

SOCIAL AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE
13th September 2004

MINUTES

(18.00 – 20.30)

Present: Councillor Mrs Driver (in the Chair), Forbes, Mrs Hale, Mrs Holliday, Mrs Ledoux, Nicholson, Regan, and Wheeler
Messrs Ball, Howard and Sygerycz.

Relevant Deputies in attendance:

Deputy (Neighbourhood and Community), Deputy (Health, Wellbeing and Economy), Deputy (Public and Environmental Protection), Deputy (Green Environment and Licensing)

Also in Attendance:

Deputy (Performance and Support Services) and Councillor Seacome

Apologies:

Councillor Allen
Mr T Moore-Scott

1. DECLARATIONS OF INTEREST

None.

2. MINUTES

RESOLVED that the minutes of the meeting held on 5th July be approved as a correct record.

3. PUBLIC QUESTIONS

No public questions or petitions had been received.

4. MATTERS REFERRED TO THE COMMITTEE

- (a) By Council - None
- (b) By Cabinet - None
- (c) By Area Committee – None

5. BRIEFING FROM CABINET DEPUTIES (Agenda item 6)

In introducing this item Councillor Mrs Driver (Chairman) explained that the Cabinet Deputies relevant to Social and Community Overview Scrutiny Committee had agreed to attend meetings of the Committee on a regular basis to provide a brief update on their portfolio. She indicated that Members would be given the opportunity to ask questions of the Deputies but pointed out that they might need to provide more detailed information outside the meeting or be invited to a future meeting to deal with a specific item.

The Deputy (Neighbourhood and Community) reported on the following key issues:-

- Cheltenham Borough Homes – the Council has been awarded £26 million by the Government in recognition of CBH achieving 2 star rating from the Housing Inspectorate. All properties need to meet the new 'decency standard' by 2010.
- Regeneration - details of a number of partnership activities to which the Council has an input but does not unilaterally control, including the planned Community Resource Centre at Springbank and working with the Local Strategic Partnership amongst others
- Annual Small Grants Round – report to go to Cabinet on 28th September, detailing the recommendations for this year's award.

In response to questions the Deputy (Neighbourhood and Community) provided the following responses:-

- the idea of a one-stop-shop to enable a number of agencies with the same client groups to work together under the same roof, had been periodically thought about by the Council and other agencies, however funding was an issue and would have to be considered as part of the budget setting process for 2005/06 to be progressed any further. In the meantime the resource centre in the lower High Street provided a wide range of services.
- the housing allocations system was very complex although the Council had some discretion. It was anticipated that the current review of the allocations policy and the Council's move towards choice-based letting would help to reduce inappropriate allocations.

The Deputy (Green Environment and Licensing) explained that she was a newly elected Cabinet Deputy and as a number of the Committee already sat on the Licensing Committee they were probably more experienced in this particular subject than she was at this stage. She referred to the comprehensive report of the Assistant Director (Public Protection) and Licensing Policy Statement to be considered later in the agenda by the Committee and indicated that one of the Council's biggest concerns which was also shared by other local authorities was the situation regarding fees for the issuing of licences.

In response to a question raised by Councillor Driver (Chairman) regarding the increase in street café culture, the Deputy (Green Environment and Licensing) indicated that the enforcement officer would be ensuring that barriers were put in place by the licensee for public safety where appropriate.

The Deputy (Public and Environmental Protection) highlighted in particular the work he was involved with as the Council's representative on the Crime and Disorder Partnership. The council had taken a lead role in issuing Anti-Social Behaviour orders to offenders within Local Authority housing and he indicated that these were being extended to all areas of the town.

The Deputy (Health, Wellbeing and Economy) reported on the following issues:-

- the Public Art Strategy scheduled to be considered by the Cabinet in October had been delayed until December 2004
- the Art Gallery and Museum had been successful in securing sponsorship from 'Persil' who were promoting a national campaign for drawing and would be focussing on the archaeology collections
- the children's summer activities had just finished, they had been a great success and had come in on budget
- the Health Spa at Leisure@cheltenham had recently been launched. Good media attention for the centre had been received in connection with coverage of Leon Taylor, silver medallist winner for synchronised diving 10m board at the Athens Olympics who had begun his career at the pool.

- the co-ordinator of MAD Young People's Council had successfully recruited 12 new members

In response to a question from the Chairman, the Deputy explained that she had not seen the article in the Echo and was not aware of the reasons why the martial arts group was leaving leisure@cheltenham after more than 20 years, however she would provide a response at the next meeting.

The Committee indicated that the session had been very informative and agreed that all four deputies would be invited to the next meeting.

