

## Cabinet

Tuesday, 21st June, 2011  
6.05 - 7.05 pm

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

## Minutes

**1. APOLOGIES**

Apologies were received from Councillor McKinlay.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. MINUTES OF THE LAST MEETING**

Resolved that the minutes of the meeting of 24 May 2011 be approved as a correct record.

**4. PUBLIC QUESTIONS AND PETITIONS**

None received.

**5. CORPORATE RISK REGISTER**

The Cabinet Member Corporate Services introduced the report which had been circulated with the agenda. The council had acknowledged that members need to be aware of the corporate risks which may impact on the council and the decisions it takes. The risk register had been updated by the Senior Leadership Team at their meeting on 3 May 2011 and set out progress against mitigating actions.

He highlighted that under the current system the risk register reviewed at Cabinet and by the scrutiny committee was often out of date. Therefore he was proposing a new regime which would overcome this. Cabinet Members would continue to review risks in their regular meetings with their relevant directors. The public overview of the risk register would be carried out by the Economy and Business Improvement Overview and Scrutiny Committee (EBI O&S) and any significant comments from that scrutiny would be reported to the next meeting of the Cabinet. It would then be the role of Cabinet to determine if

appropriate actions had been put in place to address the concerns raised by the scrutiny committee. The Cabinet Member intended to highlight the new regime with the council's auditors at the Audit Committee on Wednesday but he was confident they would be satisfied with the new proposals.

He provided the following additional updates on specific risks commented on by the EBI O&S committee and he assured the Cabinet that all the risks identified were now being managed responsibly.

- Risk 1 - At that time there had been huge pressure on payroll resources but since then contingency plans had been put in place to reduce the risk score from 20 to 12.
- Risk 5 – a significant amount of work has already been done to ensure the council has robust business continuity plans for all its services but the team was aware of a weakness in the testing of ICT systems. A major exercise is being planned in the summer to test the recovery of 25 major systems which would include ICT and the service teams and recovery of the GO systems hosted by Cheltenham.
- Risk 9 – the dependence between the waste project and GO had been identified and further work is being done and was addressed in the report for agenda item 11.
- Risk 23 – acknowledged that an 'emerging' car parking strategy was too vague and deadlines for finalising the strategy need to be included. This was now timetabled for a Cabinet report in October.
- Risk 32 – at the time, Gloucestershire airport was in the final stages of completing the deal regarding Blenheim House which was delaying the project. This deal has now been concluded satisfactorily and so work at the airport could now get started. This had reduced the score from 8 to 6.

**Resolved that the Corporate Risk Register as at 3 May 2011 be noted with no further risks identified and the proposals for the new regime were noted.**

## **6. HEALTH AND SAFETY DELIVERY PLAN**

The Cabinet Member Housing and Safety introduced the Health and Safety Service Delivery Plan which was the Council's expression of commitment to the delivery of an improving cost effective and efficient regulatory service.

When Cabinet had reviewed the plan in June 2010 they had requested that in future any changes to the plan were brought to their attention. The Cabinet Member highlighted the formation of the Work Well Gloucestershire project where neighbouring authorities and the Health and Safety Executive worked in partnership. One of the first successes of this project had been to achieve full compliance with the new standards for enforcement of Section 18 of the Health and Safety at Work Act 1974 (HSWA) which became mandatory from 1 April 2011.

Cabinet Members commended officers in their ongoing work to ensure delivery of the plan. In particular the Cabinet Member Corporate Services highlighted the

excellent work they had done in dealing with the asbestos risk during the demolition of the Greyhound.

**Resolved that the Health and Safety Service Delivery Plan for 2011/12 be approved.**

**7. FOOD SAFETY DELIVERY PLAN**

The Cabinet Member Housing and Safety introduced the Food Service Delivery Plan which was the Council's expression of commitment to the delivery of an improving cost effective and efficient regulatory food service. She concluded that it was a good news story for Cheltenham where working with limited resources, officers were providing excellent services to businesses, residents and visitors to Cheltenham.

In response to a question she highlighted that premises categorised as low risk would still be reviewed every three years but providing there had been no significant changes they remained low risk. This categorisation enabled efforts to be concentrated on the higher risk premises.

**Resolved that the Food Safety Delivery Plan for 2011/12 be approved.**

**8. FINANCIAL OUTTURN 2010/11 AND QUARTERLY BUDGET MONITORING TO MAY 2011**

The Cabinet Member for Finance and Community Development introduced the joint report and made the following points :

- The predicted overspend of £801,700 in the budget monitoring report to the end of August 2010 had been converted to an underspend of £174,086 in 2010/11 which was an outstanding achievement by officers across the council.
- £303,200 required Member approval at Council to carry forward requests.
- The proposed solution for the Bath Road toilets was an innovative approach involving local people in the service and satisfying their needs at a reduced cost to the council.
- Indications were that there would be a favourable verdict to the Icelandic Bank situation but this had not been assumed.
- The LAA performance reward grant was enabling a further round of Community Pride awards to the value of £30,000.
- An innovative use of the New Homes Bonus was being proposed to fund small environmental works and a fund to support events in the town. Both of these initiatives would help to attract visitors and trade to the town during the difficult economic climate.
- He supported the recommendations of the Section 151 Officer and considered it was prudent to increase the bad debt provision in view of the changes to the benefit regime.
- Additional proposals for bringing forward the roof repairs at the Everyman Theatre and funding the much-needed toilet refurbishment at the Town Hall were included.
- There had been a drop in income from offstreet parking and garden

waste. Despite the result in the take-up for the new garden waste scheme he still considered that the previous scheme had been unsustainable and it would not have been possible to continue subsidising it. A publicity campaign would now be put in place.

