

## Cabinet

**Tuesday, 15th March, 2011  
6.00 - 7.17 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Built Environment), Klara Sudbury (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Sport and Culture), John Webster (Cabinet Member Finance and Community Development), Roger Whyborn (Cabinet Member Sustainability) and Colin Hay (Cabinet Member Corporate Services)

## Minutes

### 1. APOLOGIES

None received.

### 2. DECLARATIONS OF INTEREST

Councillor Rawson declared a personal but non-prejudicial interest in agenda item 9 as a non-voting observer on the Cheltenham Festivals Board.

Councillor Whyborn declared a personal but non-prejudicial interest in agenda item 8 as the Chairman of St Margaret's Hall committee. Councillor McKinlay declared a similar interest as the borough council's appointed representative on the St Margaret's Hall committee.

### 3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 8 February 2011 were approved as a correct record.

### 4. PUBLIC QUESTIONS AND PETITIONS

A public question had been received from Mr Ken Pollock for the Leader. In the absence of Mr Pollock and at his request, the question was read out in full.

"You spoke to the EBI Scrutiny, instead of the advertised "45 minutes presentation" by Cllr. Whyborn (Cabinet member for Sustainability), and said that "**Option 2 is the more likely**" choice, (as Option 1 is unacceptable to Cheltenham Festivals).

Although you claimed that Option 2 contained "a hell of a lot of permutations", its full extent (as drawn) would effectively hand the layout of these gardens 'carte blanche' to the organisers of the four Festival events.

However it appears that both Scrutiny Committees felt unable to recommend either of the two wide-apart Options offered, asking instead for more investigation/analysis of the detailed requirements, detailed landscaping schemes, and more "involvement" by themselves and presumably the public.

**Do you therefore feel that it is either necessary or good practice to reserve this irrevocable choice to a 7-man Cabinet**, and then delegate tendering/implementation to officers (after a “public consultation” which is not scheduled to feedback to any decision by all councillors), when that decision is likely to commit to Option 2 and thereby transform Cheltenham’s crucial Imperial Gardens greenspace from lawns and flowers into a largely hard-surfaced square ?”

#### **Response from the Leader**

Since Cllr Whyborn had a clash of meetings, he had previously discussed the draft report with Cllr Stennett, as chairman of Economy & Business Improvement Overview and Scrutiny Committee (E&BI O&S). Cllr Stennett had agreed that no presentation was needed on this occasion. Cllr Whyborn had in any case presented the same report to the Environment Overview and Scrutiny Committee (Env O&S) the previous week. My only role was to assist by answering a few questions raised by members of E&BI O&S.

My reference to option 2 seeming the more likely option was more based on that option being broadly acceptable to the Friends of Imperial Gardens than option 1 being unacceptable to Cheltenham Festivals. It was also the view of Env O&S as shown by the draft minutes of the meeting, "Whilst not tasked with making a decision, members had indicated their preference towards Option 2 and she [i.e. the Chair] looked forward to hearing the issue discussed at Cabinet - the matter was hugely important and at the point of agreeing a way forward to the future."

It is clearly not the case that option 2 ‘would effectively hand the layout of these gardens ‘carte blanche’ to the organisers of the four Festival events’ since any design work would be managed by the council and would be subject to agreement by the Cabinet later in 2011. The Cabinet is seeking to provide improved facilities in Imperial Gardens. This will assist Cheltenham Festivals but there will be clear limits on the duration and space used so the whole public can benefit from the improvements.

Once the Cabinet has decided a preferred option, detailed design work can be carried out, which will be subject to further public consultation. Both the scrutiny committees involved meet in May, and if they have more to say, they can take that opportunity.

#### **5. Q3 PERFORMANCE**

The Cabinet Member Corporate Services introduced the report which summarised the corporate performance of the organisation at the end of Quarter 3 – April to December 2010.

The Leader welcomed the new format for the report which was on an exception basis. He acknowledged that some targets in the report may have been affected by the bad weather, for example attendance at leisure@.

**Resolved that the corporate performance of the organisation at the end of Quarter 3 be noted.**

**6. CORPORATE RISK REGISTER**

The Cabinet Member Corporate Services introduced the report as circulated with the agenda and stressed the importance of Cabinet being aware of the corporate risks which may impact the council.

