

COUNCIL

28 June 2010

(2:30 – 4.50 p.m.)

Present:	The Mayor (Councillor Anne Regan), Garth Barnes, Ian Bickerton, Tim Cooper, Barbara Driver, Bernard Fisher, Wendy Flynn, Rob Garnham (until 3.15 pm), Les Godwin, Penny Hall, Colin Hay, Rowena Hay, Peter Jeffries, Steve Jordan, Robin MacDonald, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, Heather McLain, John Morris, John Rawson, Diggory Seacome, Malcolm Stennett, Klara Sudbury, Lloyd Surgenor, Jo Teakle, Jon Walklett, Andy Wall, John Webster, Paul Wheeldon, Roger Whyborn and Simon Wheeler.
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Minutes

1.	Prayers
	Reverend Maz Allen opened the meeting with a prayer.
2.	Apologies
	Councillors Nigel Britter, Jacky Fletcher, Diane Hibbert, Sandra Holliday, Duncan Smith, Charles Stewart and Pat Thornton.
3.	Declarations of Interest
	Councillor Whyborn declared a personal interest in agenda item 9B as a member of the St Margarets Hall user group.
4.	To approve and confirm the minutes of the last meeting
	The minutes of the meeting held on the 13 May 2010 had been circulated and were approved and signed as an accurate record.
5.	Public Questions
	None received.
6.	Communications by Mayor
	The Mayor announced that Councillor Wall was now Leader of the Conservative Group. She advised members of the retirement of Andrew Dow, the vicar of St Mary's, and on behalf of Council she wished him good luck in his retirement and gave thanks to him for his service to the town. She reminded members of the summer party on the 17 th of July in aid of the Mayor's charities and said all would be welcome. She thanked Council for giving her the opportunity to visit Buckingham Palace together with Councillor Stennett and his wife. She asked all members to keep Councillor Duncan Smith and his family in their thoughts during the illness of his daughter.
7.	Communications by the Leader of the Council
	The Leader updated Council on a meeting he had attended the previous week on the Joint Core Strategy. Following government announcements to move away from the Regional Spatial Strategy there were uncertainties moving forward, however council leaders and chief executives from Cheltenham, Tewkesbury, and Gloucester City had all made a commitment to continue joint working. He advised that the government had discontinued the Comprehensive Area

	<p>Assessment and the Local Area Agreement was still under review although the national budget for rewarding achievements of targets had already been cut by 50%. Existing partnerships across the County were being reviewed to consider whether they were still appropriate in the light of these announcements.</p>
<p>8.</p>	<p>Member Questions</p>
	<p>Question from Councillor Tim Cooper to the Cabinet Member Sustainability, Councillor Roger Whyborn</p> <p>Would the Cabinet Member (Sustainability) provide details in relation to the bridge in Pittville Park;</p> <ul style="list-style-type: none"> (i) What was the original budget for the bridge project? (ii) What were the tender values returned? (iii) When the finalised design was agreed, what was the estimated cost for the project, including; consultation, design, production and installation? (iv) Who signed off the design / budget? (v) What terms and restrictions did CBC impose during the planning application process and what the additional cost of complying with the terms and restrictions? (vi) How much has been spent so far on the design process to date, including consultation and design? (vii) What is the plan to review the project to date? (viii) What was the original budget for the bridge project? (ix) What were the tender values returned? <p>Reply from Councillor Whyborn</p> <p>(i) and (ii) A confidential reply is being sent to Cllr Cooper, also sent to Cllr Hibbert.</p> <p>It would be inappropriate to reply with exact figures or budgets in open Council as it is hoped to re-tender the bridge project in a different format; the figures must be regarded as commercially confidential. However an indication of the order of magnitude of the project can be made by reference to figures in the public domain in mid-October 2010, when it was expected that the bulk of the ongoing project could be financed from grants totalling some £75,000, and this was supported by an estimate from a Quantity Surveyor employed by CBC. Full details will be made public at the conclusion of the project.</p> <p>(iii) The finalised design should be regarded as the one approved by the Planning Committee at its December meeting. This design is the one which was put out to tender, it was not re-costed by the QS as in the last analysis the only accurate costs are the ones quoted by the supplier.</p> <p>(iv) The project team signed off the bridge prior to planning application, the bridge design subsequently altered following discussions with planning officers. The budget is not yet signed off until results of further work undertaken investigating tendering the work in smaller work packages. The budget will not be finally signed off until CBC is satisfied it has a viable proposal and the means to pay for it.</p> <p>(v) Following representations from the Civic Society and various others who</p>