The Cabinet Member Finance and Community Development concluded that careful monitoring of the budget situation throughout the year had provided early warnings of problem areas which could then be addressed. This would continue to be a rolling programme in the current budget climate.

The Cabinet Member Built Environment highlighted the impact that reductions in income from planning fees and car parking had on the budget. There was a public perception that all council services were funded from council tax but in fact the budget was heavily dependent on fees and charges and therefore fluctuations in income led to budget instability. He was pleased to see the emphasis on the invest to save initiatives such as the setting up of a local authority waste company which would deliver long-term savings to the council. He also welcomed the use of the New Homes Bonus and hoped that it would continue over the next four years at least to provide some continuity to the funding.

The Leader acknowledged the outstanding effort from officers in achieving this budget outturn position but also stressed that this had not been without some pain. He was pleased that having lost the funding from the Local Authority Business Growth Incentive Scheme, there were recommendations for the use of the New Homes Bonus which would continue to maintain Cheltenham's position as a festival and events town and support the local economy in the process.

**Resolved that the following recommendations to Council be approved:**

- 1. Receive the financial outturn performance position for the General Fund, summarised at Appendix 2, and note that services have been delivered within the revised budget for 2010/11 resulting in a budget underspend of £174,086 which has been transferred to General Balances pending decisions over its use in 2011/12.**
- 2. Recommend the following use of the underspend:**
  - £48,000 to fund carry forward requests requiring Member approval at Appendix 7 which includes £15,000 to fund the arrangements for keeping the Bath Road toilets open (see paragraph 3.4)
  - note the Cabinet's approval, under financial rules 4G, part 8.11, to use the net underspend on new green waste schemes to fund the full rollout of plastic bottles collection across the borough in 2011/12 (estimated cost £17,000) (see paragraph 3.5)
  - £124,300 to fund the one off costs of the establishment of a waste company with a partner as set out in the exempt report to Cabinet on 21<sup>st</sup> June 2011.
  - transfer the balance of £1,786 to General Balances
- 3. Note the treasury management outturn at Appendix 9.**
- 4. Approve the allocation of the LAA performance award grant as set out in section 5.**

5. Approve the allocation of the New Homes Bonus as set out in section 6 including the use of £30,000 from the civic pride reserve.
6. Approve the transfer of £50k from the benefits equalisation reserve to the benefits bad debt provision as per paragraph 7.3.
7. Note the capital programme outturn position as detailed in Appendix 11 and approve the carry forward of unspent budgets into 2011/12 (section 8).
8. Note the position in respect of section 106 agreements and partnership funding agreements at Appendix 12 (section 10).
9. Note the outturn position in respect of collection rates for council tax and non domestic rates for 2010/11 in Appendix 13 (section 11).
10. Note the outturn position in respect of collection rates for sundry debts for 2010/11 in Appendix 14 (section 12).
11. Receive the financial outturn performance position for the Housing Revenue Account for 2010/11 in Appendices 15 to 17 (section 13).
12. Note the outturn prudential indicators Appendix 18 and recommend that Council approve the revised prudential indicators for 2010/11, marked with an asterisk (section 14).
13. Note the budget monitoring position to the end of May 2011 (section 15).
14. Approve the advance of property grant to support the refurbishment of the Everyman theatre roof and the funding schedule for the next 6 years as at section 9 and Appendix 19.
15. Approve the one-off contribution of £170k from the Property Repairs & Renewals reserve to the programme maintenance budget to fund maintenance works at the Art Gallery & Museum in 2011/12 (section 15).
16. Approve the one-off contribution of £30k from the Property Repairs & Renewals reserve to the programme maintenance budget to fund toilet refurbishment works at the Town Hall in 2011/12 (section 15).

## **9. BRIEFING FROM CABINET MEMBERS**

The Leader updated members on a meeting of the joint scrutiny working group he had attended earlier that week where they had reviewed the Gloucestershire Airport Green Policy. Good progress was being made by the airport in meeting the targets in policy although there had been some difficulties in fixing baseline figures. Now that work had commenced on the airport safety project further monitoring could now take place and this would continue to be carried out by overview and scrutiny.

The Leader advised that he had attended the launch of the Local Enterprise Partnership earlier that day with Diane Savory in the chair. He was a member of the Board along with up to eight other members and there had been good attendance at its first meeting.

## **10. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS**

Resolved that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business 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 paragraph 3 and 7A, 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)

#### **11. LOCAL AUTHORITY COMPANY BUSINESS CASE**

The Cabinet Member Sustainability introduced the report which had been circulated with the agenda. He explained that the Gloucestershire Authorities have been looking at the case for joint working in waste to understand the value of potential savings and the implications of realising these savings and this was still the vision for the county. This report set out the option to create a Local Authority Company (LAC), wholly owned by Cheltenham Borough Council and another partner but with flexibility to include other partners in the future.

Resolved that:

1. The business case annexed to this report for a Local Authority Company between Cheltenham Borough Council and another partner be approved but with flexibility to include other partners in the future.
2. The services in scope identified in section 3 of the business case in respect of Cheltenham which are not in scope for the other partner (namely public toilet cleaning, grounds maintenance and management and maintenance of cemeteries and crematorium) be regarded as purely indicative at this stage to be tested by a separate commissioning study the result of which will be reported back to Cabinet.
3. The Chief Executive, in consultation with the Cabinet Member Sustainability, the Director of Resources and the Borough Solicitor be authorised to develop the Articles of Association, Shareholder Agreement, Service Level Agreement and all other legal documents to enable the local authority company formation.
4. A further report be submitted to Cabinet in September 2011 for approval of the details of the Local Authority Company and the documentation referred to in 3. above plus any further updates of the issues raised in this report.

**Chairman**