**Resolved that the corporate risk register be noted with no further risks identified.**

**7. DRAFT CORPORATE STRATEGY**

The Leader introduced the report. The Council had agreed the corporate strategy 2010-2015 in March 2010 which set out the council's 5 objectives and 11 outcomes and what the council was aiming to achieve by 2015. The 2011-12 action plan was being prepared and will go Council for approval in March 2011. The objective and outcomes framework had been retained, though as the council's budget had reduced by nearly £3m from last year, the scale of activity had reduced with 14 less improvement actions.

He explained that Government had lifted the national indicator set which had been welcomed as it presented an opportunity to reflect on indicators used to measure corporate performance and choose new indicators which could be more meaningful to the council and the community which it served. He stressed that the report set out the actions for 2011/12 where the council was doing something different from the normal day job. The action plan now made a distinction between community indicators and measurements specific to the council's own performance where the council was directly responsible for delivering an outcome.

The Cabinet Member Built Environment referred to page 13 of the action plan and proposed that two further indicators should be added namely;

- Number of long-term, vacant properties brought back into use
- Proportion of planning decisions upheld when taken to appeal

The Cabinet Member Sport and Culture indicated that he intended to add an additional target for footfall at the Town Hall before the strategy was submitted to Council.

The Cabinet Member Sustainability advised that the council would be signing up to achieve a 30% reduction in carbon emissions by 2015. He stressed that this was an internal target and at this stage the council did not feel able to sign up to the 40% reduction across the town, which had been asked for, given this was an outcome which was largely outside of the council's control.

**Resolved that the draft corporate strategy action plan for 2011-12 in Appendix A, as amended, be endorsed and recommended to Council for final approval.**

**8. PROPERTY LETTINGS AND DISPOSALS TO THE THIRD SECTOR, VOLUNTARY AND COMMUNITY GROUPS**

The Cabinet Member Built Environment introduced the report which had been circulated with the agenda. He explained that the Council had, over many years, entered into a variety of property letting arrangements with the voluntary or

“third sector”, sometimes providing grant assistance or preferential tenancy terms. Increasingly the council was being asked to consider similar arrangements for community based organisations on a subsidised basis rather than at “best consideration”. A more consistent, transparent and streamlined process had been developed to facilitate officer negotiations by the development of an assessment tool and matrix outlined in appendix A.

He wished to reassure community and voluntary organisations that it was not the council’s intention to start charging them all market rates but it was important to recognise the contribution the council was making to these organisation’s finances. The council had a duty to its council tax payers to ensure that real community benefits resulted from any concessions the council granted.

Members supported the assessment tool outlined in the report and welcomed the more scientific approach which would take out the subjective element of the process. It would also require the organisations concerned to have a clearer business plan and in reviewing any concessions the council would ensure that the organisation was supporting the priorities for the town.

The Leader added that Leadership Gloucestershire had selected asset management across the county as a key topic and he himself was leading on this initiative.

**Resolved that:**

- 1. The Assessment Tool and Matrix for determining the eligibility for rent subsidies of properties let by Cheltenham Borough Council to third sector, voluntary and community groups be approved.**
- 2. Authority be delegated to the Head Of Property and Asset Management in negotiation with the Cabinet Member Built Environment to adopt the framework for assessing subsidy levels as per Appendix 5 subject to any amendments following a consultation period with the Voluntary Community Sector.**

**9. STRATEGY FOR THE USE OF IMPERIAL AND MONTPELLIER GARDENS**

The Cabinet Member Sustainability introduced the report. The strategy was born of two elements, the first, Cheltenham Festivals (CF) requests for a review of the design and usage of the Gardens to allow expansion due to increased demand and the second, concerns of residents about the increased use of Imperial Gardens and resulting standards of the gardens.

This culminated in a public petition which was debated at Council in December and resulted in a request that Cabinet attempt to resolve the issues, which in turn should be reviewed by the relevant O&S Committees (Environment and Economy & Business Improvement).

There were no easy answers, simply saying yes to one and no to the other was not an option given how important both CF and the gardens were to the town.

In consideration of all the issues, as set out in item 3 of the paper, two options were developed.

Option 1 favoured the primary use of the gardens as a public garden and denying CF increased usage of Imperial Gardens. Restricting CF to the lower tier of Imperial Gardens and reducing tentage would resolve resident concerns but would not address CF's issues.

Option 2 provided an opportunity to redesign Imperial Gardens to accommodate CF, achieving a 'festival within a garden' feel and allowing use of Montpellier Gardens. Whilst offering a lower capacity in Imperial Gardens, it would allow expansion into Montpellier Gardens and the positioning of flowerbeds between tents would ensure the retained look and feel of the garden whether the tents were up or down. This would be beneficial to festival goers too.