	<p>were concerned to avoid too utilitarian an appearance, and close scrutiny by officers, the design of the bridge was changed to one which was considered more aesthetically pleasing and in keeping with the park and its heritage. This had knock on effect on the cost of piling and abutments, access decking and landscaping, though the basic bridge cost itself remained the same. An independent tree report had to be commissioned which recommended protections and path specification beyond what we had allowed for. It is impossible to define exactly what this amounts to because we did not tender the pre application design but it is clearly significant.</p> <p>(vi) £10,250 plus £3545 for consultation and design of the artwork.</p> <p>(vii) Officers are exploring options to break the project up into smaller packages rather than appointing a principal contractor which it is felt has also contributed to the high value of tender returns. Discussions with the project engineer and local specialist contractors regarding the piling and abutments will also take place with a view to reviewing the specification of these elements. General items relating to protections and approach paths will also be reviewed. Any alterations to approved planning details will need to be discussed with planning officers. The bridge design itself will not be reviewed. Officers are also looking at alternative sources of funding.</p> <p>(viii) A confidential reply is being sent to Cllr Cooper, also sent to Cllr Hibbert.</p> <p>(ix) A confidential reply is being sent to Cllr Cooper, also sent to Cllr Hibbert.</p> <p>In a supplementary question, Councillor Cooper asked whether any orders had been placed for any part of the art work, pre-empting this part of the design.</p> <p>In response, Councillor Whyborn confirmed that some orders had been placed in order to achieve the fixed price available at the time and he would supply details to Councillor Cooper.</p>
	<p>9. Recommendations from Cabinet</p>
<p>9A</p>	<p>Financial outturn report 2010/11 and budget monitoring to May 2010</p> <p>The Cabinet Member Community Development and Finance introduced the joint report of himself and the Chief Finance Officer. In accordance with the financial rule 21.2, the Council must receive a report on the Council's financial performance for the previous year which sets out the General Fund and Housing Revenue Account (HRA) Revenue and Capital outturn position for 2009/10. The information contained within this report had been used to prepare the Council's Statement of Accounts for 2009/10.</p> <p>The Council's Treasury Management Policy requires the Council's Chief Finance Officer (Section 151 Officer) to report to Members annually, by the 30th September, on the treasury management activities of the Council and prudential indicators for the previous financial year. This report also seeks to meet this requirement.</p> <p>He advised members that Cabinet had received the report on the 22 June 2009 and had recommended the report to Council.</p> <p>The Cabinet Member Finance and Community Development referred members to an amendment to the recommendations in paragraph 1.3.4 of the report where the</p>

paragraphs referred to should be 7.23 – 7.25. He welcomed the level of General Fund reserves which amounted to £2.446 million, which was above the minimum recommended range of £1.5-2 million as the Council was moving into inclement circumstances.

He also noted the important achievement with regard to efficiency gains whereby the targets had exceeded expectations in particularly difficult circumstances. However, the Cabinet Member warned that whilst the Council had got through the first stage of the economic recession it would still have to proceed with caution.

He expressed concern regarding the 25% reduction in departmental budgets announced by the government and the uncertainty over the allocation of the £625 million that the government had set aside to support the capping of council tax.

