

H7.5 Directors and/or Managers must notify ~~Publica~~Human Resources, as early as possible of all appointments, dismissals, resignations, absences from duty, transfers and proposed changes of employees, together with such other information as is necessary to maintain adequate personnel records for the council.

H7.6 No new appointments or changes to arrangements for existing employees are permitted without adequate budget provision. All appointments shall be made in accordance with the council's rules and approved establishments, grades and scales of pay.

H7.7 Directors and/or budget holders are responsible for the monitoring of spending against approved employee-related budgets, ensuring that the manpower budget is not exceeded without appropriate authority and that it is managed to enable the agreed level of service to be provided.

H7.8 All Employees and Members shall notify ~~Publica,~~ Human Resources Service of any discrepancy between what they expected to be paid and what they have received, including payments made in error. In the event of an overpayment the recipient will normally be asked to refund the council over the same time period for which the error was made. If the council makes an underpayment it will be corrected as soon as is reasonably practical, each case being agreed individually. Failure to report an overpayment may result in disciplinary action.

H8 Travel and Subsistence Claims

H8.1 Claims for payment of allowances, travelling and subsistence following the process approved by ~~Publica~~the Head of Human Resources, in consultation with the Section 151 Officer.

H8.2 Claims shall normally be submitted monthly and always by the end of April following the financial year end. Employees are responsible for ensuring that journeys made and expenses claimed have been properly incurred and supporting VAT receipts are obtained. All claims to be authorised by an employee's line manager.

H8.3 The council reserves the right not to pay any travel and/or expense claims that are not submitted in a timely manner, without good reason. Line Managers are responsible for approving or not approving all claims. In the case of any queries, line Managers should consult with their Director or Head of Service.

H9 Value Added Taxation

H9.1 The Section 151 Officer is responsible for advising Directors and Heads of Service and Members, in the light of guidance by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the council. Written advice shall be made available to all relevant Employees.

H9.2 The Section 151 Officer is responsible for maintaining the council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

H9.3 The Section 151 Officer or his /her authorised representative shall be responsible for liaising with HM Revenue and Customs on all VAT related matters and for submitting and signing the necessary returns/claims in a timely manner.

H9.4 VAT must be correctly claimed on expenditure (Input Tax) and valid tax invoices retained by the council

H9.5 VAT must be correctly charged on income from works, goods and services supplied by the council (Output Tax) and a valid VAT invoice or VAT receipt issued to any party outside the council, in accordance with the form approved by the Section 151 Officer.

H9.6 Under no circumstances shall an Officer or Member use the auspices of the council to purchase goods or services for their own private purposes to avoid paying VAT. To do so may result in disciplinary action.

H10 Trading Accounts / Business Units

H10.1 It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units. These shall be accounted for in accordance with CIPFA's Service Reporting Code of Practice.

H10.2 The Section 151 Officer shall be consulted if a business unit wishes to enter into a contract with a third party, where the contract exceeds the remaining life of their main contract with the council. In general, such contracts should not be entered into unless they are capable of being terminated within the main contract period without penalty.

A service designated as a trading service may increase expenditure estimates approved by the Council, in consultation with the relevant Director and Cabinet Member and the Section 151 Officer as a result of increased income, in line with the virement rules set out in the Financial Rules.

H10.3 A trading account or business unit for the provision of sports, recreation or cultural activities may increase its fees and charges during the year in order to remain in line with competitors and demand, in consultation with the relevant Cabinet Member.

H11 Journals

H11.1 All journal entries and other daily input into the Financial Management system (Agresso [Business World](#)) may only be processed by authorised Employees, with the approval of the Section 151 Officer. ~~This will normally be restricted to Officers within Publica, Financial Services.~~

H11.2 Journals shall only be processed within the general ledger of the council. No journals are permitted between different company / council general ledgers.

H11.3 ~~Publica Head(s) of Finance~~The Section 151 Officer is responsible for ensuring that a monthly report of all journals raised on the finance system is produced and retained for audit purposes. ~~This report shall be checked and signed as agreed by a delegated senior Officer within Publica.~~

I: INCOME

I1 Introduction

I1.1 The council seeks to maximise its income to enable it to meet its financial objectives. The Local Government Act 2003 enables authorities to charge for discretionary services. Sources of income need to be identified and fees and charges authorised at an appropriate level.

I2 Cabinet

I2.1 The Cabinet is responsible for:-

- Setting fees and charges for services, approved as part of the annual budget setting process.
- Approving procedures for the write off of bad debts.
- Approving the write off of bad debts in excess of the approved Section 151 Officer limit, under Financial Rule I9

I2.2 Statutory fees and charges shall be set in accordance with the relevant legislation and the prescribed notice period for changes to fees and charges shall be given.

I2.3 Non statutory fees and charges may be increased or reduced during the year by the Director or Budget Holder, in order to remain in line with competitors and demand, in consultation with the relevant Cabinet Member.

I3 Section 151 Officer

I3.1 The Section 151 Officer is responsible for:-

- Agreeing arrangements made for the collection of income due to the council and approving the procedures, systems and documentation for its collection.
- Ensuring that all claims for funds, including grants are made by the due date
- Agreeing the arrangements for ordering and supplying all receipt forms, books or similar items and satisfying him/herself regarding the arrangements for their control.
- Operating the approved procedures for the write off of bad debts (Financial Rule I9).
- Recommending to Cabinet the fees and charges to be set for all services.

I4 Directors and Heads of Service

I4.1 Each Director or Head of Service is responsible for:-

- Recommending to the Section 151 Officer -the fees and charges to be set for goods or services falling within their control, apart from those charges fixed on a statutory or nationally agreed basis.

This shall not apply to ad-hoc charges of a minor nature where a flexible pricing policy has been agreed, charges associated with partnership working which are set on a cost recovery basis, or rechargeable works.

- Informing the Section 151 Officer and relevant Cabinet Member of the particulars of all new sources of income arising from the work of their service, as soon as it becomes known.
- The identification, prompt collection, control and monitoring of all income due to the council within their area of responsibility.

I5 Budget Holders

I5.1 Budget Holders are responsible for:-

- Identifying all activities in their areas of management for which charges should be made, to whom, when, how much and whether VAT should be added.
- Maximising income within the council's policies and legislation.
- Maintaining a record of all income due to the council, including details of contracts, leases, grants and other arrangements.
- Ensuring that all income generated by their service is accounted for and that proper records are maintained, using systems and documentation approved by the Section 151 Officer.
- Ensuring that all Employees under their management are aware of, and operate, the internal controls that exist in their area.
- Where money is to be collected by debtor account, ensuring that the details of work done, goods supplied, services rendered or other amounts due, are correctly recorded and the debtor accounts rendered promptly.
- Assisting in the collection of debts that they have originated by providing further information requested by the debtor and by pursuing the debt on the Council's behalf and taking prompt action to recover debts, in conjunction with the Section 151 Officer, whilst having regard for the cost of collection. Debtor accounts should be reviewed regularly to identify unpaid accounts and recovery action required.

- Where responsibility for the collection of a debt has not been passed to the Section 151 Officer, establishing and initiating appropriate recovery procedures, including legal action, where necessary, for debts which have not been paid promptly.
- Ensuring that at least two employees are present when post is opened so that money received by post is properly identified, recorded and accounted for.
- Securing all income to safeguard against loss or theft and ensuring the security of cash handling.
- Ensuring that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received and that appropriate details are recorded on the paying-in slip to provide a complete audit trail.
- Ensuring that no expenditure is paid from income received.
- Reconciling income systems with the council's main accounting system monthly to ensure that all income received has reached the correct budget head and investigating where there is a discrepancy.
- Monitoring levels of income received and outstanding to establish trends and anomalies which should be investigated.
- Notifying the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31st March, in line with the financial year end timetable.

I6 Employees

I6.1 Personal cheques must not be cashed from Council money nor cash advances taken against credit card transactions out of any money held on behalf of the Council.

I7 Accounts Receivable (Debtors invoices)

I7.1 A Budget Holder or delegated Officer must authorise all debtors' invoices for amounts less than £5.00, and all credit notes raised, irrespective of value.

I7.2 VAT must be properly recorded. Failure to do so may result in the council being unable to reclaim VAT and, in some circumstance, a penalty payment imposed by HMRC.

I7.3 Cash payments must be checked on receipt. In situations where electronic receipting is not available, an official, sequentially numbered receipt must be issued for a cash payment at the time of its receipt. A receipt must be issued for other forms of payment if requested by the payer. The transfer of all money between officers must be documented and the recipient should sign a receipt.

17.4 Payments received in “Full and Final Settlement” shall only be accepted and accounted for if they are sufficient to clear fully the appropriate debt, unless with the approval of the Section 151 Officer and the Monitoring Officer.

18 Debt Recovery Procedures

18.1 Once raised, a debtor’s invoice may not be cancelled except by full payment, the issue of a credit note or by its formal writing off. A credit note can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, or to recognise that an overpayment of housing benefit is being recovered from an on-going benefit entitlement.

18.2 There must be proper documented systems for the payment of outstanding debtors’ invoices, including milestones and timelines, which shall be followed by delegated Officers.

18.3 Outstanding debtors that are to be chased through legal proceedings are to be dealt with following the council’s debt recovery procedures.

18.4 Interest can be charged on unpaid debts, in accordance with the debt recovery procedures.

18.5 Solicitor fees incurred in the recovery of unpaid debt can be charged to the debtor, in accordance with debt recovery procedures.

19 Write off of unrecoverable Debts

19.1 The limits on the council to write off individual debts are:-

- The Section 151 Officer can write off any debt for which notice of bankruptcy, Liquidation or any Insolvency Procedure has been received and a claim submitted
- The Section 151 Officer can write off any debt of a deceased person where there are insufficient assets in the estate.
- The Section 151 Officer can write off any debt where despite exhaustive enquiries the debtor cannot be traced. The debt will be written back should the debtor be found
- The Section 151 Officer can write off any debt where a court has ordered that the amount be remitted
- The Section 151 Officer can write off any debt where a company has ceased trading leaving no assets
- The Section 151 Officer can write off any debt which cannot be legally enforced e.g. debtor moved abroad
- The Section 151 Officer can write off any debt in respect of which a hardship application in respect of business rates has been approved

- The Section 151 Officer can write off any other individual debt to a maximum amount of £~~105~~,000, where the amount is unlikely to be recovered or where proceedings are inappropriate or unjustified. This authority cannot be delegated.
- All other individual debts, in excess of £5,000 can only be written off with the approval of Cabinet or other delegated Committee.

19.2 The value of unrecoverable debts written off will be charged back against the cost centre / service from which the original invoice was raised, thus canceling the original credit to the service. This can be overwritten in exceptional circumstances, with the approval of the Section 151 Officer.

19.3 A record will be maintained by the Section 151 Officer of all bad debts written off under delegated approval given by Financial Rules above.

19.4 The Section [151 Officer](#) can delegate the waiving of standard off-street car park charge notices to the Director or Head of Service responsible for Car Parking, who shall maintain records detailing the reason and amounts waived. This authority cannot be delegated further. The records shall be made available to the Section 151 Officer or Cabinet on request.

J: COUNCIL TAX AND NON-DOMESTIC RATES

J1 Introduction

J1.1 The council collects large amounts of money for its own purposes, for other authorities and, in the case of Non-Domestic Rates, for the Government.

J1.2 The rules that apply to the collection of these sums are set out in legislation, regulation and good practice guidance.

There are documented procedures and a timetable for tax calculation, billing, refunds, recovery and enforcement that accord with statutory requirements and the council's own regulations.

J2 Section 151 Officer

J2.1 The Section 151 Officer is responsible for the collection and recovery of Council Tax and Non-Domestic Rates. He or she should ensure that accounting procedures are in place to support the correct treatment and presentation of transactions in the council's accounts.

J3 Head of Revenues and Benefits

J3.1 The Head of Revenues and Benefits is responsible for the day to day management of the Council Tax and Non-Domestic Rates systems. He or she should ensure that:-

- All transactions, records and accounts are calculated accurately, completely and promptly. They should be supported by evidence and handled only by authorised staff.
- Adequate separation of duties is in place to enable the work of one Officer to be subject to check by another.
- Accounting procedures reflect the correct treatment and presentation of transactions in the Council's accounts.

K: COUNCIL TAX BENEFIT and HOUSING BENEFIT

K1 Introduction

K1.1 The council is responsible for paying Council Tax Benefit and Housing Benefit to entitled claimants. It is also responsible for guarding against fraud and investigating where it is suspected. The council receives subsidy from the Government to pay for most of the Benefits. It has to demonstrate sound administration and accurate payment to prove its entitlement to subsidy.

K1.2 All benefit transactions must be legitimate, appropriate and in accordance with relevant verification framework regulations.

K2 Section 151 Officer

K2.1 The Section 151 Officer is responsible for the payment of Council Tax Benefit and Housing Benefit. He or she should ensure that accounting procedures are in place to support the correct treatment and presentation of transactions in the Council's accounts and subsidy claims.

K3 Head of Revenues and Benefits

K3.1 The Head of Revenues and Benefits is responsible for the day to day management of the Council Tax Benefit and Housing Benefit systems. He or she should ensure that:-

- All transactions, records and accounts are calculated accurately, completely and promptly. They should be supported by evidence and handled only by authorised staff.
- Adequate separation of duties is in place to enable the work of one Officer to be subject to check by another.
- Overpayments are dealt with in accordance with the Council's policy and recovery is efficient and effective.
- All fraud prevention and detection is in accordance with statute, professional guidance and the council's financial rules and other policies.

L: EXTERNAL ARRANGEMENTS

L1 PARTNERSHIPS

L1.1 Introduction

L1.1.1 The council provides a distinctive leadership role for the community and brings together the contributions of a variety of stakeholders. It must also act to achieve the promotion or improvement of the economic, social and environmental well-being of its area.

L1.1.2 Partnerships play a key role in delivering community strategies and delivering the shared vision of services, based on user needs.

L1.1.3 A partner is defined as being either an organisation (public or private) undertaking, part funding or participating in a project or a body whose nature or status gives it a right or obligation to support the project.

L1.1.4 This section of the Financial Rules sets out the financial implications of working in partnership with external organisations.

L1.2 Cabinet

L1.2.1 The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

L1.2.2 The Cabinet can delegate functions, including those relating to partnerships, to Officers. These are set out in the Scheme of Delegation that forms part of the council's Constitution. Where functions are delegated, the Cabinet remains accountable for them to full Council.

L1.2.3 The Chief Executive or delegated Officer shall represent the council on partnership and external bodies, in accordance with the Scheme of Delegation.

L1.3 Section 151 Officer

L1.3.1 The Section 151 Officer is responsible for:-

- Ensuring that the accounting arrangements to be adopted relating to partnerships and joint arrangements are satisfactory.
- Promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the council.
- Considering the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.

- Ensuring that the risks have been fully appraised before agreements are entered into with external bodies. He or she should advise on effective controls to ensure that resources are used efficiently and effectively.
- Ensuring that all funding notified by external bodies is received and properly recorded in the council's accounts.

L1.4 Directors and Heads of Service

L1.4.1 Directors and Heads of Service are responsible for:-

- Ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- Carrying out risk management appraisals, prior to entering into an arrangement with an external body, in accordance with procedures specified by the Section 151 Officer.
- Ensuring that partnership agreements do not impact adversely on the services provided by the council.
- Ensuring that partnership agreements and arrangements are properly documented and information provided to the Section 151 Officer to enable a note to be entered into the council's Statement of Accounts concerning material items.
- Maintaining a register of all contracts entered into with external bodies, in accordance with procedures specified by the Section 151 Officer.

