

Cabinet

**Tuesday, 15th November, 2011
6.00 - 7.15 pm**

Attendees	
Councillors:	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

There were no apologies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

The minutes of the meetings held on 13 October and 18 October were approved and signed as a correct record.

The Leader of the Council informed Members that the item on the agenda under Section 3-Public Art Review recommendations from Social and Community Overview and Scrutiny Committee would now be taken at the December meeting of Cabinet.

4. PUBLIC QUESTIONS AND PETITIONS

There were no public questions or petitions.

5. JOINT WASTE COMMITTEE

The Cabinet Member Sustainability introduced the report as circulated with the agenda which proposed the formation of a Gloucestershire Joint Waste Committee (GJWC).

The report outlined the proposal to coordinate and run waste services countywide. Two of the districts (Gloucester City and Stroud) felt they could not consider this approach at this time due to their existing contractual arrangements. He explained that the general principle behind the creation of the GJWC was to coordinate collection and disposal aspects of waste, create economies of scale through management savings and ultimately combine rounds, vehicles and equipment.

The proposals offered considerable cost savings for CBC at £200k over a 5 year period which was in addition to the savings forecast for the creation of Ubico, the local authority company with Cotswold District Council.

The Cabinet Member highlighted that a number of powers would be reserved to CBC, including the budget and the design of the service.

The Cabinet Member highlighted that the main risk was that all the participating authorities needed to come together to form the business case and to this end he proposed an amendment to resolution e) of the report which read as follows :

“the above recommendations (a) to (d) will not take effect until all the participating authorities referred to in section 1.2 of this report have passed resolutions equivalent to recommendations (a) to (d) and if any one participating authority does not pass such resolutions then the revised financial model shall be reviewed by Cabinet”

Members supported the proposed amendment agreeing it was right to include provisos.

The Cabinet Member Sustainability also proposed an amendment to paragraph a) of the resolution to read as follows :

- a) accept the financial case set out in (section 5) of the report, subject to explicit costing of the collection costs per household being agreed by the Chief Executive in consultation with the Council Leader, Cabinet Member Sustainability and s151 Officer.

Members supported the amendment.

The Cabinet Member Corporate Services referred to paragraph 3.4 of the report and in particular bullet point three which stated that the support services of the GJWC may be reviewed in the future, which included the use of GO or One Legal. He suggested that this be strengthened so that these two support services were considered for inclusion from the start. This was supported by the Cabinet Member Sustainability and agreed by other Cabinet Members.

RESOLVED that:

- (a) the Financial case set out in (section 5) of the report be accepted, subject to explicit costing of the collection costs per household being agreed by the Chief Executive in consultation with the Council Leader, Cabinet Member Sustainability and s151 Officer;**
- (b) the establishment of the Gloucestershire Joint Waste Committee (GJWC) in accordance with Sections 101 and 102 of the Local Government Act 1972, and the Local Authorities (Arrangement for the Discharge of Functions)(England)(Amendment) Regulations 2001 made under Section 20 of the Local Government Act 2000 be agreed;**
- (c) authority be delegated to the Chief Executive in consultation with the Cabinet Member Sustainability, s151 Officer and the Borough Solicitor to finalise and complete the Inter Authority**

Agreement (including the Constitution), including but not limited to the delegation arrangement for enforcement, the year one Business Plan and other documentation and to take all necessary steps to create the GWJC by April 2012;

- (d) the existing Shadow Joint Waste Board and Programme Board arrangements will persist until the end of March 2012 to oversee this process.**
- (e) the above recommendations (a) to (d) will not take effect until all the participating authorities referred to in section 1.2 of this report have passed resolutions equivalent to recommendations (a) to (d) and if any one participating authority does not pass such resolutions then the revised financial model shall be reviewed by Cabinet.**

Upon the establishment of the GJWC:

- (f) the delegation to the GJWC of this Council's functions in relation to the collection, management, disposal treatment, or recycling of waste and street cleansing described in detail in paragraph 4.1 of this report but subject to the retained decisions as set out in paragraph 4.2 of this report be authorised;**
- (g) Gloucestershire County Council be appointed as Administering Authority to undertake the role set out in 3.4 of the report;**
- (h) Cllr Roger Whyborn and Cllr Steve Jordan be appointed to the GJWC.**

6. ENHANCEMENT OF AUDIT PARTNERSHIP GOVERNANCE

The Cabinet Member Corporate Services introduced the report as circulated with the agenda. The Audit partnership was working well and was also highly regarded by the Council's external auditors.

He explained that all shared services required member input in their governance but felt that internal audit was quite different. Audit Committee maintained a close relationship with internal audit and any issues they had were addressed in that forum. The Cabinet Member also had the opportunity to raise issues directly with the Audit Partnership Manager. In his view the Cabinet Member did not at this time regard it necessary for member input, although this should of course be kept under review.

The Leader added that the Audit Partnership was an example of a shared service working to best effect.

RESOLVED that:

- (a) Cheltenham Borough Council's Internal Audit services be delegated to Cotswold District Council (including the transfer of staff under TUPE) as set out in this report in accordance with S101 Local Government Act 1972 and s19 and s20 Local Government Act 2000 from 1st April 2012
- (b) authority be delegated to the Director of Resources (s151 Officer) in consultation with the Chief Executive and Cabinet Member for Corporate Services to enter into the agreement under s101 Local Government Act 1972 and s19 and s20 Local Government Act 2000 with Cotswold District Council and West Oxfordshire District Council in respect of Internal Audit services as set out in this report, on terms approved by the Borough Solicitor, subject to all Internal Audit partner councils entering into similar relevant agreements at the same juncture.
- (c) the Audit Committee, through its existing role in terms of monitoring the effectiveness of Internal Audit, will suffice as the elected member input to the partnership governance.
- (d) member input to the partnership governance.

7. NOMINATIONS TO OUTSIDE BODIES

The Leader of the Council explained that further to the establishment of Ubico, the local authority company, at the special meeting of Cabinet on 13 October, there had been no objections from Group Leaders on the nomination of Councillor Colin Hay as the member observer to the Company. In addition a further vacancy had arisen on the Cleeve Common Board of Conservators as Lloyd Surgenor was stepping down from his duties. Councillor Thornton had been nominated to fulfil this role.

RESOLVED that :

1. Councillor Colin Hay be appointed as the member board observer on Ubico Limited.
2. Councillor Thornton be appointed as a committee member on Cleeve Common Board of Conservators.

8. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Sustainability informed the meeting that he would be advising members on the situation with regard to Pittville Bridge at the forthcoming meeting of Environment Overview and Scrutiny Committee.

The Cabinet Member Sport and Culture referred to his attendance as a guest at the first European Martial Arts Games which was held at Leisure@ in October. He wished the GB athletes present at that meeting every success in next year's Olympic Games.

The Cabinet Member Housing and Safety reminded members that a second bidding round had commenced for the remaining £13 000 in the Positive Activities for young people fund. She urged members to inform community groups in their wards of this opportunity. Any further information could be obtained from the Policy and Partnerships Manager.

The Leader of the Council informed members that the next Joint Core Strategy Member Steering Group would take place next Thursday and members were encouraged to submit any questions they had further to last week's Council meeting.

9. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS

The Cabinet was recommended to approve the resolution as set out on the agenda.

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

10. DISPOSAL OF LAND

The Cabinet Member Built Environment introduced the report which set out the background to the proposed disposal of land at Fiddlers Green Lane. Members considered the report and decided to authorise the Head of Property & Asset Management to remarket the land.

11. EXEMPT MINUTES

The exempt minutes of the meeting held on 18 October were approved and signed as a correct record.

Chairman