

Cabinet

Tuesday, 19th June, 2012
6.00 - 6.40 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Sport and Culture), Peter Jeffries (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Built Environment), Jon Walklett (Cabinet Member Corporate Services) and Roger Whyborn (Cabinet Member Sustainability)

Minutes

9. APOLOGIES

There were no apologies.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 17 April 2012 be approved and signed as a correct record.

12. PUBLIC QUESTIONS AND PETITIONS

No public questions or petitions had been received.

13. FINANCIAL OUTTURN 2011/12 AND QUARTERLY BUDGET MONITORING TO MAY 2012

The Director Resources introduced the report and explained that the projected £476 000 overspend as at end of August 2011 had been mitigated following a reduction in expenditure on supplies and services and decisions with regard to filling vacant posts. At year end the Council had achieved an underspend of £149 000 which represented a significant achievement in the current difficult economic climate. He highlighted the carry forward requests detailed in appendix 7 which were in two categories-firstly where there had been slippage on schemes where the Section 151 officer had authority to approve the requests and secondly carry forward requests for alternative use requiring member sign off. He clarified that the £7000 carry forward request for democratic services included £2000 to support the new scrutiny arrangements.

The Director Resources reported that £5.8 of £11 million had been received to date from the Icelandic banks with the remainder expected over the next 6-12 months.

The Cabinet Member Finance said there had been a solid financial performance over the last year and a budget saving had been achieved giving the Council

the opportunity to invest in key areas of the councils work. The proposal to council was to use £43 600 of the budget savings to address the problems of rough sleepers in the town. He explained that this was to fund a further two years of an Assertive Outreach Service provided by Cheltenham Housing Aid Centre. Secondly, it was proposed that £43 900 should be invested in providing recycling boxes and bins due to the increase in demand for recycling boxes since fortnightly residual waste collections were introduced. Thirdly, the Cabinet was proposing that Council contributed £62 277 from the 2011/12 budget savings to strengthen the Planning Appeals Reserve as the Council was likely to face a number for potentially expensive appeals by developers wishing to challenge the council's planning policies at a time when the National Planning Policy Framework was still relatively new and the Joint Core Strategy was still taking shape.

The Cabinet Member Finance referred to the £100 000 High Street Innovation Fund grant Cheltenham had been awarded for the purposes of reviving high street retail. The Council had discretion in spending the grant and Cabinet was proposing to Council that £65 000, two thirds of the total, should be allocated to funding business rate discounts for new business start-ups taking on empty properties. A further £20 000 should be allocated for skills training to help new and existing businesses and £6 000 to fund the design stage of a project to renew and improve the signage for visitors in the town and footfall cameras which were previously funded by the county council.

With regard to Icelandic banks the Cabinet member paid tribute to the efforts of officers and the Local Government Association (LGA) in recovering a large proportion of the money. He also highlighted the high level of council tax and business rate collection rates that had been achieved despite the current economic climate.

The Cabinet Member wished to put on record his thanks to all officers for achieving budget savings in 2011/12 and for the high level of financial management over the past year.

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 2011/12 resulting in a saving (after carry forward requests) of £149,777.**

- 2. Recommend that Council approve the following :**
 - 2.1 £214,700 of carry forward requests (requiring member approval) at Appendix 7.**

 - 2.2 The budget saving of £149,777 be used as follows:**
 - £43,600 to fund a grant to CHAC as outlined in para 3.3**

- £43,900 for providing recycling boxes and bins as outlined in para 3.6
 - £62,277 to strengthen the Planning Appeals reserve as outlined in para 3.7
3. Note the treasury management outturn at Appendix 9.
 4. Approve the allocation of the High Street Innovation Fund award grant as set out in section 6.
 5. Note the capital programme outturn position as detailed in Appendix 11 and approve the carry forward of unspent budgets into 2012/13 (section 8).
 6. Note the position in respect of section 106 agreements and partnership funding agreements at Appendix 12 (section 9).
 7. Note the outturn position in respect of collection rates for council tax and non domestic rates for 2011/12 in Appendix 13 (section 10).
 8. Note the outturn position in respect of collection rates for sundry debts for 2011/12 in Appendix 14 (section 11).
 9. Receive the financial outturn performance position for the Housing Revenue Account for 2011/12 in Appendices 15 to 17 (section 12).
 10. Note the outturn prudential indicators Appendix 18 and recommend that Council approve the revised prudential indicators for 2011/12, marked with an asterisk (section 13).
 11. Note the budget monitoring position to the end of May 2012 (section 14).

14. ANNUAL PERFORMANCE REPORT

The Cabinet Member Corporate Services introduced the report which set out performance information relating to the delivery of corporate priorities in 2011-2012.