L2 EXTERNAL FUNDING

L2.1 Introduction

L2.1.1 External funding can be an important source of income to the council, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the council.

L2.1.2 The council shall seek to maximise its resources by attracting external funding where appropriate. However, in some instances, available funding may be linked to tight specifications and may not be sufficiently flexible to link to the council's strategies.

L2.2 Section 151 Officer

L2.2.1 The Section 151 Officer is responsible for:-

- Ensuring that any match funding requirements are considered prior to entering into an external agreement and that adequate future revenue budgets are in place to meet these requirements.

- Ensuring that all funding notified by external bodies is received and properly recorded in the council's accounts.
- Ensuring that all audit requirements are met.

L2.3 Directors and Heads of Service

L2.3.1 Directors and Heads of Service are responsible for ensuring that:-

- Funds are acquired only to meet the priorities approved in the policy framework by the council.
- Any match funding requirements are considered prior to entering into an external agreement and consulting with the Section 151 Officer to ensure that adequate future revenue budgets are in place to meet these requirements.
- Key conditions of funding and any statutory requirements are complied with and that the responsibilities of the Accountable body are clearly understood.
- All claims for funds are made by the due date and income received in accordance with the agreement.
- The project progresses in accordance with the agreed project outline and that all expenditure is properly incurred and recorded in the council's accounts.

L3 WORK FOR THIRD PARTIES

L3.1 Introduction

L3.1.1 Current legislation enables the council to provide a range of services to other bodies. Such work may enable a Service area to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is within current legislation.

L3.1.2 Contracts for the work should be drawn up using guidance provided by the Monitoring Officer and the Section 151 Officer to the council. The proposals should be costed properly in accordance with guidance provided by the Section 151 Officer.

L3.1.3 Guidance with regard to the financial aspects of third party contracts and the maintenance of the contracts register should be followed.

L3.2 Cabinet

L3.2.1 The Cabinet is responsible for approving contractual arrangements for any work carried out by the council for third parties or external bodies in addition to the normal business. This responsibility can be delegated to the Senior Leadership Team (Directors) of the council.

L3.3 Section 151 Officer

L3.3.1 The Section 151 Officer is responsible for issuing guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

L3.4 Directors and Heads of Service

L3.4.1 Directors and Heads of Service are responsible for ensuring that:-

- Approval is obtained before any negotiations for the work are concluded.
- Contracts operate to the benefit of the council and do not impact adversely upon the services provided for the council.
- No contract is subsidised by the council.
- The Service area has the appropriate expertise to deliver the contract.
- Appropriate insurance arrangements are put in place.
- Wherever possible, payment is received in advance of the delivery of the service to the third party.
- The council is not put at risk from any bad debts.
- All contracts are properly documented and appropriate information given to the Section 151 Officer to enable a note to be entered into the Statement of Accounts.

Page Number	Rule Reference	Section	Description
Page	2.10	Financial Status	Formal review of Financial and Contract rules by S151 Officer every 5 years.
Page	A3.2	Financial Management	Preparation of draft Statement of Accounts by 30 th June following financial year end to which they relate. Draft Accounts to be signed as approved by S151 Officer by this date.
Page	A3.2	Financial Management	Approval by Audit, Compliance and Governance Committee of audited Statement of Accounts by 30 th September following financial year end to which they relate. Audited Statements to be signed by S151 Officer and by approving Committee Chair by this date.
Page	A3.2	Financial Management	Final Statement of Accounts and external auditor's certificate, opinion or report to be published by 30 th September following financial year end to which they relate.
Page	A12	Financial Management	Directors or Heads of Services to obtain S151 Officer approval for matters likely to affect council's finances materially, defined as in excess of £25,000.
Page	B2.1	Budget Planning and Preparation	Full Council responsible for the approval and adoption of its annual budget in February of each year prior to the start of the next financial year.
Page	B.4.1	Budget Planning and Preparation	Medium Term Financial Strategy to be prepared and reported on a minimum 4 year basis, for consideration by Cabinet and approval by Full Council in February of each year prior to the start of the next financial year.
Page	B4.2	Budget Monitoring	Budget monitoring reports to be submitted to Cabinet on a minimum quarterly basis.
Page	B4.2	Budget Monitoring	Budget monitoring reports to Cabinet to reflect significant variances to income and expenditure budgets, defined as in excess of £25,000.
Page	B7.3	Capital Expenditure	"de minimus" level of £25,000 set for classification of capital expenditure, below which all expenditure is classed as revenue expenditure.

Page Number	Rule Reference	Section	Description
Page	B7.8	Capital Expenditure	New capital schemes in year to be approved:- Amounts not exceeding £100,000 — by Cabinet Amounts in excess of £100,000 — by Council
Page	B7.9	Capital Expenditure	Asset Management plan and Capital Strategy to be reported to Cabinet by designated Director or Head of Service every 3 years.
Page	B10.2	Carry forwards	Carry forward of any budget underspend needed in next financial year can be approved by S151 Officer, if needed for same purpose as intended. All other carry forwards, including underspend that has been carried forward in previous financial years, to be approved by Council.
Page	C2.1	Scheme of Virements	Variations to approved virement limits to be approved by Council.
Page	C3.1	Scheme of Virements	Budget variations within a Service to be approved by Service Manager or Budget Holder, in consultation with Publica.
Page	C4.2.1	Revenue budget Virements	Amounts not in excess of £25,000 — approval by relevant Director(s) or Head of Service(s). S151 Officer to be informed.
Page	C4.2.2	Revenue budget Virements	Amounts in excess of £25,000, not in excess of £50,000 — approval of Cabinet Member, in consultation with S151 Officer. Amounts in excess of £50,000, not in excess of £100,000 — approval of Cabinet. Amounts in excess of £100,000 — approval of Council.
Page	C4.2.2	Capital budget Virements	Capital Budget Virements not in excess of £50,000 — approval of relevant Director(s) or Head of Service(s), with agreement of S151 Officer. Cabinet Member(s) to be informed. Amounts in excess of £50,000, not in excess of £100,000 — approval of Cabinet. Amounts in excess of £100,000 — approval of Council.

Page Number	Rule Reference	Section	Description
Page	~~E8.2~~ ~~E8.3~~	~~Ex-Gratia / Maladministration Compensation Payments~~	~~Amounts not in excess of £5,000—approval by S151 Officer and Director and/or Monitoring Officer.~~
Page	~~E8.3~~ ~~E8.3~~	~~Ex-Gratia / Maladministration Compensation Payments~~	~~Amounts in excess of £50,000, not in excess of £100,000—approval by Cabinet. Amounts in excess of £100,000—approval by Cabinet.~~
Page	~~F2.1~~	~~Acquisition of land and property~~	~~Amounts not exceeding £500,000 (for Social Housing) and £250,000 (for other land and property)—delegated approval by Cabinet. Acquisitions in excess of these amounts to be approved by Council.~~
Page	~~F5.2~~	~~Disposal of surplus equipment~~	~~Head of Property Services (or delegated Officer) authority for sale of surplus equipment:- Estimated residual value not in excess of £5,000—in consultation with the S151 Officer. Estimated residual value in excess of £5,000, not in excess of £10,000— in consultation with the S151 Officer. Cabinet Member to be informed. Estimated residual value in excess of £10,000—in consultation with the S151 Officer. Cabinet to be informed.~~
Page	~~F6.3~~	~~Disposal of Land~~	~~Monitoring Officer (or delegated Officer) has authority to disposal of land and easements not exceeding £50,000 and easements not exceeding £25,000 per annum, in consultation with the relevant Cabinet Member and Ward Member(s), subject to their non—objection.~~
Page	~~F7.1~~	~~Assets~~	~~Asset Register to be maintained to record all fixed assets with a value in excess of £10,000.~~
Page	~~F8.1~~	~~Assets~~	~~Directors or Heads of Service to maintain an inventory of all moveable assets in their service area(s) with a value in excess of £500.~~
Page	~~F9.2~~	~~Assets~~	~~ICT Director or Head of Service to maintain an inventory of all ICT equipment with a value in excess of £250.~~
Page	~~F10.6~~	~~Stocks and Stores~~	~~Discrepancies in stock and stores in excess of £250 to be reported to the S151 Officer and Head of Internal Audit.~~

Page Number	Rule Reference	Section	Description
Page	F11.1	Stocks and Stores	Write off or disposal of obsolete stock:- Estimated value not in excess of £250 – by Directors or Heads of Service. Estimated value in excess of £250 – by S151 Officer.
Page	F11.2	Stocks and Stores	Maximum amount of £5,000 to be written out of asset records at any one time, to be approved by S151 Officer. Individual amounts written out in excess of £5,000 to be approved by Cabinet. If accumulated amounts written off exceed £10,000 during the financial year, a report shall be made to Cabinet by the S151 Officer.
Page	F12.3	Petty Cash	Payments from Petty cash floats limited to a maximum of £50 per transaction.
Page	G6.3	Cheque and BACS payments	All computerised cheques drawn and/or BACS payments to be countersigned by another authorised bank signatory, for amounts in excess of £25,000.
Page	G6.6	Cheque and BACS payments	All manual cheques drawn to be countersigned by another authorised bank signatory, for amounts in excess of £5,000.
Page	H5.7	Orders for Works, Goods and Services	Directors or Heads of Service to approve individual limits for Officers for the approval of purchase requisitions and official orders, normally assigned within the following levels of authority (but also based on budget amounts):- Amounts not in excess of £25,000 – authorised budget holder. Amounts in excess of £25,000, not in excess of £50,000 – authorised Manager or Director or Head of Service. Amounts in excess of £100,000, not in excess of £250,000 – Director or Head of Service or S151 Officer or Deputy S151 Officer. Amounts in excess of £250,000 – S151 Officer or Deputy S151 Officer.
Page	H6.6	Payments	All payment of accounts to be paid within 30 days of receipt by the council.

Page Number	Rule Reference	Section	Description
Page	H6.9	Payments	Pre-payment for goods and services, if unavoidable, to be approved by Publica.
Page	H11.3	Journals	Daily report of all journals raised on the finance system to be checked and agreed by a delegated Senior Officer within Publica.
Page	I7.1	Debtors invoices and Credit notes	Invoices raised for amounts less than £5, and all credit notes raised, to be approved by Director or Head of Service.
Page	I9.1	Bad Debt	Write off of a bad debt by the S151 Officer, for an individual amount not in excess of £5,000. All individual amounts in excess of £5,000 to be written off only with the approval of Cabinet or other delegated Committee.
Page	I9.4	Bad Debt	The S151 Officer can delegate the waiving of Standard off-street car park charge notices to the relevant Director, who shall retain records of reasons and amounts waived. This should be reported to the S151 Officer or Cabinet as requested.

Planning Code of Conduct (tracked changes)

PART 5

Codes and Protocols

Part 5D – Planning ~~Code of Conduct~~Protocol
(~~20 July 2015~~xxx 2023)

1. Introduction

~~2. Relationship to the Code of Members' Conduct~~The Planning Committee

~~2.3.~~Advice and Guidance for Members

~~3. Development Proposals and Interests under the Code of Members' Conduct~~

~~4. Relationship with Officers~~Site Visits

5. Public Speaking at Meetings

6. Decision Making and the Voting Process

7. Committee unable to determine

8. Non Committee Member attendance at meetings

9. Training

10. Rules around certain types of application

1. Introduction

This Protocol Code of Conduct sets out guidance for both officers and applies to all members when determining planning applications, specifically those which come before the Planning Committee for determination, dealing with planning matters, with some sections applying to all members of the Council and other sections applying to members on the Planning Committee (including substitutes).

It sets out the role of the Planning Committee and its members, how the Committee will operate and when and how it takes decisions. It should be read in conjunction with the Code of Conduct for members.

Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is often highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions). This is reinforced by the legal status of development plans and decision notices. It is essential, therefore, that the planning process is characterised by open and transparent decision-making.

~~One of the key purposes of the planning system is to ensure development takes place through a framework whereby the public interest is well represented at every point from the preparation of Development Plans and policies, the determination of planning applications and in undertaking enforcement action. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable planning reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well-founded in any way.~~

~~This Planning Code applies to both Councillors and planning officers who become involved in operating the planning system—it is not therefore restricted to professional town planners and Planning Committee members (and substitutes). The successful operation of the planning system relies on mutual trust and understanding of each other's role. It also relies on both Members and Officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.~~

The aim of this Code of Conduct Protocol: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way and provide the public with a transparent explanation of the planning process and the roles and responsibilities within that process.

The key purpose of Planning: to control development in the public interest. One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and quality of their settings. Opposing views are often strongly held by those involved.

A summary of the planning process and a planning process flowchart is appended at Appendix 1 and Appendix 2 respectively.

Our role as a Local Planning Authority (LPA): the National Planning Policy Framework says that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Further, the Framework states that Local Planning Authorities should look for solutions rather than problems, and decision-takers at all levels should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area.

In addition, the Human Rights Act provides additional safeguards for citizens, and encourages the application of best practice. Article 6 is concerned with guaranteeing a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations.

Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole.

Your role as a Member dealing with planning matters: to conduct yourself fairly and transparently in representing the views of local constituents and declare any interest you may have, in accordance with this Code and the Members' Code of Conduct.

2. The Planning Committee

2.1 The Development Management role of the Committee

The development management role of the Planning Committee is to manage development and other operations in the Borough, so as to provide a satisfactory physical, social and economic environment for the benefit of the whole community by exercising the Council's powers under the Town and Country Planning Acts, and various legislative provisions concerned with the protection of the environment, in accordance with the approved development plan, the policy framework, the Local Plan and the Council's relevant adopted strategies including the strategies for Climate Emergency and Green Economic growth, subject to any agreed scheme of delegation to officers. As a quasi judicial Committee members of the Committee are required to be non-partisan and to represent the entire borough. The practice of

political whipping has no place in the decisions of the Planning Committee, because decisions must be made on material planning considerations. The Committee may authorise the enforcement of planning control and, in conjunction with the Senior Officer responsible for Planning, has the responsibility for enforcing compliance, and the Committee may authorise any remedial action including prosecution that is permissible by law to achieve compliance.

2.2 Statutory Functions of the Committee

The Committee is responsible for those functions allocated to the Council under the statutory provisions (to include statutory instruments, government circulars and planning policy statements and guidance) for control over development as defined in section 55(1) of the Town and Country Planning Act 1990 or any replacement legislation within the Borough or that will have an impact on the Borough save those matters delegated to officers and included in the scheme of delegation Members involved in the planning process shall at all times comply with the requirements of this protocol, which are in addition to the Code of Conduct for members.

2.3 The ~~Your~~ role of as a Members of the Planning Committee:

In ~~to~~ making decisions one planning applications, you will:

- act fairly and ~~openly~~;
- act impartially, approaching each application with an open mind;
- make decisions with sound judgement and carefully weigh up all the material planning considerations;
- for justifiable reasons. In particular, Members should not ~~favoured~~ any person, company, group or locality, nor put yourself~~themselves~~ in a position where ~~they~~ you appear to be doing so;
- ensure that valid reasons for decisions are clearly stated .