5. UPDATE FROM GLOUCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE – 'OUT OF HOURS PROVISION' (Agenda item 6)

Councillor Mrs Ogden (Tewkesbury Borough Council) who was a member of the Gloucestershire Health Overview and Scrutiny Committee provided an update in respect of the working group looking at 'Out of Hours Provision'; the following key points were noted:-

- in June 2003 a national ballot was held for GP's in respect of a new contract. All practices within Gloucestershire had signalled their intention to opt-out of providing out-of-hour care for their patients, thus placing the responsibility with the Primary Care Trusts
- the County-wide working group has been meeting for over 18 months to steer the process of developing an alternative service
- a model has now been developed for out of hours care (from 1830 to 0800 Monday to Friday, all day Saturday, Sunday and Bank Holidays) for all patients registered with a doctor's surgery in Gloucestershire and the structure was circulated to members. The priority will be to put in place a comprehensive communications plan to ensure that patients and members of the public are fully aware of the new system when it comes into place from 1st December 2004.
- advance notice in the form of an 'Out of Hours' information leaflet had been circulated to residents throughout the County
- the working group's vision of future out-of-hours services was 'Providing a county-wide, integrated, multi-professional service to meet the needs of patients seeking emergency and unscheduled care'
- a dedicated telephone number would be in operation from 1st December 08454 220220 and initially a divert on the GP's surgery. Calls will be received at Gloucestershire Ambulance Head Quarters and from the information received will be advised on how to proceed.
- ADASTRA computerised system was in place to allow the collection of patients' details to be transmitted to remote sites, clinical data added and then transmitted to the GP Practice concerned on the following morning. The system could also be audited.

Councillor Mrs Ogden explained that communication was at the hub of this service if it was to be successful and outlined a number of methods to be used to promote the new service including attending Area Forums. She asked Members to raise awareness within their own communities. She indicated that all County Councillors and District Councillors would shortly be asked by the Chairman of the Gloucestershire Health Overview and Scrutiny Committee (OSC) to test the level of public awareness in their constituencies and feedback to the OSC. A check list would be provided for Councillors to carry out this work.

Mrs Ogden provided the following responses to Members' questions:-

- out-of-hours arrangements were already in existence and working in Gloucestershire. The new system sought to amalgamate the current service and streamline it across the County. Evidence suggested that there was not a great call on the night service, but the Primary Care Trust were required to put arrangements in place
- staff receiving calls were specially trained NHS staff and used to dealing with confidential medical information and would provide an immediate response. They were also experienced in dealing with people with a language barrier or learning disabilities
- the mechanism for feeding back to the OSC would be through the Council's representative on the Committee, Councillor Forbes

Members raised the following further comments:-

- concerns that the leaflet would be thrown out with junk mail, in view of the importance of the exercise it was felt that more resources should have been made available for the publicity of the new arrangements

The Chairman thanked Councillor Mrs Ogden for providing a very informative update to the Committee.

5. LICENSING ACT 2003 – DRAFT POLICY STATEMENT (Agenda item 8)

The Assistant Director (Public Protection) presented this report and draft policy statement which had been circulated with the agenda. He introduced Mr Derek Perry, the Licensing Services Manager who had had a key role in the development of the draft policy.

The Assistant Director (Public Protection) drew particular attention to the following key issues:-

- despite the Licensing Act 2003 receiving Royal Assent in July 2003 it has taken the government some 12 months to issue the finalised version of the relevant guidance
- the government has announced that the 'first appointed day' by which Council's must have prepared, consulted upon and adopted their Licensing Policy Statement will be 7th February 2005
- licence applications will be received over the following nine months ahead of 7th November 2005, the (likely) second appointed day when the new system will be fully operational and premises will trade in line with their applications and operating schedules
- in preparation for the new regime a draft policy statement has been produced, which whilst of necessity follows the statutory guidance also has regard to the needs and issues specific to Cheltenham and has been heavily influenced by the key objectives of the Council's Night Time Economy Strategy. The policy has also been produced in conjunction with key partner agencies and to a common format with the other authorities in Gloucestershire who have agreed common processes when dealing with applications
- the provisions of the new act bring greater freedoms and flexibilities but also bring with them increased responsibilities – by adopting a quality standards approach licensees will know exactly what is required of them
- government direction is that the Licensing Policy must be approved by Full Council, although recent opinion indicates this could be a Cabinet function. The report will therefore be approved by both Cabinet and Council.

In recommending the draft Licensing Policy Statement to the Committee as a consultation draft, the Assistant Director (Public Protection) indicated that it had already been approved by the Licensing Committee as part of the early consultation process. He

pointed out that as the night time economy community strategic liaison group (NTE group) were well established and very much up to speed with all of the issues associated with licensed activities in the town, it was also recommended that this group consider the consultation responses before a report back to the Committee with the post consultation draft policy.