In terms of corporate strategy milestones 93 % had been completed at the end of the year and the Cabinet Member congratulated officers (including those from Cheltenham Borough Homes) for this achievement. Those milestones which had not been achieved included developing traffic modelling which was subject to county council funding but the bid had been successfully resubmitted. The implementation of the GO back-office system had been somewhat delayed due to testing taking longer than initially forecast. Finally in terms of climate change adaptation the approach agreed now was for the climate change and sustainability officer to work with directors of corporate services to update risk assessments and then to produce a report. Commissioned services were now required to report on adaptation to climate change.

The Cabinet Member reported that 5/32 indicators had not been met. There were no major ones and they would be retargeted in the forthcoming year. Overall, it had been a difficult but successful year.

The Leader informed Cabinet that the report would be discussed at Council on 25 June.

RESOLVED that:

Cabinet endorse the report.

15. RIGHT TO BUY - SCHEME CHANGES AND AGREEMENT TO RETAIN RECEIPTS

The Cabinet Member Housing and Safety explained that the report provided details of the Right to Buy (RTB) scheme for Council Housing tenants and sought Cabinet approval to enter into an agreement with the Department of Communities and Local Government (DCLG) which would enable the local retention of additional receipts that may arise from the changes.

The Leader added that the full implications of RTB would become clear in due course but it represented an opportunity for the Council to provide new affordable housing in the borough.

RESOLVED that :

- 1. The changes to the RTB scheme for housing tenants be noted.**
- 2. The completion of an agreement with the Secretary of State enabling the retention of additional RTB receipts for investment in new affordable rented homes be approved.**
- 3. The Director of Commissioning be authorised to enter into the agreement referred to in recommendation 2 above**

16. APPOINTMENTS TO OUTSIDE BODIES

The Leader of the Council introduced the report. He noted that at the last cabinet meeting approval had been given to specific portfolio holder appointments. All members of the council had had an opportunity to input into the outside body process. There were now three appointments where agreement could not be reached between the groups so those nominations relating to the Cotswold Conservation Board, the Everyman Theatre and UBICO would be made by Council on 25 June. He highlighted that the references in paragraph 2.1 of the report were to the previous version of the constitution.

In addition the Leader announced the following changes. Councillor Rowena Hay was nominated to the Cheltenham Art Gallery and Museum, Councillor Andrew Lansley was nominated to the West End Partnership in place of Councillor Jon Walklett, Councillor Charlie Stewart was nominated to the Cleeve Common Board of Conservators in place of Councillor Bernie Fisher and Councillor Charlie Stewart was nominated to the Gloucestershire Playing Fields Association. The updated nominations are attached to these minutes.

The Leader stated that a number of vacancies still existed and member input was welcome.

RESOLVED that

- 1. Nominations/appointments to the bodies in Appendix A respectively were made in accordance with the following principles:**
 - **all nominations are made on the basis that the nominee/appointee is a representative of Cheltenham Borough Council insofar as that is compatible with any overriding legal duty to the outside body; and**
 - **Cabinet reserves the right at any time to withdraw/terminate a nomination/appointment which it has made**

- 2. Cabinet refer the nominations/appointments for the Cotswold Conservation Board, the Everyman Theatre and UBICO to Council for determination as consensus cannot be achieved between all the political groups on the Council**

17. GAMBLING ACT 2005 – REVIEW OF LICENSING POLICY STATEMENT OF PRINCIPLES

The Cabinet Member Housing and Safety explained that the Council must prepare a statement of the principles that they propose to apply in exercising their functions under the Gambling Act 2005. There were no substantial amendments and subject to Cabinet approval the draft would go out to formal consultation and further to this be recommended to full Council for approval and adoption.

RESOLVED that

- **the contents of the report and revised draft Statement of Principles be noted**
- **the attached revised draft of the three year Statement of Principles for the purpose of formal consultation with all relevant parties be approved**
- **subject to there being no substantive amendments being made following consultation, that the draft Statement of Principles be recommended to full Council for approval and adoption.**

18. REGULATING DIRECT DEBIT “FACE TO FACE” FUNDRAISING IN CHELTENHAM

The Cabinet Member Housing and Safety introduced the report and advised that there were currently no statutory provisions in place for local authorities to formally regulate or licence direct debit face to face fundraising. Cabinet was asked to approve a voluntary scheme coordinated by the Public Fundraising Regulatory Association (PFRA) which was the charity-led self regulatory membership body for all types of face to face fundraising. Currently 95 % of the

organisations, both charity and fundraising agency members involved in all types of face to face fundraising activity signed up to the self-regulatory scheme.