The role of a Planning Committee member (and substitute) involves:

- ~~Attendance at Planning Committee meetings~~
- ~~Helping to build and protect the reputation of the planning committee by acting reasonably and on planning merits~~
- ~~Taking into account all the material considerations;~~
- Understanding, and being able to interpret, all the plans and policies that are relevant to making your decision. This includes national and local plans, policies and guidance. ~~This will require Planning Committee members and substitute members to have initial, and on-going training;~~
- ~~Having Have~~ regard to wider Council strategic plans and objectives, and financial aspects e.g. economic growth strategies, any proven need for house building and numbers;
- ~~Arriving at a decision that is sound and can be justified—especially at appeal;~~
- Listening to people on both sides and being fair to all;
- Being aware of the duty to objectors and the duty to applicants as well;

- ~~Making a balance between all you have heard and read, including views of Officers and your Councillor colleagues and making a sound reasonable and justifiable decision;~~
- ~~Determining cases in a consistent manner~~

2.4 The role of officers:

The role of officers is to handle all applications in a professional and balanced way. They will visit the site and consider all representations made about an application. Officers involved in the processing of applications must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct.

As a result, planning officer's views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

Every application is dealt with by a case officer who will handle the application from validation through to determination and beyond. Members will be advised who the case officer is through the weekly list of planning applications; this is emailed to all members.

All applications will be presented in the form of an Officer report which will deal with all relevant documents in connection with an application. Any additional information received after the preparation of that report up to the day of the Committee meeting will also be brought to the attention of the Committee if it raises new and relevant material planning matters, this is referred to as late material. Papers received after that time at the discretion of the Chair will normally be discounted since time will not be available to check their accuracy or to give consideration to their implications.

If any member receives material from or on behalf of an applicant or third party in connection with an application before a Committee they should establish from the Planning Officers whether the material has been received by them. If it has not, they should make it available as soon as possible to the Planning Department.

~~Officers will always prepare a report and recommendation for members and will also attend the Planning Committee meeting to answer questions and support their recommendation~~

~~**When the Code of Conduct applies:** this Code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.~~

~~**If you have any doubts about the application of this Code to your own**~~

~~circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place.~~

3. Advice and Guidance for Members

Relationship to the Members' Code of Conduct

~~Members should not put pressure on officers to put forward a particular recommendation but are encouraged to discuss proposals with the case officer should they wish to ask questions, to ask for clarification on relevant issues or gain professional advice on matters relating to the receipt and consideration of planning applications and the process of considering applications through delegated decisions or Planning Committee.~~

3.1 Calling applications to Committee

3.1.1 Where a Member believes, for reasons related to material planning considerations, an application should be referred to the Committee, they can, within 21 days of being notified of a valid application by way of the weekly application list, request the application be referred to the Committee by emailing the Case Officer. The email must clearly detail the reasons why the matter should be referred to the Committee. (N.B. Members, after discussing it with the Case Officer or Head of Planning, may also refer applications where there is a significant public interest in doing so)

3.1.2 When making referrals, Members are reminded that they are expected to attend the Committee meeting to present their reasons for referral. Members are expected to engage with Planning Officers to resolve issues at every stage and may query interpretations of Policy, and request extra detail.

3.1.3 Any Member can refer any application within the Borough to the Committee. However, where a Member seeks to refer an application for a site located outside of their own Ward, they should notify the relevant Ward Members of their request.

3.1.4 Requests for referral to the Planning Committee will be considered by the Chair or in their absence Vice Chair of the Committee, the Case Officer and the Head of Planning who will determine whether or not the application should proceed to Committee.

3.1.5 Except in circumstances where the Chair or in their absence the Vice Chair believes there to be exceptional circumstances, requests which are received outside of the 21 days or which do not contain valid Planning reasons may not be passed to Committee. The final responsibility for the decision will lie with the Head of Planning.

3.1.6 A schedule of all requests, together with the reasons as to whether they why they were accepted or declined will be maintained by the Head of Planning.

3.2 Code of Conduct

Members should apply the rules in the Code of Members' Conduct first, which must always be complied with.

• ~~Do Members should also~~ then apply the rules in this Planning ~~Protocol~~Code of Conduct, which ~~seek to explain and~~ supplements the Code of Members' Conduct for the purposes of planning control. ~~Members who if you~~ do not act in accordance with ~~this the~~ Code of Conduct and this Protocol, ~~you~~ may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision which may lead to that decision being quashed; and
- yourself at risk of either being named in a report made to the Standards Committee, Council or the Local Government Ombudsman or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Monitoring Officer.

~~Do if any member has a concern~~ ~~raise and escalate concerns~~ in relation to potential breaches of the Code of Members' Conduct or this Planning ~~Code of Conduct~~Protocol they should raise it with the Monitoring Officer. Officers and Members at all levels of an organisation need to be prepared to speak up and challenge inappropriate behaviour where the authority's integrity is at risk.

3.22. Development Proposals and ~~Interests under the Code of Members' Conduct~~

~~Applicable to ALL members~~Members must comply with the rules regarding the registration and disclosure of Interests as set out in the Members Code of Conduct. Members attention is specifically drawn to the following:

- **Do not** use your position improperly for personal gain or to advantage your friends or close associates.
- ~~Do k~~Keep your register of interests up-to-date
- ~~Do d~~Disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

~~• Do then act accordingly:~~

Where you have a Disclosable Pecuniary Interest (as defined within ~~Appendix A of~~ the Member's Code of Conduct):

- Disclose the Disclosable Pecuniary Interest to the Committee, unless the Monitoring Officer considers it to be sensitive in nature
- Leave the meeting
- **Do not** vote on the matter, participate (or further participate) in the discussion of the matter unless a dispensation has been granted

Where you have an Other Interest you may attend the meeting for the purposes of making a representation however, you must:

- Disclose the Other Interest to the Committee
- Leave the meeting (once you have made your representation) and **do not** vote on the matter, participate (or further participate) in the discussion of the matter, if the matter affects:
 - your well-being or financial position;
 - the interest you hold that constitutes an Other Interest;
 - the well-being or financial position of a member of your family or a person with whom you have a close association;
 - a person with whom you, a close member of your family or a close associate have a contractual relationship; or
 - the determination of an application submitted by you, a close member of your family or a close associate; and a reasonable member of the public knowing the facts would reasonably regard the interest as so significant that it is likely to prejudice your judgement of the public interest

unless a dispensation has been granted.

- ~~• But, do attend the meeting for the purpose of making representations only and after making your submission, immediately leave the meeting.~~

You may apply to the Monitoring Officer for a dispensation. If granted, this will allow you to participate in a discussion and vote on a matter notwithstanding a Disclosable Pecuniary Interest or Other Interest as set out above

~~For full details, please refer to the Code of Members' Conduct adopted 25 June 2012 and taking effect on 1 July 2012~~

- ~~Do not~~ get involved in the processing of the application.
- ~~Do not~~ seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have an interest under the Code of Members' Conduct in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- ~~Do~~ be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have an interest under the Code of Members' Conduct to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have an interest under the Code of Members' Conduct in a proposal to be put before a meeting, you may address the Committee but only to make a presentation in the same manner that would apply to an ordinary member of the public, after which you must leave the chamber while the meeting considers it, you may not observe the meeting's consideration of it from the public gallery.)

Where a member is making an application for planning permission to the authority they should advise the ~~Do~~ notify the Monitoring Officer in writing no later than submission of the application, where you are making an application for planning permission and note that:

- ~~notification to the Monitoring Officer should be made no later than submission of the application;~~
- Planning Applications made by members ~~the proposal~~ will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; ~~and~~
- ~~it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee (where permitted).~~

3.33. Relationship with Officers

Applicable to ALL members

- ~~Do not~~ **Members must not** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning or the relevant case officer, which may be incorporated into any committee report).

- ~~Do~~ Members should recognise that officers are employed by the Council, not by individual Councillors. A successful relationship between Councillors and officers can only be based upon mutual trust, respect, courtesy and understanding of each others positions. This relationship, and the trust which underpins it, should never be abused or compromised.
- Members must ~~Do~~ recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

34. Engagement - Contact with Applicants, Developers, Supporters and Objectors

Local authorities are encouraged to enter into pre-application discussions with potential applicants. In addition, negotiations and discussions are likely to be ongoing after an application has been submitted. Such discussions can often be interpreted by the public and especially objectors, as prejudicing the planning decision making process. In order to allay such perceptions, application discussions should take place within the clear guidelines given below.

Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally only involve Officers. Members should not involve themselves in such meetings unless an appropriate Senior Officer is present. It will be made clear at pre-application meetings that:

- Officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Development Plan and other adopted Council policy (unless there are clear material considerations that would justify consideration of a development contrary to policy;)
- no decisions may be made or advice given which would bind or otherwise compromise the Planning Committee of the Council (or the Senior Officer responsible for Planning if delegated to make the decision); and
- for all pre-application meetings, a note of the discussion (not a formal advice note) will be taken by the Planning Officer, including details of those present, and will be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will be present at all such meetings.

You may, following discussion with the appropriate planning officer, take part in organised post submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to

the usual rules about access to information. At least one Planning Officer will be present at all such meetings, unless the meeting is a formal meeting of a Town or Parish Council (including its Planning Committee).

If you do engage in pre-application discussions with developers, observe the rules on lobbying and observe the do's and don'ts contained in Positive Engagement – A Guide for Planning Councillors (2008)

In addition to the above members should also follow the following [general advice](#): ~~Applicable to ALL members~~

- ~~• Do refer those who approach you for planning, procedural or technical advice to officers. Planning is a constantly changing arena in the technical context any queries on such matters must be referred to your professional officers.~~
 - ~~• Do not give separate advice on the development plan or material considerations and do not become involved in negotiations; this should be done by officers to ensure that the authority's approach is coordinated.~~
 - ~~• Do not agree to any formal engagement with applicants, developers or groups of objectors where you can avoid it. To maintain impartiality, and its appearance it is preferable that members do not take part in meetings to discuss applications outside the public decision making process. However, exceptionally where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself, but should request the Head of Planning to organise it. Participation in such meetings should be authorised on a case by case basis by the Chairman and Vice-Chairman of the Planning Committee and the Head of Planning. The Chairman of the Planning Committee is usually the most appropriate member representative, accompanied by local ward members. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.~~
- Do follow the rules on lobbying contained in this [Code Protocol](#)
 - report to the Head of Planning any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
 - raise any issues upon which you think clarification is needed with the Head of Planning and / or the case officer for the application.
 - forward any information received which the case officer may not

already have so that all information is duly considered.

Applicable to members (and substitutes) of the Planning Committee
In addition in respect of presentations by applicants/developers

- ~~Do not~~ attend a planning presentation unless an officer is present and/or it has been organised by officers and/or it is open to the public.
- ~~Do~~ ensure that any presentation attended is in accordance with the guidance appended at Appendix 4
- ~~Do~~ ask relevant questions for the purposes of clarifying your understanding of the proposals.
- ~~Do~~ remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- ~~Do~~ be aware that a presentation is a form of lobbying and you must not express any strong view on a proposal which indicates a closed mind or state how you or other Members might vote.
- ~~Members and officers should ensure that any contact they have with the press should accord with the principles of this Code and should not affect the integrity of the planning system. In particular, Members should ensure that they do not create the impression that they have predetermined the application and officers should restrict their comments to factual matters and should ensure that they do not prejudice the Council's position with regard to an application.~~

~~5. Fettering Discretion in the Planning Process~~

Applicable to members (and substitutes) of the Planning Committee

~~Do not~~ fetter (that is limit) your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- ~~Do~~ be aware that you are likely to have fettered your discretion where

~~the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)~~

- ~~Do also be aware that, whilst the Code of Members' Conduct provides for a presumption that you may regard yourself as not having an interest automatically barring participation in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:~~

- ~~you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:~~
 - ~~another local or public authority of which you are a member; or~~
 - ~~a body to which you have been appointed or nominated by the Council as its representative~~
- ~~where you are a trustee or a company director of the body submitting the proposal and were appointed by the Council~~

~~then as already set out in Section 2 above in respect of all Members, you should always disclose this as an interest barring participation and act accordingly as set out in that section.~~

- ~~Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (for instance where you are also a member of the parish council, for example, or both a borough and county councillor), provided:~~
 - ~~the proposal does not substantially effect the well being or financial standing of the consultee body;~~
 - ~~you make it clear to the consultee body that:~~
 - ~~your views are expressed on the limited information before you only;~~
 - ~~you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and~~
 - ~~you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and~~

- ~~• you disclose the interest regarding your membership or role when the Planning Committee comes to consider the proposal.~~

~~Where you have fettered your discretion as above but you do not also have an “other” interest under the Code of Members’ Conduct barring participation~~

- ~~• You may exercise speaking rights in the same manner that would apply to a member of the public. Where you do so:~~
 - ~~• advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;~~
 - ~~• remove yourself from the member seating area for the duration of that item; and~~
 - ~~• ensure that your actions are recorded.~~

6. Lobbying of Councillors

Applicable to members (and substitutes) of the Planning Committee

- ~~• Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee’s decision making to express either;~~
 - ~~– an intention to vote one way or another or,~~
 - ~~– such a firm point of view that it amounts to the same thing.~~
- ~~• Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.~~
- ~~• Do note that, unless you have an interest under the Member’s Code of Conduct, you will not have fettered your discretion or breached this Planning Code of Conduct through:~~
 - ~~• listening or receiving viewpoints from residents or other interested parties;~~
 - ~~• making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;~~
 - ~~• seeking information through appropriate channels; or~~
 - ~~• being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those~~

~~views and will make up your own mind having heard all the facts and listened to the debate.~~

- ~~• Do make clear that if you do express an opinion to objectors or supporters, that you will only be able to take a final decision after having heard all of the relevant arguments and taken into account all relevant material planning considerations at Committee.~~

Applicable to ALL members

- ~~• Do not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to make a declaration to the Monitoring Officer where you estimate the market value or cost of the gift or hospitality is £25 or greater, in accordance with the provisions of the Code on Gifts and Hospitality at Part 5F of the Constitution.~~
- ~~• Do pass on any lobbying correspondence you receive to the Head of Planning at the earliest opportunity.~~
- ~~• Do promptly refer to the Head of Planning any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.~~
- ~~• Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.~~

7. Lobbying by Councillors

Applicable to members (and substitutes) of the Planning Committee

- ~~• Do not become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and will be prevented from participating in the debate and vote. In those circumstances you would be required to withdraw from the committee but may observe from the public gallery.~~
- ~~• Do join general groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose the interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Planning Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.~~

- ~~Do not excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.~~
- ~~Do not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.~~
- ~~Do not make planning decisions on a Party political basis in response to lobbying. The use of political whips to seek to influence the outcome of a planning decision is likely to be regarded as maladministration.~~

3.5. Lobbying

Lobbying or seeking to influence a decision is a normal and perfectly proper part of the political process. However, it can lead to impartiality being called into question and the need to declare publicly that an approach of this nature has taken place. Problems could arise if Members indicate or give the impression of support or opposition to a development proposal or particular planning application, or declare their voting intention to anyone, before a decision is to be taken. To do so without all of the relevant information (including the officer report) and views to hand would be unfair and would prejudice the impartiality of the decision making process. Although the Localism Act does allow a member to express a particular predisposed position.

Lobbying can take place by way of an approach to you, by telephone, or on a chance meeting, or by way of a request to see all or some of the Members of the Planning Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid compromising your position before you have received all the relevant information, evidence and arguments, you will:

- avoid discussing with an applicant or any other person your thoughts about the merits and flaws of a planning application or proposed development;
- pass any written material provided to you to the case officer dealing with the application for inclusion and evaluation in their report;
- not make it known in advance of the consideration of the application by Committee whether you support or oppose a proposal unless you accept that this will mean that you may not take part in the decision;
- restrict your response to giving procedural advice, and make it clear that that is all you are prepared and allowed to do;
- direct lobbyists or objectors to the case officer and advise that their views should be expressed in writing, and
- advise the Senior Officer responsible for Planning as soon as possible of the existence of any substantial lobbying activity Members should avoid signing any Petition on a matter likely to be determined by the Planning Committee If you express publicly a final view on an application prior to the meeting at which a decision is to be taken, you will be required to withdraw from the meeting whilst the application is discussed and determined. Public expression of a view would include, for example, making a statement to the press of your firm attitude to an application, or in any document to be made publicly

available, at a meeting of the Council or a Parish Council (or one of their Committees), or in any situation where the view expressed might reasonably be expected to gain wider circulation.