In response to questions from members:

- The Cabinet Member Finance and Community Development referred members to appendix 6 which set out the total outstanding Section 106 monies. It was his understanding that if the money was not spent in the time limit specified, it would go back to the developer (this was confirmed by the Borough Solicitor). He added that it was incumbent on the council to make every effort to make sure that the money was spent within the time specified. He was unable to give a figure for how much Section 106 money had been repaid in the last two years but he didn't think it was more than one or two cases.
- The Cabinet Member Built Environment advised members that the fall in revenue from off-street parking was due to bad weather conditions and an increasing use of free bus passes. He was confident that the reduction in fee and fine receipts was down to improved enforcement deterring people from committing parking offences rather than lack of collection.
- When asked whether there were any plans to use some of the outstanding planning delivery grant to fund a planning appeals officer, the Leader replied that a number of temporary posts were currently financed using the planning delivery grant. A review was needed to consider which of these posts should be made permanent however he reminded members that the planning delivery grant was not necessarily a permanent feature.
- The Leader advised that the £3000 allocated to an absence line on page 1 of appendix 6 referred to a new process for staff notifying sickness absence to external medical staff rather than the current process of ringing their manager. This was expected to reduce sickness absences overall.
- When asked how robust were the budget estimates given some of the large variances reported in the outturn, the Cabinet Member Finance advised that variances were investigated and monitored closely and lessons were learned for future budgets.
- The Cabinet Member Culture and Sport advised that a review of the council's leisure facilities was underway and will report back in September. This review would include looking at the usage of the Pittville Pump Rooms.
- In response to a concern regarding the £17,000 underspend on routine maintenance of the Municipal Offices, the Cabinet Member said that given the accommodation review that was underway it was sensible to restrict maintenance to the minimum requirements necessary for health and safety. He confirmed that this was monitored under the council's health and safety reviews.

	<p>RESOLVED THAT;</p> <ul style="list-style-type: none"> i. The financial outturn performance position for the General Fund, summarised at Appendix 1, which highlights a budget underspend of £9,144 for 2009/10 be received ii. The budget saving of £9,144 be transferred to the General Fund Balance. iii. The £57,300 to fund carry forward requests requiring member approval at Appendix 6 be noted and that officers be requested to find alternative means of funding these requests from within existing budgets in 2010/11. iv. The treasury management outturn report at Appendix 8 be noted and the recommendation for amendments to the Annual Investment Strategy – counter party lending list at paragraph 7.23-7.25 and Appendix 8a be approved. v. The capital programme outturn position as detailed in Appendix 11 be noted and the carry forward of unspent budgets into 2010/11 (section 10) be approved. vi. The position in respect of section 106 agreements at Appendix 12 (section 11) be noted. vii. The outturn position in respect of collection rates for council tax and non domestic rates for 2009/10 in Appendix 13 (section 12) be noted. viii. The financial outturn performance position for the Housing Revenue Account for 2009/10 in Appendices 15 to 17 (section 13) be received ix. The outturn prudential indicators Appendix 18 be noted and the revised prudential indicators for 2009/10, marked with an asterisk (section 14) be approved. x. The budget monitoring position to the end of May 2010 (section 15) be noted. <p>Voting CARRIED with 1 abstention</p>
<p>9B</p>	<p>Nominations to Outside bodies</p> <p>The Leader introduced the report which had been circulated to members separately from the agenda. He explained that all nominations to bodies external to the Council were now made by Cabinet unless consensus on a particular nomination/appointment could not be reached between all the political groups on the Council. Cabinet had made the majority of appointments at its meeting on the 22 of June 2010.</p> <p>The Leader highlighted that consensus had not been reached on three appointments: the Everyman Theatre, the Pates Grammar School Foundation and the St Margarets Hall User Group. As such Council now needed to take a vote on the nominations listed in the report.</p>