The Cabinet Member Sustainability stressed that at present there were no detailed designs ready to be rolled out. At this stage Cabinet was purely trying to set parameters for the design and appropriate limits which could then be put out for public consultation. The results of this public consultation may then result in further changes. He referred to an amendment to the recommendations which would bring back a further report to Cabinet before any designs were put out to tender. He hoped that any solution would be sustainable for some years to come but there also needed to be an acceptance that no solution could provide for unlimited expansion by the festivals. Therefore there would be a need in the future to look at the usage of other council owned land or other sites on the outskirts of town.

He explained that £140,000 of funding had been made available in the budget to spend on the gardens. The allocation set out in the appendix to the report proposed that this was spent on improving the infrastructure of both Imperial and Montpellier Gardens and would enable wider usage of both sites by a number of organisations.

He indicated that Cabinet favoured option 2 and recommendation 1 in the report had been amended accordingly with appropriate safeguards. Option 1 had been rejected as it didn't meet the requirements of Cheltenham Festivals and it would not be possible to reduce the number of tents whilst staying in the lower tier of Imperial Gardens. This view been reflected by Overview and Scrutiny when they considered the report.

Maintaining the status quo was not an option because it was not working at the moment and had been the source of many complaints. The key to any solution was to reduce the density of tents in the gardens and to limit the usage so that there was sufficient recovery time for the gardens. It will also be the responsibility of the festivals to make good any damage. Generally there would be a focus on this refurbishment work at the end of the festival season.

He stressed that it was not the intention to have large areas of hardstanding and this would be limited to small areas around the garden bar or other areas. There had also been some debate about sustainable planting but although this might have some role, he accepted that there was an expectation that there would be plenty of colourful displays in Imperial Gardens.

The Cabinet Member Sustainability echoed the comments from some Councillors about the desire to reopen Skillicorne Gardens to the public.

In responding to the proposals other Cabinet Members made the following comments:

- Any solution was going to be concerned with achieving a balance and reconciling the needs of the various interest groups. The £140K additional funding had been the right approach rather than to give the money directly to Cheltenham Festivals. It was likely that a second phase of funding would be necessary to satisfy the needs of all the various interest groups.
- Any decisions on this matter needed to be approached with caution and an appreciation of the history of the gardens and what they added to the essential character of the town. Imperial Gardens was considered a jewel in the town and it was very important that Montpellier Gardens continued to be a place of informal recreation. The extent of the red lines on the map of Montpellier Gardens in appendix D had caused some concerns and it needed to be understood that it was unlikely that all these areas would be covered in tents. Further discussions were needed with the festivals, the council and the friends of the gardens.
- It was evident at the stakeholders meeting in January that a key concern was the damage to Imperial Gardens. Therefore there was a need to find a creative design which reduced the damage, satisfied the requirements of Cheltenham Festivals and retained the character of the gardens. This was a tall order but should be given a chance to find a solution.
- The current damage to Imperial Gardens was unacceptable. There needed to be a proper risk assessment of the potential damage to the gardens as they were an asset for everyone to enjoy and not just festival goers. The standard of the gardens was also important for attracting tourism to the town
- A full public consultation was key to the success of this project.
- Any solution has to be sustainable for Cheltenham Festivals in the long term together with an acknowledgement that there will be no scope for further expansion in the town centre.

The Cabinet Member Sustainability emphasised that he was seeking a long-term agreement with Cheltenham Festivals. He advised that Montpellier Gardens will continue to be available for hire. The Literature Festival would be making use of these gardens in 2011. He confirmed that they would be paying a fee and would have to reinstate any damage.

**Resolved that:**

- 1. Option 2 of this report be adopted, subject to a maximum area of tentage of approximately 2750 M<sup>2</sup> for Imperial Gardens.**
- 2. The Assistant Director (Operations), in consultation with the Cabinet Member Sustainability and the Council Leader, produces an outline design for Imperial Gardens for public consultation which shall take place during Spring 2011.**
- 3. Following public consultation and Cabinet agreement, the Assistant Director (Operations), in consultation with the Cabinet Member Sustainability and the Council Leader, undertakes a**

tendering process for design or design and works in Imperial Gardens.

4. At the same time as 3, the Assistant Director (Operations), in consultation with the Cabinet Member Sustainability and the Council Leader, undertakes a tendering process for upgrades to infrastructure in Montpellier Gardens.
5. The final decisions to go ahead with works in Imperial Gardens and Montpellier Gardens be referred to Cabinet, in time for completion of works over Winter 2011/2.