3.6 Predetermination and Predisposition

Members must consider each application on its merits and must not do anything which may preclude them for taking part in the determination process. You must only make your decision after reading the report, hearing the Officer's presentation and any points of clarification and all the arguments on both sides. If a member predetermines an application they will be precluded from taking part in the debate and vote.

It is acceptable to have a legitimate predisposition in relation to an application. A member who has expressed a preference for a particular outcome will not be taken to have a closed mind when making their decision, provided that a fair-minded observer would think that you were open to changing your mind in the light of different or additional information, advice or evidence presented.

A member may however be considered as predetermining an application if they have acted as an advocate for the application, including being significantly involved in the preparation or submission of the application or an active supporter or objector of the application. In any circumstance where a member is unclear they should consult the Monitoring Officer.

3.7 Planning and Committee Members who serve on Parish, or County Councils

Some Councillors will be Members of Parish Councils, or of Gloucestershire County Council (collectively 'Other Council'), as well as Cheltenham Borough Council Councillors. This situation can also present problems where the Other Council is consulted on planning applications. It is quite conceivable that a Councillor in this position could end up voting in a different way when all the relevant information is made available in the Officer's report.

In order to avoid any potential conflict, it would be preferable for Councillors not to contribute to Other Council's considerations of development control matters. Members who do serve on Other Councils may find it helpful to make the following statement to clarify their position when regarding development control matters:

While I will consider this matter as a Member of this Council, I am also on the Planning and Committee of Cheltenham Borough Council and may be called upon to vote on any application that this council responds to. In the light of additional information received, I may not vote at the Borough Council's Planning Committee as I will in this meeting.

3.8 Hospitality

As a Member of the Council you are discouraged from receiving hospitality generally but are expressly prohibited from receiving any gifts or hospitality from people with an interest in a planning proposal

48. Site Visits

As part of the Councils process of fulfilling its duties of Planning Committee all Planning Committee members and substitutes are encouraged to take part in a monthly 'planning view'. This is a structured site visit organised by officers, ~~and it~~ is an invaluable tool in the decision making process. ~~Planning view~~ provides members with an opportunity to view and enter application sites (and neighbouring sites where necessary) and also consider the surrounding context in advance of the Planning Committee meeting. In particular planning view offers the opportunity to:

- consider the impact of the proposed development if difficult to visualise from the plans and any supporting material, including photographs taken by officers
- more appropriately consider the comments of the applicant and objectors when these cannot be expressed adequately in writing

~~It is a structured site visit accompanied by officers and members should try to attend;~~

Planning view should only incorporate sites which members are justified in visiting on planning grounds, including:

- the character or appearance of the development itself is a fundamental planning consideration;
- a judgement is required on visual impact; or
- the setting and surroundings are fundamental to the determination or to the conditions being considered

Conduct of Visits

- Visits will be conducted in a formal manner
- The Chair or Vice-Chair will open the meeting, and advise members on the purpose and conduct;
- ~~Officers will highlight issues relevant to the site inspection;~~
- When on site, members can ask questions or seek clarification on matters relevant to the site but it is not an opportunity to express opinions or views on the development proposed.
- No formal notes will be made of the visit, however a record of attendance and key planning Q&As will be captured and shared with the committee;
- No hospitality will be accepted

Members who have an interest in an application are precluded from attending any site visit on that matter. In addition if an interest becomes apparent during a site visit the member should immediately declare it to the chair and withdraw from the site.

It is important to ensure that planning view does not become an impromptu lobbying opportunity for the applicant or objectors. If members are approached on site by the applicant or third parties, you should advise that they may make representations in writing to the authority and then direct them

to officers present. Members should not discuss applications with the applicant or third parties and should be aware of the provisions of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct.

Members should not enter a site which is subject to an application other than on planning view as this may give the impression of bias. If you do consider it essential to enter the site, or a neighbouring site, other than through planning view, please advise the Head of Planning of your intention to do so and the reasons why. If you do intend to conduct such a visit, again it is important to be aware of the provisions of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct.

Any such visit made outside of planning view will be recorded and should be declared by the member at the relevant Planning Committee

~~A Site Visits Practice Note is appended at Appendix 3 and shall be complied with at all planning view site visits.~~

95. Public Speaking at Meetings

The purpose of permitting public speaking is to enable those affected by proposed developments to inform the Committee of their viewpoint and to contribute to an open, fair and transparent debate on applications in which they have an interest. All public speaking will be carried out in accordance with any guidance issued by the Council.

Guidance will be provided for members of the public who wish to speak at planning meetings and practical assistance will be provided for persons undertaking public speaking by Council officers at the meeting. All public speakers should provide a written copy of their speech to Democratic Services. Members of the public are permitted to share slides, photographs etc provided that a copy is provided to Democratic Services upon registering to speak

Public speaking is limited to five minutes per speaker. For each application the applicant/agent or one supporter will be permitted to speak together with one objector and one representative of the parish council.

Public speaking will take place in the following order:

- 1st – Objector
- 2nd – Applicant, Agent or Supporter
- 3rd – Parish Council

Upon conclusion of public speaking the Ward Member will be invited to speak for up to 5 minutes.

Applicable to **ALL** members

- ~~• Do ensure that you comply with the Council's procedures in respect of public speaking.~~

Applicable to members (and substitutes) of the Planning Committee

- ~~Do not~~ allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- ~~Members should not cross-examine or ask leading questions of the public or officers as a way of introducing new facts to the debate, only planning-related questions should be posed and late evidence should not be introduced by speakers at Committee.~~
- ~~Messages should never be passed to individual Members from other Member or the public. This will create a perception of bias that will be difficult to overcome.~~

610. Decision Making and the Voting Process

Members should only vote on an application if they have been present for the whole of the presentation of, and discussion on, the application.

Applicable to **ALL** members

- ~~Do~~ ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.

Applicable to members (and substitutes) of the Planning Committee

- ~~Do~~ come to the meetings having considered all the relevant information provided in the Planning Committee pack. Officers are available prior to the meeting to answer any questions in advance of Planning Committee.
- ~~Do~~ come to meetings with an open mind and demonstrate that you are open-minded.
- ~~Do~~ make decisions in accordance with the Development plan unless material considerations indicate otherwise.
- ~~According to the National Planning Policy Framework proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.~~

- ~~• The purpose of the planning system is to contribute to the achievement of sustainable development, in assessing and determining development proposals, the presumption in favour of sustainable development should be applied. There are three dimensions to sustainable development: economic, social and environmental. Plans and decisions need to take local circumstances into account so that they respond to different opportunities for achieving sustainable development in different areas.~~
- ~~• Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse. Although there will be occasions when it will be legitimate to abstain from a vote, all members of the Planning Committee should take part in the making of decisions by the Planning Committee.~~
- ~~• Do not vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. This may be an occasion where it would be legitimate to abstain from the vote on a matter.~~

Deferral of applications:

Any member who wishes to move a motion seeking to defer an application before Committee must ensure that the reasons for their motion and any subsequent decision are recorded in the minutes of the meeting.

- ~~• Do have recorded the reasons for Committee's decision to defer any proposal.~~

Decisions contrary to officer recommendations or to development plan policies:

Before making a decision which differs from the officer recommendation or the development plan, the Committee ~~may wish to~~should take the following steps:

- ~~• Where possible, Do~~Where possible, Discuss the areas of difference and the reasons for that difference with officers beforehand;
- ~~• Record the detailed reasons as part of the mover's motion; and~~
- ~~• Where there is concern about the validity of those reasons, consider deferring to another meeting to have the putative reasons tested and discussed. Do consider deferring an item to a later meeting where there is concern about the validity of reasons for making a decision contrary to officer recommendation in order that reasons can be tested and discussed.~~

Before Members vote on a motion to determine an application contrary to officer recommendation, an officer should be given an opportunity to explain the implications of the contrary decision including an assessment of a likely

appeal outcome and the chances of a successful award of costs against the authority should one be made.

If the Committee makes a decision contrary to officer recommendation or the development plan (whether for approval or refusal or changes to conditions or planning obligations) a detailed minute of the Committee's reasons should be made. Members should be prepared to explain in full their planning reasons for the decision they are making. Pressure should never be put on officers to 'sort out the planning reasons' following the meeting.

7. Committee unable to determine

In any case where the Committee have voted both for and against an application, and both votes have been lost the Committee will be considered as being in 'deadlock' and the application will be referred to Full Council for determination.

8. Non Committee Members attendance at Committee Meetings

All members may attend meetings of the Council's Planning Committee even if they are not a member unless they have a Disclosable Pecuniary Interest. You may speak on applications in your ward in your capacity as the Ward Member before and/or after the debate but you cannot vote. When you attend any Planning Committee, you should not sit in the public gallery, but in the place reserved in the Council Chamber for Members of the Council who are not members of the Committee.

119. Training

A forward plan of a minimum of 3 training events for members will be organised annually. Planning Committee Members and anyone who may sit as a substitutes will be required to attend a minimum of 2 training sessions each municipal year. Members who fail to attend the minimum training will be excluded from meetings of Planning Committee until appropriate training has been completed. This training will include a balance of the following:

- Organised visits to review permissions granted, providing an opportunity for both Members and Officers to reflect on the details of the completed schemes and consider lessons learned;
- Topics of interest and or to consider issues in depth or where overturns have indicated problems with planning policy;
- Formal training by external speakers;

New Planning Committee and substitute members must have attended initial induction training before they sit on the Planning Committee

10. Rules around certain types of Application

10.1 Planning Applications from a Member or their relatives

All applications which are submitted by or on behalf of you as a Member of the Council in your private capacity or by a relative or your partner (as defined in the Code of Conduct for Members) or which relate to land which you own and/or have a beneficial interest in must be drawn to the attention of the Monitoring Officer, and will be reported to the Planning Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

You must not speak in support of, or take part in the determination of, an application as described above.

You must declare an Interest and leave the meeting and not seek to influence any decision made. You may, however, appoint an agent who can speak, subject to the rules of Public Speaking at meetings of the Planning Committee.

If an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Borough Council, the Member should not speak in support of, or take part in the determination of, the application.

The applicant may speak at Committee meetings subject to the rules of Public Speaking at Meetings of Planning Committee or appoint an agent to speak on their behalf.

10.2 Planning Applications submitted by the Council itself

All applications which are submitted by the Council itself must be reported to the Planning Committee for a decision rather than being dealt with in accordance with the scheme of delegation to officers. However, once the principle of development has been established subsequent applications to discharge conditions or for minor variations may be determined in accordance with the scheme of delegation.

10.3 Applications submitted by Officers

An application submitted by or on behalf of an employee of the Council who is either an employee of the Planning Department or holds a politically restricted post will be reported for determination by the Committee.

Applicable to members (and substitutes) of the Planning Committee

- ~~**Do not** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory initial induction planning training prescribed by the Council.~~
- ~~**Do not** participate in decision making at meetings dealing with planning matters if you have not attended the minimum additional yearly training~~
- ~~**Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.~~

- ~~Do request any training that you consider you need.~~

Appendix 1—Summary of the Planning process**1.——When Planning Permission is Required**

The carrying out of development (which includes operations and material changes in use) usually requires an express planning permission from the local planning authority.

2.——Pre-application consultation or advice

While pre-application consultation and seeking pre-application advice on the part of applicants is not a legal requirement in the majority of cases (pre-application consultation is required in respect of the construction of certain wind turbine developments), it is generally encouraged.

The pre-application advice process will depend upon the nature of the proposed application:

- Enlargement, improvement or other alteration to a dwelling house or to a dwelling which is a listed building—there will be a site visit and written response within 10 days.
- For all other applications—if necessary there will be a site visit and a meeting(s) will be arranged to discuss the application. An initial written response will follow within 15 working days.

Any advice given is informal and will not commit the Council to a particular decision on any subsequent planning application.

3.——Submission of Application

There are various types of applications that the local planning authority may deal with (including: full applications, outline applications, reserved matter approvals, discharge of condition applications, householder and minor commercial applications, listed building consents, non-material amendment applications, retrospective applications, applications to develop otherwise than in accordance with conditions previously attached and renewal applications).

Each have different requirements as to the documents that must be submitted with them, the notices that will be required to be given by the applicant, the publicity the local authority has to give to the application, the consultations to be undertaken and the timescales within which determinations are to be made.

4.——When will an application go to Planning Committee?

The responsibility for the determination of most planning applications has been delegated to officers, but will come to the Planning Committee where it falls outside the scheme of delegation, a member has requested (having given reasons for the request) that the application be determined by the Committee or the Head of Planning considers that the application should be considered by the Planning Committee.

Further in certain circumstances the Secretary of State may call in a planning application for determination by himself instead of the local authority.

The officer will prepare a detailed report for each application to be considered by the Planning Committee including an assessment of the proposal, comments from consultees and written submissions from the public. The

~~report will give the officer's recommendation to members. Where members propose to determine an application contrary to the officer's recommendation, they must provide valid planning reasons for doing so.~~

~~The Planning Committee is open to the press and public, save for certain exempt items which will be considered in closed session. There is a public speaking scheme applicable to the Planning Committee.~~

~~5. Decision~~

~~Where permission is granted, the notice will include details of any conditions and full reasons why each condition has been imposed. Where permission is refused, the notice will give full reasons and cite all policies and provisions of the development plan relevant to the refusal. In both instances, the applicant will also receive details of how to appeal to the Secretary of State against the authority's decision or conditions imposed.~~

~~6. Appeal~~

~~The applicant may appeal the following decisions of the local planning authority:~~

- ~~• Refusal of permission~~
- ~~• Grant of permission subject to conditions~~
- ~~• Failure to notify the applicant of its decision within the appropriate time limit~~

~~Any appeal will consider the merits of the application and costs may be awarded against parties that have caused unnecessary costs to be incurred due to unreasonable behaviour. Unreasonable behaviour may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).~~

~~Examples of unreasonable behaviour which may result in an award of costs include:~~

- ~~• Providing information that is shown to be manifestly inaccurate or untrue~~
- ~~• Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations~~
- ~~• Failure to produce evidence to substantiate each reason for refusal~~
- ~~• Not determining similar cases in a consistent manner~~
- ~~• Refusing planning permission on a planning ground capable of being dealt with by conditions~~

~~7. Other Legal Challenges~~

~~A decision of the local authority or the Secretary of State may be challenged in the High Court on the basis of whether it was properly and legal made. Such challenges may include questions of procedure and whether or not irrelevant considerations were taken into account or relevant consideration were not taken into account).~~

Appendix 2 – Planning Process Flowchart

Last updated ~~20/08/2015~~2023

Pre-application consultation or advice

In certain circumstances this is a legal requirement, but is encouraged in any event.

Planning application submitted

On the appropriate form from the Local Planning Authority (LPA) website and with the correct information.

~~Does the application include all of the necessary information?~~

No

The LPA will notify the applicant as soon as possible. The LPA may request additional information.

Yes

The LPA will validate the application

~~Has the additional information been provided?~~

No

The applicant may challenge the information requested.
The LPA may issue a non-validation notice and the applicant may withdraw the application or resubmit with the information requested.