	<p>Upon a vote it was</p> <p>RESOLVED THAT:</p> <ul style="list-style-type: none">i. Councillor Barnes be appointed to the Board of the Everyman Theatreii. Councillor McKinlay be appointed to the St Margarets Hall User Groupiii. Councillor Surgenor and John Harkness (currently chairman of the governors of Pate's Grammar School) be appointed as trustees of Pate's Grammar School
10.	Statement of Accounts 2009/10
	<p>The Chief Finance Officer introduced the covering report and the Statement of Accounts 2009/2010 which had been circulated separately.</p> <p>Councillor Massey, as vice-chair of the audit committee, thanked officers for the support they had given to the committee. He explained that the Audit Committee had a responsibility to review, on an annual basis, the Statement of Accounts for the previous financial year and that the Chair was tasked with reporting the conclusion of this review to Full Council. He explained that the role of the committee was to review the processes and practices used by the council in producing this statement of accounts and was not concerned with the figures contained in the accounts.</p> <p>The committee was satisfied that the Council had prepared the accounts using the correct processes and had approved the draft set of accounts. At this stage there was no item that they needed to bring to the attention of the Council.</p> <p>The Committee had also reviewed the Annual Governance Statement with support from the Assistant Chief Executive. The Governance Statement also draws on work from Internal Audit, Risk Management, Statutory Officers (Monitoring and Section 151 Officer) and the Corporate Governance Group. The statement outlines the framework that the Council uses to ensure that the council operates in accordance with the law and proper standards.</p> <p>The view of the Committee was that the Council appears to have a fairly robust approach to managing the internal control environment. A summary of this is specified in the Statement on pages 93 to 101. The Committee paid particular attention to the action plan addressing areas of weakness highlighted on pages 100 – 101 of the report which will be monitored by the committee.</p> <p>The committee considered the recommendation that in future, the accounts are reviewed and adopted by the Audit Committee rather than being referred to full Council. They were comfortable with this approach given the maturity of the Audit Committee and this would free up Council time and save on paper.</p> <p>The committee were sufficiently satisfied with the statement, and the responses to their queries, to endorse the approval of Statement and recommend to the Leader and Chief Executive that it can be signed.</p> <p>The Leader stressed that the delegation to the Audit Committee in no way diminished the opportunity for Council to have a full political debate on the outturn</p>

	<p>report or for scrutiny committees to carry out effective scrutiny of the budget.</p> <p>RESOLVED THAT:</p> <ul style="list-style-type: none"> i. The Statement of Accounts for 2009/10 at Appendix 1, including the associated transactions recommended as part of the out-turn report be approved. ii. The Mayor be authorised to sign the Statement of Accounts in order to formally signify the Council’s approval of the accounts. iii. Approval be delegated to the Audit Committee to approve any amendments required at its meeting on 29th September 2010 (paragraph 6.3). iv. The sign off of future years Statement of Accounts be delegated to the Audit committee as per Section 7. <p>Voting CARRIED unanimously</p>
<p>11.</p>	<p>Strategic Commissioning</p> <p>The Chief Executive introduced his report which had been circulated with the agenda. Following consideration of the issues detailed in this report at Staff and Support Services Committee on 25 February 2010 and on 27 May 2010, the report was now seeking Council’s agreement to the concept of the council using a Strategic Commissioning approach to securing public services. He emphasised that this was not a one-off exercise but a key stage in a major change process which would enable the council to be fit for purpose going forward. This type of radical change was essential in the light of the current economic circumstances and future reduction in government funding. At this stage he was seeking member support to the direction of travel on commissioning and they would still have the option to say no at a later stage when a business case was brought before them. They would also receive a formal Section 4 report which he was obliged to produce as Head of Paid Service for any major structural change.</p> <p>A member sought clarity on what was meant by Council “confirms its agreement to the principles” in recommendation 1.2.2 of the report. Was this recommendation a request for additional funding to carry out an investigation or was it a vote of support for strategic commissioning. The risk analysis did not appear to refer to the fundamental risk of strategic commissioning failing to attract any interest or partners.</p> <p>In response the Chief Executive indicated that further investigative work was necessary. The business case would look at other options besides strategic commissioning and bring those before members. The risks would be examined in more detail as part of a detailed business plan. At this stage the voluntary and community sector had already expressed an interest and he was confident that other partners would want to come on board.</p> <p>Another member expressed reservations about the proposals and considered that change was unnecessary as the council already had an effective management structure in place and was working well in partnership. There were concerns about</p>

the potential cost and whether there would be positive outcomes for the people of Cheltenham. One member suggested that responsibilities needed to be clearly identified and a multitasking approach would save money.

In response the Chief Executive said that this initiative was not just about effective management. Fundamental change was required to the way the council operates in order for it to be sustainable in the future. He anticipated that most of the investigative work would be done within existing resources. There may be a need for some external consultancy to provide an independent view but this would be a small sum financed from existing budgets. He suggested that current partnership working was very much based on the funding pots available to them and if this was reduced in the future, then partners may be less willing to come to the table unless the Council adopts new ways of working with partners. He believed that moving forward on a commission approach was in the best interests of the people of Cheltenham.