The following responses to members questions and comments were provided:-

- the policy contained a pool of licence conditions to address the four licensing objectives which included public safety and provision for disabled people. Conditions can not be applied which are covered by other legislation
- the Licensing Committee will deal with individual applications based on merits, using the policy as guidance; advice from the Government was that matters relating to Disability Discrimination Act should be dealt with completely separately
- the new arrangements for temporary events notice (TEN) only applied to temporary events which were for no longer than 96 hours and for less than 500 people. There were limits on the number of TENs that could be issued per year
- licensable activities now extended to late night refreshments including take-aways operating between 11.00 pm and 5.00 am. This area will need to come under careful scrutiny in future as there were a number of problems associated with take-aways as identified by the work of the NTE group with links to the licensing objectives
- the need for improved co-ordination of the planning and licensing regimes had also been recognised by the NTE group and the council will ensure that the Licensing Committee provides reports to the Planning Committee on licensed premises in the town and the impact of alcohol related crime and disorder.

The Chairman thanked the Assistant Director (Public Protection) and the Licensing Services Manager for presenting the report.

RESOLVED that the Committee:

- i) approves the draft Licensing Policy Statement as a consultation draft
- ii) agrees that consultation responses should be considered in the first instance by the night time economy community strategic liaison group
- iii) instructs the Assistant Director (Public Protection) to report back with a post consultation draft policy statement prior to this Committee making its recommendations to Council.

8. COUNCIL WIDE ACCESS REVIEW (Agenda item 9)

The Building Control Manager and Access Officer presented this report which had been circulated with the agenda. He explained that part III of the Disability Discrimination Act 1995 will become fully operational on 1st October 2004 and places responsibility on service providers to make 'reasonable adjustment' to service provision and also to remove physical features which present a barrier to access. He pointed out that the Act does not provide a 'standard', only a method by which a person who believes they have suffered discrimination can take civil action against the person who, they believe, discriminated against them.

The Building Control Manager and Access Officer indicated that until such time as there was case law, which would give a clear definition with regard to the meaning of 'reasonable', it would be difficult for the council to establish a clear strategy. However, a programme of Access Audits had been instigated, producing a prioritised list of actions that needed to be considered if access was to be improved. The access appraisal and audit of the Art Gallery and Museum was attached to the report as an example and the Building Control Manager

and Access Officer indicated that three areas remained to be audited; the depot, crematorium and Pittville Pump Rooms. He would also be working with Cheltenham Borough Homes in the near future.

In recommending the report to the Committee, the Building Control Manager and Access Officer indicated that the recent provision of £50,000 to assist with the development of buildings and services was a positive move. However, he pointed out that there would be an-ongoing requirement to review and adapt buildings and services so that they are as inclusive as was reasonably possible and he felt it was important for this Committee to be kept informed of the progress.

The Building Control Manager and Access Officer provided the following responses to Members comments and questions:-

- there were certain situations where the exclusion of some people would be inevitable, however the Council would try to ensure that these numbers were kept to a minimum and that inconvenience was minimised
- he confirmed that he would be attending the meeting of the Disability Access Forum to be held on the following day

The Chairman commented that it would be very useful if Shopmobility was available 7 days a week and on Bank Holidays, and that there was no loop system in the meeting room of the Art Gallery and Museum. She thanked the Building Control Manager and Access Officer for his report.

RESOLVED that the Committee notes the current status of Council buildings and services with regard to access issues and that consideration is given to the means by which the Council can assist with the development of an inclusive environment within Cheltenham.

9. BEST VALUE REVIEW OF ELECTIONS AND CITIZENSHIP (Agenda item 10)

The Assistant Director (Policy and Public Relations) introduced this item which had been circulated with the agenda. She explained that the information had been presented using a new template to be used for briefings to the Overview and Scrutiny Committees, where no formal decisions were required. She indicated that she would be interested in Member's views to feedback to the Democratic Services Manager.

The Assistant Director (Policy and Public Relations) highlighted the following key issues from the Information/Discussion paper :-

- the project team will be reconvened, with Councillor Mrs Regan continuing to represent this Committee
- the scope of the review will be considered in light of national and local agendas and priorities, which have emerged since the review commenced
- the working group will bring a report to a meeting of this Committee early next year, to enable the review to be finalised before the end of the financial year so that any improvements can be implemented with effect from 2005/06.

Councillor Mrs Regan indicated that she had found working on the project group very interesting. She explained that some work undertaken with the schools had identified a lack of knowledge of democracy. Once the project group had reconvened, encouraging young people to vote would be one area to be looked at in more detail.

Members generally found the format of the information paper easier to read and felt it was a good idea.

In thanking the Assistant Director (Policy and Public Relations) for her update, the Chairman commented that she was disappointed that the review had been delayed.