Yes

The LPA will validate the application.

Consultation

The LPA will publicise the application and invite representations from the public and the appropriate statutory and non-statutory consultees

Site Visit

The LPA will conduct a site visit to be attended by officers and possibly members of the Planning Committee

Determination

Most applications will be determined by officers under the delegated powers agreed by the LPA, but in certain circumstances they will be determined by the Planning Committee. The decision will be made within 8 or 13 weeks of submission of the application depending upon the nature of development proposed.

The application will be decided in accordance with the provisions of the development plan so far as they are material to the application and any other material considerations.

Decision

The LPA will give written notice of the decision to: grant permission, grant permission subject to conditions or refuse permission.

Appeal

If planning permission has been; refused, granted subject to conditions or an application has not been determined within the relevant time limit, the applicant may appeal to the Planning Inspectorate (within 6 months).

Legal Challenge

In certain circumstances, those persons with an interest in a decision to grant or refuse planning permission, can challenge that decision in the High Court (within 6 weeks).

Appendix 3 – Site Visits Practice Note

1. Who may be present and take part in the proceedings:

- all Planning Committee members and Planning Committee substitutes
- relevant officers (including highways authority officers)

General onlookers, supporters and objectors will not be allowed to participate. An applicant, agent or landowner may be present, but is not to address any Planning Committee members (or substitutes) directly.

2. Conduct of Site Visits

- Site Visits will be conducted in a formal manner
- Officers will highlight the site factors and site issues relevant to the site visit
- Members may ask questions and seek clarification of Officers as to the physical characteristics and surroundings of the site
- If necessary, Officers may speak to the applicant, agent or landowner to seek information on such points
- There will be no debate about the merits of the application
- No hospitality will be accepted

3. General

- The Officer shall record who attends each site visit, where was visited and at what time
- If it is decided not to visit a particular site, this shall be on the basis of a consensus decision and the reason for not visiting the site shall be recorded.
- It is not appropriate for member to take part in a specific site visit if the application is one where they will be prevented from participating in the debate and voting on the application when it is considered at the Planning Committee (whether due to an interest under the Code of Members' Conduct or due to a fettering of their discretion). The member should make contact with the relevant case officer as soon as the member is aware that this will be the case, so that appropriate arrangements can then be made.

Appendix 4 – Pre-application Developer Presentations to Members and Stakeholders

Pre-application developer presentations may be made to members and stakeholders in accordance with this guidance. Such presentations will normally be major development proposals but, may exceptionally (at the Officers and the Planning Committee Chairman's discretion) relate to other development proposals.

Stage in Process

A developer presentation is an opportunity for the developer to explain his proposals and to be asked questions by Members and stakeholders. It is important that presentations take place at an early pre-application stage in the development process so that developers may address certain aspects of their proposals as a result of questions asked during the presentation.

Presentations by developers will not be appropriate after a planning application is submitted to the authority. This is because at that stage there may be third party interest (e.g. objecting to the proposal) and third parties will not have the same opportunity to be able to present their ideas to members.

Arrangements for the pre application presentation

The presentation arrangements will be confirmed by the Planning Officers. Presentations will normally take place in the Council Chamber. The developer should be made aware that it can take a while to find a time for the presentation.

The invitees should include:

- ☐ All Members of Cheltenham Borough Council (invites will be forwarded by Planning Officers by way of letter, e-mail or member updates/briefings)
- ☐ The Planning Case Officer and any other Cheltenham Borough Council Officers who will have a significant role in the case.
- ☐ A representative of the Highway Authority
- ☐ The Chairman of the relevant Parish / Town Council and a deputy (or their substitutes).
- ☐ As the Head of Planning considers appropriate, a representative of any other authority/person that would be a consultee with a duty to respond under the Town and Country (Development Procedure) (England) Order 2010 (as amended or replaced from time to time) in respect of any planning application relating to the proposal. For example, this may include a representative of the Environment Agency or English Heritage.

Form of the pre-application presentation

The meeting is introduced by the Head of Planning (or the relevant delegated officer).

The presentation will normally comprise:

- (a) Officer's introduction, including the standard information below and advising that the order of the meeting will be as (b) to (d) as follows;
- (b) Planning Officer to provide a planning policy context for the development
- (c) The developer to outline their proposals (roughly 10 to 15 minutes)
- (d) Questions and answers (roughly 30 minutes)

Standard information

When introducing a Developer Presentation to Members and stakeholders, to ensure that no issues of pre-determination can arise, the following information should be presented by the Head of Planning (or the relevant delegated officer):

"This is a Developer Presentation to Members and Stakeholders and is being conducted under our guidance for such meetings.

The following stakeholders have been invited [names]

Planning Committee members (and substitutes) should remain open minded about development proposals and should not reach a firm view of the merits or otherwise of a proposal as a result of this presentation. There will be a question and answer session at the end of the meeting.

All Members are requested to not make statements that indicate a closed mind about the development proposals and are advised to restrict themselves to questions. It would be helpful for stakeholders to do the same. "

Other issues

Formal minutes will not be taken of the meeting, but it will be noted on the pre-application file that a developer presentation has taken place.

Developers should not by themselves arrange a Developer Presentation for Members and stakeholders. This can only be done by officers. If developers do want themselves to arrange a meeting (whether pre-application or post-application) where they can present their ideas to members and stakeholders, this should take the form of a public meeting. The key differences are:

- (a) The public meeting should be held local to the development site
- (b) The general public should be invited
- (c) Planning Committee members (and substitutes) should not be specifically targeted as the invitees (rather it would be the local ward Members who would be invited or all Members).

A behind closed doors meeting between a Developer and Members of the Planning Committee, outside of any meeting arranged in accordance with this guidance, would not be acceptable.

Post Application Presentation

Applicants may wish to make a developer presentation to members and stakeholders after their planning application has been received by the Local Planning Authority. ~~This type of meeting is not acceptable because third parties have no right to make such presentations.~~ Instead, the Planning Case Officer may arrange to make a presentation on the planning application. The key features of the presentation are:

- ~~(a) The invitees will be the same as with developer presentation except that the applicant and his advisers will not be allowed to be present.~~
- ~~(b) The meeting will operate in the same way as the developer presentation, except that the Case Officer will outline the proposal~~
- ~~(c) Formal minutes will not be taken of the meeting. The Case Officer can provide some feedback to the applicant following the meeting. For instance, this could be the case if questions have been asked on technical subjects and the answers are not apparent from the scheme submission.~~

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Part 5D- Planning Protocol

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1. Introduction

- 1.1 This Protocol sets out guidance for both officers and members when determining planning applications, specifically those which come before the Planning Committee for determination.
- 1.2 It sets out the role of the Planning Committee and its members, how the Committee will operate and when and how it takes decisions. It should be read in conjunction with the Code of Conduct for members.
- 1.3 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is often highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions). This is reinforced by the legal status of development plans and decision notices. It is essential, therefore, that the planning process is characterised by open and transparent decision-making.
- 1.4 **The aim of this Protocol:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way and provide the public with a transparent explanation of the planning process and the roles and responsibilities within that process.

2. The Planning Committee

2.1 The development management role of the Committee

- 2.1.1 The development management role of the Planning Committee is to manage development and other operations in the Borough, so as to provide a satisfactory physical, social and economic environment for the benefit of the whole community by exercising the Council's powers under the Town and Country Planning Acts, and various legislative provisions concerned with the protection of the environment, in accordance with the approved development plan, the policy framework, the Local Plan and the Council's relevant adopted strategies including the strategies for Climate Emergency and Green Economic growth, subject to any agreed scheme of delegation to officers. As a quasi judicial Committee members of the Committee are required to be non-partisan and to represent the entire borough. The practice of political whipping has no place in the decisions of the Planning Committee, because decisions must be made on material planning considerations. The Committee may authorise the enforcement of planning control and, in conjunction with the Senior Officer responsible for Planning, has the responsibility for enforcing compliance, and the Committee may authorise any remedial action including prosecution that is permissible by law to achieve compliance.

2.2 Statutory functions of the Committee

- 2.2.1 The Committee is responsible for those functions allocated to the Council under the statutory provisions (to include statutory instruments, government circulars and

planning policy statements and guidance) for control over development as defined in section 55(1) of the Town and Country Planning Act 1990 or any replacement legislation within the Borough or that will have an impact on the Borough save those matters delegated to officers and included in the scheme of delegation Members involved in the planning process shall at all times comply with the requirements of this protocol, which are in addition to the Code of Conduct for members.

2.3 The role of members of the Planning Committee

2.3.1 In making decisions on planning applications, you will:

- act fairly and openly;
- act impartially, approaching each application with an open mind;
- make decisions with sound judgement and carefully weigh up all the material planning considerations;
- not favour any person, company, group or locality, nor put yourself in a position where you appear to be doing so;
- ensure that valid reasons for decisions are clearly stated
- Understand, and be able to interpret, all the plans and policies that are relevant to making your decision. This includes national and local plans, policies and guidance.
- Have regard to wider Council strategic plans and objectives, and financial aspects e.g. economic growth strategies, any proven need for house building and numbers;
- Listen to people on both sides and being fair to all;
- Be aware of the duty to objectors and the duty to applicants as well

2.4 The role of officers

2.4.1 The role of officers is to handle all applications in a professional and balanced way. They will visit the site and consider all representations made about an application. Officers involved in the processing of applications must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct.

2.4.2 As a result, planning officer's views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

2.4.3 Every application is dealt with by a case officer who will handle the application from validation through to determination and beyond. Members will be advised who the case officer is through the weekly list of planning applications; this is emailed to all members.

2.4.4 All applications will be presented in the form of an Officer report which will deal with all relevant documents in connection with an application. Any additional information received after the preparation of that report up to the day of the Committee meeting will also be brought to the attention of the Committee if it raises new and relevant material planning matters, this is referred to as late material. Papers received after

that time at the discretion of the Chair will normally be discounted since time will not be available to check their accuracy or to give consideration to their implications.

- 2.4.5 If any member receives material from or on behalf of an applicant or third party in connection with an application before a Committee they should establish from the Planning Officers whether the material has been received by them. If it has not, they should make it available as soon as possible to the Planning Department.

3. Advice and guidance for Members

3.1 Calling applications to Committee

- 3.1.1 Where a Member believes, for reasons related to material planning considerations, an application should be referred to the Committee, they can, within 21 days of being notified of a valid application by way of the weekly application list, request the application be referred to the Committee by emailing the Case Officer. The email must clearly detail the reasons why the matter should be referred to the Committee. (N.B. Members, after discussing it with the Case Officer or Head of Planning, may also refer applications where there is a significant public interest in doing so)
- 3.1.2 When making referrals, Members are reminded that they are expected to attend the Committee meeting to present their reasons for referral. Members are expected to engage with Planning Officers to resolve issues at every stage and may query interpretations of Policy, and request extra detail.
- 3.1.3 Any Member can refer any application within the Borough to the Committee. However, where a Member seeks to refer an application for a site located outside of their own Ward, they should notify the relevant Ward Members of their request.
- 3.1.4 Requests for referral to the Planning Committee will be considered by the Chair or in their absence Vice Chair of the Committee, the Case Officer and the Head of Planning who will determine whether or not the application should proceed to Committee.
- 3.1.5 Except in circumstances where the Chair or in their absence the Vice Chair believes there to be exceptional circumstances, requests which are received outside of the 21 days or which do not contain valid Planning reasons may not be passed to Committee. The final responsibility for the decision will lie with the Head of Planning.
- 3.1.6 A schedule of all requests, together with the reasons as to whether they were accepted or declined will be maintained by the Head of Planning.

3.2 Code of Conduct

- 3.2.1 Members should apply the rules in the Code of Members' Conduct first, which must always be complied with.

3.2.2 **Members should also** then apply the rules in this Planning Protocol, which supplements the Code of Members' Conduct for the purposes of planning control. Members who do not act in accordance with the Code of Conduct and this Protocol, may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision which may lead to that decision being quashed; and
- yourself at risk of either being named in a report made to the Standards Committee, Council or the Local Government Ombudsman or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Monitoring Officer.

3.2.3 **If any member has a concern** in relation to potential breaches of the Code of Members' Conduct or this Planning Protocol they should raise it with the Monitoring Officer. Officers and Members at all levels of an organisation need to be prepared to speak up and challenge inappropriate behaviour where the authority's integrity is at risk.

3.3 Interests under the Code of Members' Conduct

3.3.1 Members must comply with the rules regarding the registration and disclosure of Interests as set out in the Members Code of Conduct. Members attention is specifically drawn to the following:

- Do not use your position improperly for personal gain or to advantage your friends or close associates.
- Keep your register of interests up-to-date
- Disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

3.3.2 Where you have a Disclosable Pecuniary Interest (as defined within the Member's Code of Conduct):

3.3.3 Where you have an Other Interest you may attend the meeting for the purposes of making a representation however, you must:

- Disclose the Other Interest to the Committee
- Leave the meeting (once you have made your representation) and **do not** vote on the matter, participate (or further participate) in the discussion of the matter, if the matter affects:
 - your well-being or financial position;
 - the interest you hold that constitutes an Other Interest;
 - the well-being or financial position of a member of your family or a person with whom you have a close association;
 - a person with whom you, a close member of your family or a close associate have a contractual relationship; or
 - the determination of an application submitted by you, a close member of your family or a close associate; and a reasonable member of the public knowing the facts would reasonably regard

the interest as so significant that it is likely to prejudice your judgement of the public interest

unless a dispensation has been granted.

- 3.3.4 You may apply to the Monitoring Officer for a dispensation. If granted, this will allow you to participate in a discussion and vote on a matter notwithstanding a Disclosable Pecuniary Interest or Other Interest as set out above.
- 3.3.5 Where a member is making an application for planning permission to the authority they should advise the notify the Monitoring Officer in writing no later than submission of the application.
- 3.3.6 Planning Applications made by members will always be reported to the Committee as a main item and not dealt with by officers under delegated powers

3.4 Relationship with Officers

- 3.4.1 Members must not put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning or the relevant case officer, which may be incorporated into any committee report).
- 3.4.2 Members should recognise that officers are employed by the Council, not by individual Councillors. A successful relationship between Councillors and officers can only be based upon mutual trust, respect, courtesy and understanding of each others positions. This relationship, and the trust which underpins it, should never be abused or compromised.
- 3.4.3 Members must recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

3.5 Engagement – contact with applicants, developers, supporters and objectors

- 3.5.1 Local authorities are encouraged to enter into pre-application discussions with potential applicants. In addition, negotiations and discussions are likely to be ongoing after an application has been submitted. Such discussions can often be interpreted by the public and especially objectors, as prejudicing the planning decision making process. In order to allay such perceptions, application discussions should take place within the clear guidelines given below.
- 3.5.2 Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally only involve Officers. Members should not involve themselves in such meetings unless

an appropriate Senior Officer is present. It will be made clear at pre-application meetings that:

- Officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Development Plan and other adopted Council policy (unless there are clear material considerations that would justify consideration of a development contrary to policy;)
- no decisions may be made or advice given which would bind or otherwise compromise the Planning Committee of the Council (or the Senior Officer responsible for Planning if delegated to make the decision); and
- for all pre-application meetings, a note of the discussion (not a formal advice note) will be taken by the Planning Officer, including details of those present, and will be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will be present at all such meetings.

3.5.3 You may, following discussion with the appropriate planning officer, take part in organised post submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. At least one Planning Officer will be present at all such meetings, unless the meeting is a formal meeting of a Town or Parish Council (including its Planning Committee).