## 10. JOINT WASTE GOVERNANCE ARRANGEMENTS

The Cabinet Member Sustainability introduced the report. The Gloucestershire Authorities had been looking at the case for joint working in waste to understand the value of potential savings and the implications of realising these savings. The report sets out the work undertaken by officers to implement joint working in Gloucestershire.

Joint working may be divided into three interrelated work streams –

- Interim management arrangements between Cheltenham Borough Council (Cheltenham) and Tewkesbury Borough Council (Tewkesbury)
- Shared collection and depot services between Cheltenham, Tewkesbury and Cotswold District Council (Cotswold) from August 2012.
- Shared disposal / collection arrangements for Gloucestershire.

A local authority company, for operational service delivery of waste collection and other environmental services, is considered the best overall option for this council for meeting the waste collection objectives of the joint waste programme. This is ideally combined with the joint committee option for shared disposal / collection arrangements as the most practical option for meeting the strategic objectives of that programme within Gloucestershire.

He highlighted an amendment to the first bullet point in the second recommendation and copies of this were circulated.

The Leader congratulated members and officers in their achievements in getting the project to this stage. To date the council had done some very good work in implementing shared services for the back-office but this was the first time a front-line service of this magnitude had been tackled. It was a credit to this council that Cotswold District Council were considering buying into this shared service rather than maintain their existing service with an outside provider.

The Cabinet Member Corporate Services advised that care should be taken to ensure that councillors were able to maintain their contact with officers delivering the operation. It was also important that the individual identity of the service at each council was maintained and it was recognised that the approach across all three authorities would not necessarily be uniform.

The Cabinet Member Sustainability advised that in his response to the county on a recent consultation on waste he had made those precise points. It was important that each authority retained powers for service design and the annual financial settlement.

**Resolved that:**

- 1. The interim arrangements for joint depot services between Tewkesbury Borough Council and Cheltenham Borough Council as set out in the business case (Appendix 1) be approved, subject to Tewkesbury Borough Council passing an appropriate resolution confirming their commitment to the formation of a local authority company as set out in section 4 of this report or alternatively authorise the Executive Director to work with Tewkesbury Borough Council to develop another interim arrangement that may deliver the required savings such arrangement being time limited to 31<sup>st</sup> July 2012.**
- 2. The Executive Director, in consultation with the Cabinet Member Sustainability, the Director of Resources and the Borough Solicitor be authorised to develop a detailed business case to form a local authority owned company wholly owned by Cheltenham Borough Council and Cotswold District Council (and Tewkesbury Borough Council if it passes an appropriate resolution as set out in section 4 of this report) and to agree all necessary documentation in order to have finalised documentation in place by June 2011 subject to**
  - The detailed business case identifying a minimum net saving of £50,000 per Council per annum. The business case will also clarify when the initial set up costs are to be fully retrieved by the participating authorities, for example from revenue savings and/or from a Gloucestershire Waste Partnership contribution.**
  - A further report being submitted to Cabinet in June 2011 for final decision on this matter.**
- 3. Having considered the risks set out in the paper attached to this report at Appendix 4, the Executive Director be authorised to negotiate the terms of all the relevant documentation to implement the recommendations of the Joint Waste Partnership in consultation with the Cabinet Member Sustainability, the Director of Resources and the Borough Solicitor and to bring a further report to Cabinet in September 2011 for final decision on this matter.**

**11. APPOINTMENT TO OUTSIDE BODIES - HIGGS AND COOPER EDUCATIONAL CHARITY**

The Leader introduced the report which had been circulated with the agenda. The Clerk to the Trustees of the Higgs and Cooper Educational Charity had written to the Council regarding the Council's nominees to the trust. According to their rules they are required to invite Cheltenham Borough Council to nominate two trustees. The Leader indicated that there was a need to clarify the position of an existing trustee who may be fulfilling that role and requested the Democratic Services Manager to follow this up.

**Resolved that Councillor McCloskey and Councillor Smith be nominated as trustees of the Higgs and Cooper Educational Charity.**

**12. DECISIONS BY CABINET MEMBERS**

The Cabinet Member Built Environment advised members of a decision he had taken regarding the purchase of land for nil consideration at Leckhampton Hill. The land was required for the Charlton Kings Common Cotswold Stone Wall project

**Chairman**