A member suggested that the timescales for any implementation should be brought forward to 2010 in order that this could influence the budget for next year. More clarity was needed on the areas where the council would be a commissioner of services and the services it would be commissioned to provide. This should be done alongside a core analysis of the Council's statutory responsibilities.

In response the Chief Executive indicated that he would like to shorten the time scales but he was aware of the need for a Section 4 report and the time that would take. He envisaged that the council would be structured around a basic core of commissioning expertise to ensure that its statutory obligations were carried out with the bulk of work being commissioned.

Other members supported the proposals and the need for radical change in view of the massive government cuts predicted and the government's total place agenda.

Councillor Jordan, as chair of the Staff and Support Services Committee, confirmed that the committee had debated the proposals and concluded that the recommendations in the report represented a sensible approach. He nominated himself, Councillors Sudbury and Colin Hay to be members of the cross-party working group. The Chief Executive suggested that there should be two nominations from the Conservatives and one from the PAB group and requested these by the end of the week.

A member requested that a vote was taken on each recommendation separately.

RESOLVED THAT:

- i. **Council confirms its agreement to the principles put forward in this report**
Voting: For 26, Against 5
- ii. **Staff and Support Services Committee should provide oversight to the Strategic Commissioning programme**
Unanimous
- iii. **A cross-party member group, reporting back to Staff and Support Services Committee, be created to advise and support the programme and nominate members to that group**

	Voting: For 29, Against 2
12.	Draft Annual Report 2009/10
	<p>The Leader introduced the report which had been circulated with the agenda. The Report provided an assessment of the council's performance against its business plan targets.</p> <p>The report had been submitted to all three Overview and Scrutiny Committees and feedback included a request for more detail where targets had not been achieved in terms of what went wrong and how to bring this back on target. He advised that a new system was being introduced whereby managers could record this information.</p> <p>In response to a question, the Leader confirmed that the council had not adopted the government scheme for providing free swimming or the over 60s and therefore was not affected by the government's recent announcement to withdraw the scheme. The council had put its own scheme in place and had no plans to withdraw it.</p> <p>In response to a question regarding the potential reduction in sickness absence once the new reporting mechanism was in place, the Cabinet Member Corporate Services advised that this year's target had been revised to 8 days a year. He expected this target to be met and would hope that it could be brought down to 7 in the next two years but he could not give an exact figure at this stage.</p> <p>RESOLVED THAT:</p> <ul style="list-style-type: none"> i. The draft annual report attached as appendix A be agreed. ii. Authority be delegated to the Assistant Chief Executive, in consultation with the Leader of the Council, to make any suggested changes to the documents before they are published. <p>Voting: unanimous</p>
13.	Notices of Motion
	None received.
14.	To receive petitions
	<p>The Mayor advised Council that she had received a petition earlier that afternoon. The petition had been organised by Mr Lammiman and had 2546 signatures and was entitled a "petition to maintain the Cheltenham Festival of Performing Arts". As such it would be dealt with under the new petition scheme agreed at the last Council meeting and would be debated at Council.</p>
15.	Any other business the Mayor determines to be urgent and which requires a decision
	Appointment to the Licensing Committee
	<p>The Chief Executive introduced his report which had been circulated to members. He explained that at Annual and Selection Council on 13 May 2010, the nomination sheet circulated, invited nominations for 10 members to the Licensing Committee with the balance between the Lib Dems/ Conservatives and PABs as</p>

	<p>6.25: 3 :75. Council then agreed to the extra member of the PAB party being appointed to Planning Committee and the PAB not appointing a member to Licensing. Consequently only 9 members were appointed and this had been in error.</p> <p>Legislation requires there to be a statutory minimum of 10 members on the committee and therefore it was necessary to appoint another member. This had been raised with Group Leaders on 20 May 2010 and Councillor Paul Wheeldon had been nominated by the Leader and there were no other nominations or objections from the other group leaders.</p> <p>RESOLVED THAT: Councillor Paul Wheeldon be appointed to the Licensing Committee</p>
	<p>Councillor Anne Regan</p> <p>Signature:</p>
	<p>Mayor</p>