3.5.4 If you do engage in pre-application discussions with developers, observe the rules on lobbying and observe the do's and don'ts contained in Positive Engagement – A Guide for Planning Councillors (2008). In addition to the above members should also follow the following general advice:

- **Do** follow the rules on lobbying contained in this Protocol
- report to the Head of Planning any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- raise any issues upon which you think clarification is needed with the Head of Planning and / or the case officer for the application.
- forward any information received which the case officer may not already have so that all information is duly considered.

3.6 Lobbying

3.6.1 Lobbying or seeking to influence a decision is a normal and perfectly proper part of the political process. However, it can lead to impartiality being called into question and the need to declare publicly that an approach of this nature has taken place. Problems could arise if Members indicate or give the impression of support or opposition to a development proposal or particular planning application, or declare their voting intention to anyone, before a decision is to be taken. To do so without all of the relevant information (including the officer report) and views to hand would be unfair and would prejudice the impartiality of the decision making process. Although the Localism Act does allow a member to express a particular predisposed position.

3.6.2 Lobbying can take place by way of an approach to you, by telephone, or on a chance meeting, or by way of a request to see all or some of the Members of the Planning Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid compromising your position before you have received all the relevant information, evidence and arguments, you will:

- avoid discussing with an applicant or any other person your thoughts about the merits and flaws of a planning application or proposed development;
- pass any written material provided to you to the case officer dealing with the application for inclusion and evaluation in their report;
- not make it known in advance of the consideration of the application by Committee whether you support or oppose a proposal unless you accept that this will mean that you may not take part in the decision;
- restrict your response to giving procedural advice, and make it clear that that is all you are prepared and allowed to do;
- direct lobbyists or objectors to the case officer and advise that their views should be expressed in writing, and
- advise the Senior Officer responsible for Planning as soon as possible of the existence of any substantial lobbying activity Members should avoid signing any Petition on a matter likely to be determined by the Planning Committee If you express publicly a final view on an application prior to the meeting at which a decision is to be taken, you will be required to withdraw from the meeting whilst the application is discussed and determined. Public expression of a view would include, for example, making a statement to the press of your firm attitude to an application, or in any document to be made publicly available, at a meeting of the Council or a Parish Council (or one of their Committees), or in any situation where the view expressed might reasonably be expected to gain wider circulation.

3.7 Predetermination and Predisposition

- 3.7.1 Members must consider each application on its merits. You must only make your decision after reading the report, hearing the Officer's presentation and any points of clarification and all the arguments on both sides. If a member predetermines and application they will be precluded from taking part in the debate and vote.
- 3.7.2 It is acceptable to have a legitimate predisposition in relation to an application. A member who has expressed a preference for a particular outcome will not be taken to have a closed mind when making their decision, provided that a fair-minded observer would think that you were open to changing your mind in the light of different or additional information, advice or evidence presented.
- 3.7.3 A member may however be considered as predetermining an application if they have acted as an advocate for the application, including being significantly involved in the preparation or submission of the application or an active supporter or objector of the application. In any circumstance where a member is unclear they should consult the Monitoring Officer.

3.8 Planning Committee Members who serve on Parish or County Councils

- 3.8.1 Some Councillors will be Members of Parish Councils, or of Gloucestershire County Council (collectively 'Other Council'), as well as Cheltenham Borough Council Councillors. This situation can also present problems where the Other Council is consulted on planning applications. It is quite conceivable that a Councillor in this position could end up voting in a different way when all the relevant information is made available in the Officer's report.
- 3.8.2 In order to avoid any potential conflict, it would be preferable for Councillors not to contribute to Other Council's considerations of development control matters. Members who do serve on Other Councils may find it helpful to make the following statement to clarify their position when regarding development control matters:

While I will consider this matter as a Member of this Council, I am also on the Planning Committee of Cheltenham Borough Council and may be called upon to vote on any application that this council responds to. In the light of additional information received, I may not vote at the Borough Council's Planning Committee as I will in this meeting.

3.9 Hospitality

- 3.9.1 As a Member of the Council you are discouraged from receiving hospitality generally but are expressly prohibited from receiving any gifts or hospitality from people with an interest in a planning proposal

4 Site visits

- 4.1 As part of the Councils process of fulfilling its duties of Planning Committee all Planning Committee members and substitutes are encouraged to take part in a monthly 'planning view'. This is a structured site visit organised by officers, and is an invaluable tool in the decision making process. Planning view provides members with an opportunity to view and enter application sites (and neighbouring sites where necessary) and also consider the surrounding context in advance of the Planning Committee meeting. In particular planning view offers the opportunity to:
- consider the impact of the proposed development if difficult to visualise from the plans and any supporting material, including photographs taken by officers
 - more appropriately consider the comments of the applicant and objectors when these cannot be expressed adequately in writing
- 4.2 Planning view should only incorporate sites which members are justified in visiting on planning grounds, including:
- the character or appearance of the development itself is a fundamental planning consideration;
 - a judgement is required on visual impact; or
 - the setting and surroundings are fundamental to the determination or to the conditions being considered

4.3 Conduct of Visits

- Visits will be conducted in a formal manner
- The Chair or Vice-Chair will open the meeting, and advise members on the purpose and conduct;
- Officers will highlight issues relevant to the site inspection;
- When on site, members can ask questions or seek clarification on matters relevant to the site but it is not an opportunity to express opinions or views on the development proposed.
- No formal notes will be made of the visit, however a record of attendance and key planning Q&As will be captured and shared with the committee;
- No hospitality will be accepted

- 4.4 Members who have an interest in an application are precluded from attending any site visit on that matter. In addition if an interest becomes apparent during a site visit the member should immediately declare it to the chair and withdraw from the site.
- 4.5 It is important to ensure that planning view does not become an impromptu lobbying opportunity for the applicant or objectors. If members are approached on site by the applicant or third parties, you should advise that they may make representations in writing to the authority and then direct them to officers present. Members should not discuss applications with the applicant or third parties and should be aware of the provisions of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct.
- 4.6 Members should not enter a site which is subject to an application other than on planning view as this may give the impression of bias. If you do consider it essential to enter the site, or a neighbouring site, other than through planning view, please advise the Head of Planning of your intention to do so and the reasons why. If you do intend to conduct such a visit, again it is important to be aware of the provisions of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct.
- 4.7 Any such visit made outside of planning view will be recorded and should be declared by the member at the relevant Planning Committee

5 Public speaking at meetings

- 5.1 The purpose of permitting public speaking is to enable those affected by proposed developments to inform the Committee of their viewpoint and to contribute to an open, fair and transparent debate on applications in which they have an interest. All public speaking will be carried out in accordance with any guidance issued by the Council.
- 5.2 Guidance will be provided for members of the public who wish to speak at planning meetings and practical assistance will be provided for persons undertaking public speaking by Council officers at the meeting. All public speakers should provide a written copy of their speech to Democratic Services. Members of the public are permitted to share slides, photographs etc provided that a copy is provided to Democratic Services upon registering to speak.

5.3 Public speaking is limited to five minutes per speaker. For each application the applicant/agent or one supporter will be permitted to speak together with one objector and one representative of the parish council.

5.4 Public speaking will take place in the following order:

- 1st – Objector
- 2nd – Applicant, Agent or Supporter
- 3rd – Parish Council

5.5 Upon conclusion of public speaking the Ward Member will be invited to speak for up to 5 minutes.

6 Decision making and the voting process

6.1 Members should only vote on an application if they have been present for the whole of the presentation of, and discussion on, the application.

6.2 Deferral of applications

6.2.1 Any member who wishes to move a motion seeking to defer an application before Committee must ensure that the reasons for their motion and any subsequent decision are recorded in the minutes of the meeting.

6.2.2 Decisions contrary to officer recommendations or to development plan policies:

Before making a decision which differs from the officer recommendation or the development plan, the Committee should take the following steps:

- Where possible, discuss the areas of difference and the reasons for that difference with officers beforehand;
- Record the detailed reasons as part of the mover's motion; and
- Where there is concern about the validity of those reasons, consider deferring to another meeting to have the putative reasons tested and discussed.

6.2.3 Before Members vote on a motion to determine an application contrary to officer recommendation, an officer should be given an opportunity to explain the implications of the contrary decision including an assessment of a likely appeal outcome and the chances of a successful award of costs against the authority should one be made.

6.2.4 If the Committee makes a decision contrary to officer recommendation or the development plan (whether for approval or refusal or changes to conditions or planning obligations) a detailed minute of the Committee's reasons should be made. Members should be prepared to explain in full their planning reasons for the decision they are making. Pressure should never be put on officers to 'sort out the planning reasons' following the meeting.

7 Non Committee Members attendance at Committee Meetings

- 7.1 All members may attend meetings of the Council's Planning Committee even if they are not a member unless they have a Disclosable Pecuniary Interest. You may speak on applications in your ward in your capacity as the Ward Member before and/or after the debate but you cannot vote. When you attend any Planning Committee, you should not sit in the public gallery, but in the place reserved in the Council Chamber for Members of the Council who are not members of the Committee.

8 Training

- 8.1 A forward plan of a minimum of 3 training events for members will be organised annually. Planning Committee Members and anyone who may sit as a substitute will be required to attend a minimum of 2 training sessions each municipal year. Members who fail to attend the minimum training will be excluded from meetings of Planning Committee until appropriate training has been completed. This training will include a balance of the following:
- Organised visits to review permissions granted, providing an opportunity for both Members and Officers to reflect on the details of the completed schemes and consider lessons learned;
 - Topics of interest and or to consider issues in depth or where overturns have indicated problems with planning policy;
 - Formal training by external speakers;
- 8.2 New Planning Committee and substitute members must have attended initial induction training before they sit on the Planning Committee

9 Rules around certain types of application

9.1 Planning Applications from a Member or their relatives

- 9.1.1 All applications which are submitted by or on behalf of you as a Member of the Council in your private capacity or by a relative or your partner (as defined in the Code of Conduct for Members) or which relate to land which you own and/or have a beneficial interest in must be drawn to the attention of the Monitoring Officer, and will be reported to the Planning Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.
- 9.1.2 You must not speak in support of, or take part in the determination of, an application as described above.
- 9.1.3 You must declare an Interest and leave the meeting and not seek to influence any decision made. You may, however, appoint an agent who can speak, subject to the rules of Public Speaking at meetings of the Planning Committee.

- 9.1.4 If an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Borough Council, the Member should not speak in support of, or take part in the determination of, the application.
- 9.1.5 The applicant may speak at Committee meetings subject to the rules of Public Speaking at Meetings of Planning Committee or appoint an agent to speak on their behalf.

9.2 Planning Applications submitted by the Council itself

- 9.2.1 All applications which are submitted by the Council itself must be reported to the Planning Committee for a decision rather than being dealt with in accordance with the scheme of delegation to officers. However, once the principle of development has been established subsequent applications to discharge conditions or for minor variations may be determined in accordance with the scheme of delegation.

9.3 Applications submitted by Officers

- 9.3.1 An application submitted by or on behalf of an employee of the Council who is either an employee of the Planning Department or holds a politically restricted post will be reported for determination by the Committee

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PART 5

Codes and Protocols

Part 5E – Licensing Code of Conduct

Cheltenham Borough Council

Licensing Committee

Probity in licensing

**A guide to procedures and
protocol for Councillors and officers
involved in making decisions
on licensing applications and
other licensing matters**

Approved by Council

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Introduction

Cheltenham Borough Council's Licensing Committee operates in a quasi-judicial way or more accurately it carries out an administrative function-in determining contentious licensing applications and related matters. Most applications are free of objection and are determined under powers delegated to the relevant director. This Code is written having regard to the council's commitment to the principles of good enforcement sound decision making, fairness, particularly openness and consistency.

The Committee deals with most of the council's statutory licensing and registration responsibilities including: licensable activities under the Licensing Act 2003 (alcohol, regulated entertainment and late night refreshment); hackney carriages and private hire; sex establishments; gaming; charity collections; street trading; acupuncture, tattooing and ear piercing; pet shops; riding establishments; animal boarding; dog breeding; dangerous wild animals; zoos; and tables and chairs on the highway. The Committee hears major and contentious applications. Applications are referred for Members' consideration where they are contentious and/or objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant. Hackney carriage and private hire disciplinary matters are also dealt with by the Committee in accordance with the provisions of the council's hackney carriage and private hire licensing policy.

The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.

Some licensing legislation specifies procedures to be followed but in all cases **human rights and natural justice considerations** dictate that the Committee adheres to the following principles in that decisions **must**:

- ❑ Be made on the individual merits of a case
- ❑ Have regard to all relevant national and local guidance
- ❑ Be made impartially and in good faith
- ❑ Be made by the body that receives all the relevant information and evidence
- ❑ Relate to the issue or question placed before the committee
- ❑ Be based only on consideration of relevant and material matters
- ❑ Be proportionate, rational and reasoned
- ❑ Be made in a way that engenders public confidence

The purpose of this local Code of Conduct is to set out in detail how Members should act and the procedures which should be followed to ensure that Members not only act in a fair and proper manner, but are also seen to do so.

This Code has been prepared with a particular emphasis on Members who serve on the council's Licensing Committee but its content is also relevant to all other councillors and also to officers.

The Borough Council, along with all other local authorities, adopted a Code of Members' Conduct which specifies the obligations imposed on Members and defines 'Disclosable Pecuniary Interests' and 'Other Interests' and how these will affect the way a Member behaves. This Code of Conduct is the statutory base to which this Code of Practice is added. In some areas this Licensing Code of Conduct will extend, or go further than the Code of Members' Conduct. In the case of a conflict between the two the Code of Members' Conduct will take precedence.

It is possible that breaches of this Licensing Code of Conduct could be considered to be a breach of the Code of Members' Conduct.

This Licensing Code of Conduct (Probity in Licensing) is part of the council's constitution and can be viewed online at www.cheltenham.gov.uk.

Notes

1. All references to the Licensing Committee include any sub-committee of the Licensing Committee as appropriate.
2. All references to the applicant refer to the applicant (which includes a person calling for a review of a licence), the licensee or the applicant's or licensee's representative as appropriate.

Part one: Conduct of Councillors and Officers

A. Voting and Impartiality

1. **Licensing Committee Members must vote-act in the best interests of the Borough as a whole and must not vote-act on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.**

The overriding duty of a committee Member is to the whole community, rather than just the people living in their ward. This is a fundamental principle of the local democratic system but is not universally known or regularly referred to.

2. **Members of the licensing committee must not declare which way they intend to vote in advance of the consideration of an application by the committee.**

This can be a difficult issue for Members as they may be exposed to pressure from residents or the media to express a particular viewpoint. However it is essential that Members are measured and circumspect in the comments they make. If a Member declares which way they intend to vote it would in effect be pre-judging the application without having considered all of the relevant information. This could expose the council to the possibility of legal challenge or a charge of maladministration. Members must not make up their minds until they have read the relevant Committee reports and heard the evidence and arguments on both sides.

3. **If a Member of the Licensing Committee declares support for or opposition to a proposal before the matter has been put before the Committee, the Member must make an open declaration of their views to the Committee and take no part in the consideration of and voting on that particular item.**

This rule follows on from item 2 above. It does not mean that Members cannot make a comment or reflect local concerns about a proposal before the Licensing Committee considers it. However the view or comment must not predetermine or be seen to predetermine the way that Member will vote.

Members must consider each case on its merits and must not do anything which may preclude them for taking part in the determination process. You must only make your decision after reading the report, hearing the Officer's presentation and any points of clarification and all the arguments on both sides.