10. PROPOSED CLOSURE OF POST OFFICES IN CHELTENHAM (Agenda item 11)

The Assistant Director (Policy and Public Relations) introduced this item which had been circulated with the agenda. She explained that the Chairman of this Committee had requested the item be included on the agenda so that the council in its community leadership role could consider the issues before making a formal response. The Assistant Director (Policy and Public Relations) referred Members to the additional information which had been circulated separately and the deprivation mapping information displayed. She explained that the post office would be looking for specific evidence as to why branches should not be closed and practical examples of the impact such closures would have.

The Chairman thanked the Assistant Director (Policy and Public Relations) for the excellent briefing note and other information which was very informative. She explained that she had spoken to the post office but had been unsuccessful in inviting a representative to attend the Committee.

During the ensuing discussion the following key points were noted:-

- concern that no formal consultation had taken place with the Parish Council of Leckhampton with Warden Hill or Ward Councillors for Warden Hill relating to the proposed branch closure in Leckhampton. This area has a higher elderly population than some parts of the borough who would be expected to travel to an alternative post office further away.
- it was important to identify alternative post offices and schemes that could be put in place should the decision be made to close the branches proposed. It was confirmed that some work had already been undertaken in this area and sent to the relevant Ward Councillors
- the proposed closure of certain branches would result in the nearest alternative being the main Post Office in the High Street. Members were concerned that this was already a very busy outlet with frequent queuing throughout the day. The branch was also very dark and not very welcoming and there was no disabled parking in the near vicinity
- concerns about the viability and sustainability of local shops in the vicinity of the proposed branch closures particularly Wymans Brook
- concerns about the inconvenience that would be caused to the pensioners who regularly used the Wymans Brook branch including residents of Swindon Village
- it was suggested that the criteria to be considered by the Post Office in making its decision should include, the amount of useage of the branch, DDA compliance of the buildings and the general condition of the facilities
- the customer profile for Montpellier was incorrect with regard to the type of housing around the outlet as it was mainly flats. The branch was used by a number of businesses in the locality and the elderly
- the proposed branch closures should be advertised in the Echo, including the address to be contacted
- when drawing up the proposals had the Post Office considered relocation of the branches to alternative locations for example in conveniences stores which may increase user numbers?
- members were asked to encourage the public within their Wards to write to the Post Office with any concerns as individual responses would carry more weight than petitions

RESOLVED that the Committee requests the Assistant Director (Policy and Public Relations) to write to the Post Office to resist the proposed closures on behalf of the Committee and that the Leader be requested to endorse the final response.

11. 2004-2005 ANNUAL REVIEW OF CONDITIONAL OFFERS OF GRANT (SLAs) (Agenda item 12)

The Assistant Director (Community Services) introduced this report which had been circulated with the agenda. He asked the Committee to nominate three elected members (cross-party) to join the council's funding review panel.

RESOLVED that the Committee:-

- i)** appoints Councillors Mrs Driver, Forbes and Mrs Ledoux to join the council's funding review panel which will review all voluntary and community organisations receiving conditional offers of grant funding (SLA) from the Social and Community Group.
- ii)** Agrees the proposed make up of the council's funding review panel as detailed in paragraph 2.3 of the report

12. POSSIBLE FUTURE AGENDA ITEMS

The Group Director (Social and Community) explained that a Business Planning 'Away Day' had been arranged for Monday 20th September for the Cabinet, Group Leaders, Chairs of Overview and Scrutiny and the Board of Directors. He indicated that any new topics suggested by the Committee could be considered as part of this process.

The following topic was suggested:-

- Smoking in public places – it was suggested that this could be linked with the work being undertaken by the Gloucestershire Health Overview and Scrutiny Committee

The Committee also considered a scrutiny topic registration form submitted by Councillor Mrs Regan. In introducing the item, she indicated that since the closure of the gymnasium facilities at Montpellier there was considered to be a lack of suitable gymnasium facilities in Cheltenham. Given the Government's current health concern with more exercise for young people, she suggested it was an issue that could be examined in more detail by the Committee.

The Group Director (Social and Community) suggested that the item could be considered in a broader context as part of the 'Away Day'. However, he pointed out that as highlighted by the preliminary results of the CPA Inspection the Council needed to focus on the top priorities of its Business Plan and sport was not one of them.

Members suggested that by developing diversionary schemes such as increasing access to sporting activities by young people, the levels of Crime and Disorder could be reduced which was one of the Council's top 3 priorities for 2004/05.

The Chairman suggested that the topic was widened to reviewing sports facilities in general for young people and agreed to produce a project brief for discussion with the Group Director (Social and Community) and consideration by the Committee at the next meeting

To be approved at the next meeting of the Committee to be held on 18th October 2004

13. DATE OF NEXT MEETING – 18th October 2004

COUNCILLOR MRS B DRIVER
Chairman