It is acceptable to have a legitimate predisposition in relation to a matter. A member who has expressed a preference for a particular outcome will not be taken to have a closed mind when making their decision, provided that a fair-minded observer would think that you were open to changing your mind in the light of different or additional information, advice or evidence presented.

A member may however be considered as predetermining an application if they have been an active supporter or objector. In any circumstance where a member is unclear they should consult the Monitoring Officer.

~~Predetermination is a legal concept that the courts have used in connection with local authority decision making. It predates the Code of Conduct and is not altered by it. Predetermination occurs where a Member's mind is closed to the consideration and weighing of relevant factors in the decision making itself.~~

~~It is important that Licensing Committee members be open to any new argument at all times up to the moment of decision.~~ A Licensing Committee Member with a predetermined view on a licensing application is disqualified from participating in the Committee's decision-making on the application.

4. Licensing committee members who are also members of a parish council must exercise particular care in reconciling their two roles.

This rule would apply in the case of a Member(s) holding office in both the borough council and a parish council. Such Member(s) may find that they are expected to express a view at a parish council meeting or vote on whether or not the parish should object or comment on a proposal from a parish point of view. In such circumstances Members are advised to abstain from both the debate and voting at the parish council. This is not inconsistency, but the consequence of having to fulfil two totally separate roles. If a Member does declare ~~his or her~~their support for or opposition to a licensing proposal at a parish meeting or elsewhere they must make an open declaration to the borough council's Licensing Committee to that effect and take no part in the voting and debate on that item, and leave the meeting.

5. Licensing Committee Members who are also county councillors must exercise particular care in reconciling their two roles.

There are often a number of Members that hold office in both the borough and county councils. As a general rule such Members should declare an interest in any applications either made by the county council or by third parties in relation to county council premises or land. When an interest is declared Members should withdraw from the meeting. This will ensure that the borough's licensing process is not unfairly influenced or perceived as being susceptible to unfair influence by a Councillor(s) who has two roles.

6. Licensing Committee Members should not organise support for or against a licensing application and should not lobby other licensing Councillors.

Committee Members should not place themselves in a position where they may give the impression that they had made up their mind before hearing the evidence. Each Member should make up his or her own mind on the evidence and facts presented to the Committee (see section G on lobbying). With regard to other Members it could give the impression that they were seeking to influence Committee Members (again see section G on lobbying). In addition, Committee Members who do campaign against any particular type of licensable activities that

Parliament has determined are lawful such as alcohol sales or sex establishments, the Member must make an open declaration of their views to the Committee and should not sit on the Committee.

7. Licensing Committee Members must not favour or show bias against any particular person, company or group, or any particular site or locality in respect of licensing matters.

Furthermore they should not put themselves in a position where they may appear to do so.

8. Confidentiality

~~It will be unusual for~~ There will often ~~may be occasions when~~ licensing applications or other matters need to be treated as confidential items, resulting in ~~with~~ the exclusion of the press and public, ~~but it may occur.~~

Taxi driver applications and reviews of such licences are likely to include reference to personal information and sensitive information. Although there is a clear public interest in such matters, it must be remembered that it would not be appropriate to discuss fully and openly certain matters without prejudicing the subject of such a matter regardless of their likely culpability or otherwise.

The grounds why this may occur are set down in the Local Government Act 1972 and the council's constitution, and are most likely to be in relation to the conduct of legal proceedings, or disclosure of personal details.

Information which is of a confidential nature may also be provided to Members before committee, but this should never be done without strong and compelling reasons, and any threat to the fairness of a hearing must be mitigated as far as possible through appropriate disclosure.

Members are expected to treat the information as confidential and are referred to the Code of Members' Conduct which indicates that a breach of this confidentiality may be a breach of the Code of Conduct and result in a complaint to the Monitoring Officer ~~and/or Standards Committee.~~

B. Gifts and hospitality

1. Members and officers must abide by the council's policy on gifts and hospitality.

As a Member of the Council you are discouraged from receiving hospitality generally but are expressly prohibited from receiving any gifts or hospitality from people with an interest in a licensing matter.

~~The policy on gifts and hospitality is contained in the council's constitution and Members and officers must be extremely careful in this respect to ensure no question of bias can be raised.~~

C. Independence and impartiality of licensing officers

1. **Members or other officers within the council must not instruct nor lobby licensing officers to make or not to make a particular recommendation on a licensing application.**

Licensing officers are trained to deal with licensing issues and will be aware of Government advice, case law etc., and will put forward professional advice. Officers from other departments will provide advice as appropriate.

2. **Officers must always act impartially and advise the council of their professional opinion.**

The Borough Council's Licensing Officers must always act impartially to give advice based upon a professional assessment of the individual merits of each case taking into account all relevant policies, guidance and other relevant material considerations. If they do not, or even if it appears that they are not, the integrity of the licensing process is severely compromised. Where an appeal has been made against a decision made against officer recommendation, officers will always present the council's case to the best of their ability.

D. Declarations of interest

- ~~1. Members must comply with the rules regarding the registration and disclosure of Interests as set out in the Members Code of Conduct must always declare personal, and personal and prejudicial, interests in accordance with the council's current Code of Conduct.~~

Members attention is specifically drawn to the following:

- Do not use your position improperly for personal gain or to advantage your friends or close associates.
- Keep your register of interests up-to-date
- Disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

Where you have a Disclosable Pecuniary Interest (as defined within the Member's Code of Conduct):

- Disclose the Disclosable Pecuniary Interest to the Committee, unless the Monitoring Officer considers it to be sensitive in nature
- Leave the meeting
- Do not vote on the matter, participate (or further participate) in the discussion of the matter unless a dispensation has been granted

Where you have an Other Interest you may attend the meeting for the purposes of making a representation however, you must:

- Disclose the Other Interest to the Committee
- Leave the meeting (once you have made your representation) and **do not** vote on the matter, participate (or further participate) in the discussion of the matter, if the matter affects:
 - your well-being or financial position;
 - the interest you hold that constitutes an Other Interest;
 - the well-being or financial position of a member of your family or a person with whom you have a close association;
 - a person with whom you, a close member of your family or a close associate have a contractual relationship; or
 - the determination of an application submitted by you, a close member of your family or a close associate; and a reasonable member of the public knowing the facts would reasonably regard the interest as so significant that it is likely to prejudice your judgement of the public interest

unless a dispensation has been granted.

You may apply to the Monitoring Officer for a dispensation. If granted, this will allow you to participate in a discussion and vote on a matter notwithstanding a Disclosable Pecuniary Interest or Other Interest as set out above

Where a member is making an Licensing application to the Council they should advise the notify the Monitoring Officer in writing no later than submission of the application.

Licensing Applications made by members will always be reported to the Committee as a main item and not dealt with by officers under delegated powers

~~The Code of Members' Conduct is contained in the council's Constitution and must be read in conjunction with this Licensing Code of Conduct (Probity in Licensing).~~

~~All interests must be disclosed at the start of the meeting or when such interests become apparent, and an agenda item on this is included for every meeting.~~

~~Depending on the nature of the interest (Disclosable Pecuniary Interest or Other Interest), the Member may not be allowed to participate in the discussion or vote on the matter unless a dispensation has been granted. They must also not seek to improperly influence any decision on that matter.~~

~~NB: Failure to disclose a Disclosable Pecuniary Interest is a criminal offence.~~

~~The test Members should apply is not whether they themselves think they have an interest but whether a reasonable person in possession of all of the relevant facts, might think they have.~~

~~If a Member has any doubt, advice can be taken, but if that doubt still remains it is best that an interest be declared. However, the responsibility for declaring an interest rests solely with the Member and these will be noted in the Committee minutes.~~

~~There will, however, be times when it only becomes apparent during the meeting that there is a declarable interest. Then the interest must be declared as soon as the Member becomes aware of it, even if it is during discussions on that particular item.~~

~~The Monitoring Officer should be informed of any declarable interests which should also be registered in the Register of Members' Interests.~~

E. Involvement of Councillors with Applicants

- 1. Members of the Licensing Committee should not act as agents, or submit licensing applications for other parties or voluntary bodies.**

Any close involvement, or even perception of close involvement, can compromise the integrity of the licensing process. A Member acting as a licensing agent could give rise to suspicion that the Member was not impartial or may influence other Members in the decision making process.

- 2. Any Member who is a Licensing advisor or similar professional agent will not be appointed to the Licensing Committee.**

Where Members need to submit licensing applications on their own behalf, or on behalf of their employer as part of their job, they must declare an interest and take no part in the processing of the application or in the decision making process. Decisions on any proposals submitted by or relating to premises / land / vehicle(s) etc. owned or controlled by a serving Member(s) should only be determined by the Licensing Committee (or the full Council). The Committee (or Council) alone should determine an application submitted by a Member's employer, irrespective of whether the Member is involved in the application, its preparation or submission.

F. Council Licensing Applications

- 1. Proposals to license the council's own land or premises must be dealt with the same as all other applications.**

The council's own proposals, or those of others on council owned premises/ land, must be dealt with on exactly the same basis as applications submitted by any other applicant. Members must not have any regard to any other benefit, financial or otherwise, which may accrue to the council as a result of any particular decision on a licensing proposal.

All licensing applications, irrespective of the applicant, must be considered and dealt with on the merits of the application, not any extraneous gain or loss that might accrue to the council.

2. Other proposals that may have an impact on a council landholding or application/proposal must be dealt with strictly on their licensing merits.

Local authorities are often landowners. They may operate licensed premises and may submit their own applications or third parties may submit applications for new licensed premises on land or premises due to be sold to them by the council. Furthermore situations may arise where a licensing proposal may have an impact on the prospects and value of a council landholding or premises. These circumstances present special challenges to ensure that the licensing system operates, and is seen to operate, fairly.

G. Lobbying of Councillors and Formal Submission of Information

1. Any lobbying of Members must be dealt with carefully to minimise the perception of influence.

Lobbying or seeking to influence a decision is a normal and perfectly proper part of the political process. However, it can lead to impartiality being called into question and the need to declare publicly that an approach of this nature has taken place. Problems could arise if Members indicate or give the impression of support or opposition to a proposal or particular application, or declare their voting intention to anyone, before a decision is to be taken. To do so without all of the relevant information (including the officer report) and views to hand would be unfair and would prejudice the impartiality of the decision making process. Although the Localism Act does allow a member to express a particular predisposed position.

Lobbying can take place by way of an approach to you, by telephone, or on a chance meeting, or by way of a request to see all or some of the Members of the Licensing Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid compromising your position before you have received all the relevant information, evidence and arguments, you will:

- avoid discussing with an applicant or any other person your thoughts about the merits and flaws of an application;
- pass any written material provided to you to the licensing officer dealing with the application for inclusion and evaluation in their report;
- not make it known in advance of the consideration of the application by Committee whether you support or oppose a proposal or application unless you accept that this will mean that you may not take part in the decision;
- restrict your response to giving procedural advice, and make it clear that that is all you are prepared and allowed to do;
- direct lobbyists or objectors to the licensing officer and advise that their views should be expressed in writing, and
- advise the licensing officer as soon as possible of the existence of any substantial lobbying activity.

Members should avoid signing any Petition on a matter likely to be determined by the Licensing Committee. If you express publicly a final view on an application prior to the meeting at which a decision is to be taken, you will be required to withdraw from the meeting whilst the application is discussed and determined. Public expression of a view would include, for example, making a statement to the press of your firm attitude to an application, or in any document to be made publicly available, at a meeting of the Council or a Parish Council (or one of their Committees), or in any situation where the view expressed might reasonably be expected to gain wider circulation.

~~Members should treat lobbying with care and should ensure that “unofficial” views, promises or documents do not unduly influence them. Members should advise lobbyists to present their views in writing to the licensing case officer in order that they can be formally considered in a balanced way at the Committee meeting. Alternatively Members may choose to pass on the views and or submissions of lobbyists to the officer but should make clear that they are not giving their own views as this is a matter for formal consideration by the Licensing Committee.~~

~~This is a complex area and one that requires special care. Lobbying is an attempt to influence a Member’s view in order to achieve a particular decision. It is a normal part of the political process but where Members are making statutory decisions, such as licensing decisions, it can result in decisions being made improperly.~~

~~Licensing decisions must be rational and be made strictly on the basis of the relevant facts, guidance and policies relating to each case. Members must not only act in a way that is fair to all parties but must be seen to do so. In particular Members must not prejudge proposals before they have read the officer’s reports and considered all the evidence.~~

~~Lobbying can take two forms:~~

- ~~□ — Lobbying of Councillors by applicants, agents or objectors.~~
- ~~□ — Lobbying by other Councillors.~~

~~Lobbying may be verbal or by the circulation of letters or documents to all or some Councillors.~~

~~Lobbying can be particularly problematical if Members are given information or assurances by applicants that do not form part of their formal application and are, therefore, unenforceable. Problems can also arise if Members are given information by objectors which may be misleading, untrue or irrelevant. Officers face particular difficulties if they are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about them.~~

~~This would cause particular problems if the Committee based a refusal on matters which officers, applicant(s) nor objectors had had an opportunity to consider and comment upon.~~

~~Circulation of unofficial papers at a Committee meeting also constitutes a form of lobbying.~~

- 2. Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.**

Only submissions from applicants, agents or objectors, which are formally received by licensing officers, can properly be taken into account in making a decision. The Committee could be materially misled if Members or other parties circulated 'unofficial' documents or introduced new information on behalf of an applicant or objector, or expressed what they believed to be an applicant's intention, if this did not form part of the application documents and correspondence. In all circumstances copies of any letters, documents or correspondence should be given to the licensing officer to consider and comment on. Such material should always be provided at least ~~72~~ clear working days ahead of a committee meeting. Where fresh information comes to light after a committee report has been finalised and circulated it may only be tabled with the Chair's consent.

H. Political decisions on licensing applications

Decisions on licensing applications must be made on the individual merits of each case with adherence to the other principles that are set out in this guide. The establishment of a party whip or "party lines" made in political group meetings prior to a committee meeting would be wholly inappropriate.

The view of the [Local Government and Social Care](#) Ombudsman is that 'the use of political whips at group meetings is contrary to the National Code and amounts to maladministration'. It could also give rise to a legal challenge of any decision by Judicial Review.

I. Application by Councillors, officers or their relatives or friends

These applications must be dealt with, and be seen to be dealt with, openly, fairly and without any bias. Accordingly despite the scheme of delegation to officers to decide certain applications, all such applications will be reported to Committee.

J. The Role of Ward Members

1. Being a ward Member does not in itself constitute an interest in an application or create a risk of apparent bias. Providing the ward Member does not have a Disclosable Pecuniary Interest or any Other Interest in applications before the Committee or providing there is nothing to indicate any risk of bias or predetermination, a ward Member's local knowledge may in fact give an additional insight to an application and its implications on the licensing objectives. Ward Members may use their local knowledge to ask relevant questions and clarify facts.

2. The right of ward Members to speak at Committee meetings may be constrained by statute. For example, under the Licensing Act 2003 ward Members may only speak if they have lodged a written relevant representation within the prescribed period of time and/or to represent their constituents. In the absence of any specific rules, ward Members may be invited to address the Committee at the Chair's discretion.
3. The role of ward Members is, therefore, different from that of those Members making the decision, in that ward Members can engage with their constituents and make representations to the Committee on their behalf. It is for this reason, and to safeguard Members, that the restriction identified in Paragraph 2 above has been made.
4. The views of ward Members do carry weight with their colleagues who make the decisions. Ward Members should not become too closely identified with special interest groups and be careful to avoid pressure by applicants, objectors or supporters. There may be occasions where ward Members are invited to attend meetings (for example, a formal meeting called by an applicant or objector) where it would be prudent for a Member to also invite an officer to be present.

Part two: the decision making process

A. Pre-application discussions and negotiations on submitted applications

1. Councillors should not, themselves, seek to advise applicants or agents about the likely acceptability of licensing proposals.

Pre-application discussions should always be undertaken by the council's officers to ensure that advice is given professionally, comprehensively and in a way that is clearly removed from the political forum. Licensing Committee Members should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. If Members, whether or not they sit on the Licensing Committee, do give an indication of their initial reaction to a proposal they must make clear that any proposals will need to be formally considered by officers and/or the Licensing Committee. They should also make clear that officers and/or the Licensing Committee could only make a final decision after a full and formal consideration of the proposal.

Similarly Members should not normally be involved in negotiations and discussions about submitted applications. There may be exceptional circumstances in respect of major or contentious applications where there may be merit in Member involvement to explain a particular local viewpoint or issue. However such discussions should take place only where at least one officer is present. The officer(s) will make a written record of any such meetings held and will place a copy on the application/premises file. Such a record will constitute a background paper for the purposes of the Freedom of Information Act 2000 and may be inspected by any interested person.

The fact that Committee Member(s) have discussed any such proposal with the applicant or objectors must be made clear when the application is before the Committee for determination. Under no circumstances should Members put pressure on officers to make, or change, any recommendations on an application.

2. Officers' role in processing licensing applications

The council employs professional officers whose job is to deal with the applications received, ensure the necessary publicity requirements are dealt with, negotiate with the applicant and/or their agents, and then report to Committee with their recommendations.

Officers will have pre-application discussions and/or issue guidance to help applicants to submit applications in accordance with council policies and to assist with the smooth processing of the application.

The officers will always put forward their professional view to Committee and be available to answer Members' questions.

B. Reports to Committee

- 1. Officers will provide written reports for all matters to be considered by the Licensing Committee (with the exception of matters of urgency) or when Committee has requested verbal updates on ongoing matters.**

There will be occasions when matters arise after the committee papers have been prepared and sent out, but a decision of Committee will be required. If possible a written report will be tabled, or if this is not possible the appropriate officer will provide a detailed verbal report on the issue, explaining why it is urgent and providing recommendations. This shall be minuted.

Members are also permitted to raise matters of urgency under the Local Government Act 1972. However if they do intend to do this the licensing officers should be informed prior to the meeting of the nature and content of the matter. Officers will attempt to answer any questions, but depending on the length of notice of the matter of urgency this may not be possible at that meeting.

Any matters of urgency can only be raised with the agreement of the Chair of the Licensing Committee who must give reasons as to why it is considered to be an urgent item.

- 2. Officer reports to the Licensing Committee will be accurate and will, subject to statutory requirements, comprehensively cover all relevant: i) policies, guidance, considerations and issues; ii) information about the application/case; and, iii) the views of consultees and objectors.**
- 3. In all cases applicants/licensees will be given the opportunity of providing written material for inclusion in the report. Material for inclusion must be received by the licensing officers at least ~~72~~ clear working days before the committee meeting. Where reliance is placed upon case law advance notice must be given of the case(s) in question.**
- 4. Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.**

~~Written reports have always been a cornerstone of probity in the council's system for committee determination of licensing matters. In the context of planning malpractice the Audit Commission and others have made it clear that written reports are essential. The same principles should apply to the council's licensing functions.~~

C. The Committee hearing

- 1. The Council's Constitution will apply to the conduct of business.**
- 2. Applicants/Licensees will be invited to attend the committee and be represented if they so choose, and they will be sent a full copy of the report about their application/case including all appendices and details of objections.**

If they do not attend the Committee can decide whether or not to deal with their item in their absence on the basis of the written report and the procedure as set out below.

3. Committee Procedure

~~(a)~~ Chair introduces the item on the Agenda, briefly stating what it is about and explaining the process to be followed at the hearing—and inviting applicant/licensee/representative(s) to come forward to be seated. The Chair will introduce all parties to the hearing. Where exempt information under the Local Government Act 1972 (as amended) is included in the report it will be written and circulated as a confidential item. In such cases the Chair will offer the licensee/representative(s) the opportunity of a public hearing and the press and public will only be excluded once a preference for a confidential hearing has been expressed.

~~(a)(b)~~ The Chair will ask all Members, and council officers present whether they need to declare any interests in relation to the business on the agenda.

~~(b)(c)~~ Members who intend to vote must be present in the meeting room throughout the committee's consideration of an item so that they hear all of the evidence and hear/participate in the debate.

~~(e)(d)~~ Report author or other appropriate officer presents the report to the committee, outlining the key issues and background to the recommendation(s). ~~This must be done in a maximum of 10 minutes unless the Chair expressly approves otherwise.~~ Members, other persons and responsible authorities and the applicant/ licensee will have the opportunity of asking the officer questions.

~~(e)~~ The Chair will then invite officers from the responsible authorities or statutory bodies to amplify and/ or clarify comments that they have already submitted in writing or by email and if appropriate the representatives of statutory bodies. The applicant/licensee (or their representative), objectors and or their spokesperson and Members are to be given the opportunity to ask questions.

~~(d)(f)~~ Objectors and/or their spokesperson will be given the opportunity to make representations, this must be done in a maximum of 10 minutes unless the Chair expressly approves otherwise. The applicant/licensee, Members and, ~~if appropriate~~ officers, will have the opportunity of asking the objector or spokesperson (as applicable) questions.

The Chair will then invite responses from officers and if appropriate the representatives of statutory bodies. The applicant/licensee (or their representative) and Members are to be given the opportunity to ask questions.

~~(e)(g)~~ -The applicant/licensee (or their representative) will present their application/case and, if they choose, put forward witnesses. This must be done in a maximum of 10 minutes unless the Chair expressly approves otherwise. The applicant/licensee (or their representative) has the right to present their case without undue interruptions. When they have done so questions may be asked by Members, other persons and responsible authorities and ~~in some cases~~ by officers ~~and representatives of statutory bodies who are licensing consultees, e.g. the police, fire and rescue service.~~

~~(f)(a) The Chair will then invite responses from officers and if appropriate the representatives of statutory bodies. The applicant/licensee (or their representative) and Members are to be given the opportunity to ask questions.~~

(h) The objectors and/ or their spokespersons and officers from statutory bodies and the responsible authorities will be given a final right of reply.

~~(g)(i)~~ The applicant/licensee (or their representative) will be given a final right of reply.

~~(h)(i) The Committee retires to debates the application and reaches its decision. In cases involving disciplinary and/or confidential matters the Committee may decide to exclude the other parties (the applicant/licensee/representative, witnesses, officers and representatives of statutory bodies) whilst it debates the application and reaches its decision.~~

(k) When the Committee has reached a decision, the Committee will return and will announce the decision. They will explain their findings, their consideration of the evidence and the weight they have given it and give clear and cogent reasons for their decision in public.

(j)(l) The Committee does reserve the right at the discretion of the Chair to adjourn to a later date within not more than 5 working days to determine a case, if it is unable to do so on the day of the hearing.

(j)(m) The decision will be confirmed in writing or by email giving reason(s) for the decision and details of any appeal rights. The decision notice/letter will be sent as soon as practicable after the meeting and any statutory timescales will be followed. This will usually be within 5 working days of the decision being made.

~~(k)(n)~~ The following good practice rules assist the smooth operation of the Committee and promote probity:-

- i. The meeting will be conducted without any undue formality
- ii. Members should not report new information that they may have been given by applicants or third parties which has not been submitted to officers for formal consideration and comment (see rule on lobbying in Part 1 section G)
- iii. Members should seek any necessary clarification from officers on key issues before the meeting as this enables full replies to be given
- iv. Members should not introduce any non-licensing matters to the debate
- v. Members should not speak at length on items where they are in full agreement with the officer report
- vi. At the discretion of the Chair of the Committee a ward Councillor(s) may be allowed to speak at Committee to express their own views or those of their constituents. This discretion does not apply to any matter involving a notice or application under the Licensing Act 2003, as a party may only address the committee if they have submitted a relevant representation.
- vii. Applicants, responsible authorities and other persons should only be permitted to amplify and clarify points that they have properly submitted in writing or by email. Where any party addresses the committee and goes beyond those constraints the Licensing Officer may draw this to the attention of the Chair and ask that the party be guided by the Chair to not stray beyond their written submission. The exception being where a party responds to new evidence adduced at the committee by another party, and only with the permission of the Chair.

~~vi.viii.~~ Where any party answers questions from another party or a Member and appears to go beyond their original representation and/ or repeats points that they have already made to the committee, the Licensing Officer may draw this to the attention of the Chair and ask that the party be guided by the Chair to not stray beyond their written submission, to not (continually) repeat points already made and to limit their answers to the question they have been asked. The exception being where a party responds to new evidence adduced at the committee by another party, and only with the permission of the Chair.

D. The Committee's decisions

1. Where Members propose to make a decision contrary to the existing policy or guidance clear licensing and relevant reasons must be established and these must be ~~seconded and minuted~~ and included in the decision notice.

~~The Member, or Members, proposing the decision contrary to existing policy or guidance must give clear reasons for their proposal before any vote is taken. Their reasons must be relevant and material considerations.~~

2. The Chair will allow all the ~~concerned~~ parties an opportunity to address the Committee before a vote is taken they retire to determine the application (in accordance with the procedure ~~———~~ outlined above).

Decisions must be reasoned, rational and in accordance with the facts of the case and have regard to the provisions of all relevant policies and guidance. However decision making requires assessment and judgement of the weight to be attached to policies and guidance issues which, no matter how current, will never provide an answer for all applications. Any decision made by the Licensing Committee which is contrary to the provisions of existing policy or guidance must be clearly justified and recorded.

3. For certain applications that are particularly complex and/or contentious, Members of the licensing sub-committee has the discretion to defer the determination of the application in accordance with regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

A deferment might be helpful for the licensing sub-committee to more fully consider particularly complex and/or contentious application and allow sufficient time to draft the decision notice(s).

Where Members wish to exercise this discretion, it should advise parties attending the hearing and must make a determination within five working days beginning with the day or the last day on which the hearing was held in accordance with the requirements set out in the hearing regulations.

E. Deferrals and committee site visits

- 1. Deferrals: Where Members propose to defer consideration of an application they must set out clear reasons for doing so and these will be minuted.**

A proposal to defer any application must be valid and defensible. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed, or to secure amendments, without which the application would have to be refused. The reason for deferring for a site visit must be clearly set out by the proposer and recorded in the Minutes. Deferring for the purpose of political expediency is never an acceptable course of action.

- 2. Site Visits: All site inspections whether involving Members individually or collectively will be conducted in a strictly fact-finding way and there shall be no on-site debate about the merits of the proposal or any negotiations or discussions with applicant, agents or residents.**

A request for a site visit should be made two weeks in advance of any relevant Committee.

F. Public attendance at Committee meetings

- 1. Most licensing applications (with the exception of new taxi driver applications or reviews of such licences) on the Committee agenda will be considered in public session.**

Open public debate is a fundamental prerequisite of probity in the licensing system. However where exempt information under the Local Government Act 1972 (as amended) is included in a report it will be circulated as a confidential item and, subject to the applicant/licensee's right to a public hearing (see Part Two Section C3 above) such items will be considered with press and public excluded.

Any person in attendance at the Licensing Committee meetings is entitled to make use of the public question time item to speak, however the question should be submitted in writing before the Committee. Applicants, interested parties, licensees or their agents will only be allowed to speak or make representations during consideration of their particular agenda item in accordance with (Part Two) section C above.

Any member of the public who disrupts the meeting in any way will not be allowed to remain in the room.

- 2. Members of the Committee should be extremely careful in meeting with and talking to applicants or objectors either before or after the meeting. This could give the impression that Members had either prejudged a particular application, or had supported a particular view without looking at, and taking into account all the facts presented by the officers.**

Part three: Administrative matters

A. Member training

1. Members who are exercising powers to determine applications are exercising ~~an important quasi-judicial~~ function, in an area where there is a large amount of Government advice, case law and lawegislation. Members and substitute members must ensure they are adequately trained to carry out the task. Accordingly any Member or substitute member who is on the Licensing Committee must take part in training organised by the relevant director either before the first meeting of the Committee or within 3 months after being nominated to serve on the Committee, whichever is the later. If they do not, or cannot, they must step down.

Members and substitute members are also encouraged to research pertinent issues by reference to the relevant director who can arrange access to publications, legislation, policy documents and guidance. Substitute members are also encouraged to attend meetings of the Committee from time to time to observe proceedings by way of a refresher

Members and substitute members will be given regular updates and offered refresher courses to keep them informed of important changes in legislation, procedures or practices either orally, at training sessions, or as briefing notes.

B. Record Keeping

1. Officers will ensure that licensing application records contain sufficient information so that the reason for the ultimate decision can be understood by anyone who reads a file/record without a detailed knowledge of the application

C. Complaints

1. Any complaints received in writing about the way in which a licensing application or other licensing matter have been dealt with in terms of probity, procedures or fairness, will be investigated under the council's complaints procedure. However, the fact that someone may disagree with the decision reached in relation to a particular application or other matter is not a complaint which will necessitate investigation as such, although officers will always endeavour to explain the reasons for the council's decision.

Where any complaint about a council decision made contrary to the existing policy or guidance is received, a copy will be forwarded to the Chair of the Committee.

Complaints can also be made to the Local Government Ombudsman regarding administrative maladministration, or to the Monitoring Officer regarding breaches of the Code of Members' Conduct.

D. Further Advice

- 1. This Code deals with the main issues of probity and conduct but cannot be expected to cover all eventualities that may arise. If Members are in any doubt about any probity related issue they are advised to contact the Monitoring Officer ~~and/or Head of Legal Services.~~**

Appendix 7

Review of Appendices

Appendix	Detail	Recommendation
A	Cabinet Member and Officer Portfolios	DELETE: Whilst this is a really useful document for officers and members it does not add anything of value to the constitution and is regularly out of date. Recommend that this is kept as a working document on the intranet for members and officers but that it is removed from the constitution
B	Committee Membership	DELETE: All of the information in this document is available on the website. Recommend that a hyperlink to the information is contained within the constitution and that the appendix is deleted.
C	Policy Table	DELETE: This document purports to be the council's policy framework however, the definition of policy framework is specific and does not constitute all the policies listed. Having a policy register is a matter of good governance and the council should strive to keep this document updated and available via the intranet. However, links to the documents which actually make up the policy framework can be included within the text of the constitution (Part 4G Budget and Policy Framework Rules) which would then enable this document to be deleted.
D	Protocol for Sub-delegation	ALREADY DELETED - Deleted as a result of previous amendments – now forms part of Part 3E
E	Functions and Responsibilities	DELETE - This document is missing and appears to have been for some time – recommend it is deleted
F	Statutory and Proper Officer Appointments	ALREADY DELETED - Deleted as a result of previous amendments – now Part 3F
G	Motion Flowchart	RETAIN – updated version was approved by Council June 23
H	Petition Scheme	RETAIN – CWG to carry out review to ensure fit for purpose
I	Gateway Protocol	RETAIN – CWG carry out review to ensure fit for purpose
J	Order of Precedence	RETAIN
K	Guidance on recording meetings	RETAIN – updated version approved by Council June 23

L	Local Government Act 1972 Exempt Information	DELETE - This is an extract of the legislation and serves no purpose as an appendix – recommend it is deleted
M	Guide to recording and publishing officer decisions	RETAIN – CWG to carry out review to ensure fit for purpose
N	Diagram of the decision making process	RETAIN – CWG to carry out review to ensure fit for purpose