Members welcomed the voluntary scheme but expressed concern that the guidelines permitted 6 “chuggers” at a time to canvas in the pedestrianised area of the High Street. This was deemed to be too many and would potentially make people feel harassed. Members agreed that 4 people at any one time was regarded as a more appropriate figure and a sensible compromise.

RESOLVED that

- **the adoption of the scheme, as amended, for Cheltenham be approved**
- **the Site Management Agreement attached at Appendix 2 be approved**
- **authority be delegated to the Director of Culture and Wellbeing to sign the Site Management Agreement on behalf of the Council.**

19. LICENSING OF RICKSHAWS IN CHELTENHAM

The Cabinet Member Housing and Safety explained that the Council had been approached with a request to licence rickshaws in the borough. There was no specific legislation for the licensing of these vehicles so a draft policy had been drawn up for consideration by members. He stated that whilst licensing of rickshaws would have positive benefits for the town there were some safety concerns in the context of traffic flow and management. The draft policy, once approved by Cabinet, would go out for consultation.

Members recognised the benefits of rickshaws operating in the town. Feedback from the consultation with regard to fees should be examined in detail in order not to discourage the proposed activity. Members did not take a view on trial periods at this stage.

RESOLVED that

- **the licensing of these types of vehicles and their drivers be approved in principle.**
- **the draft policy for consultation at Appendix 2 be approved subject to recommendation 1 above.**
- **subject to recommendation 1 that the approval in principle of the licensing of these types of vehicles and their drivers be subject to an initial trial period, if Members consider this to be necessary.**

20. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Sport and Culture reported that a reception would be held this week for the Malawi team at Leisure@.

The Leader of the Council informed the meeting that Councillor Rowena Hay would replace Councillor Jeffries on the Promoting Cheltenham Panel. He reminded all that bids to the Fund should be with the council by Friday 29 June.

The Leader of the Council stated that the Liberal Democrat substitutes for the Audit Committee were Councillors Stewart, McCloskey and Jeffries. Councillor Flynn had been named as substitute for Planning Committee.

Chairman

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CABINET NOMINATIONS TO OUTSIDE BODIES 2012-14

APPENDIX 2

Name of body	Name of previous representative	Nominees	No. reps.	Notes
Brizen Young People's Centre	Councillor Jo Teakle	Councillor Jo Teakle	1	Member of management committee
Cheltenham Art Gallery and Museum Development Trust	Councillor Andrew McKinlay	Councillor Rowena Hay	1	Ex-officio trustee
Cheltenham Arts Council	Councillor John Rawson	Councillor Jon Walklett	3	Executive member
	Councillor Diggory Seacome	Councillor Diggory Seacome		
Cheltenham Borough Homes	Councillor Klara Sudbury	Councillor Andrew Lansley	5	Board Members
	Councillor Jon Walklett	Councillor Andrew Lansley		
	Councillor Barbara Driver	Councillor Barbara Driver		
	Councillor Colin Hay	Councillor Colin Hay		
	Vacancy	Councillor Suzanne Williams		
Cheltenham Business Partnership	Councillor Steve Jordan	Councillor Steve Jordan	1	Leader
Cheltenham Development Task Force	Councillor John Rawson	Councillor Rob Garnham	2	One appointment is Cabinet Member Built Environment
		Councillor Andy McKinlay	2	Attend Board meetings as observers
Cheltenham in Bloom	Councillor Diggory Seacome	Councillor Wendy Flynn	2	Members have voting rights
		Councillor Diggory Seacome	2	Cabinet Member Built Environment is one member
		Councillor Wendy Flynn	1	No constitutional requirement for CBC member
Cheltenham Parking Board	Councillor John Rawson	Councillor Andy McKinlay	2	Proposed to discontinue as no administrative support being offered by GCC so no longer an outside body
Cheltenham Pensioners Forum	Councillor Jacky Fletcher	Councillor Steve Jordan	1	Can attend committee responsible for admin and events
		Councillor Jacky Fletcher	1	Observer status
Cheltenham Road Safety Liaison Group	Councillor Colin Hay	Councillor Helena McCloskey	2	Entitlement to 3 board members in return for public access to common
		Councillor Colin Hay	1	On management Committee
Cheltenham Theatre & Arts Club (Playhouse)	Councillor Diggory Seacome	Councillor Diggory Seacome	1	One of 15 Local Authority members
		Councillor Andrew Lansley	1	Leader
Cheltenham West End Partnership Ltd	Councillor Jon Walklett	Councillor Andrew Lansley	1	Observer on Board
		Councillor Helena McCloskey	1	Executive Committee Member but no formal rights on board
Cheltenham, Cirencester & Tewkesbury Citizens Advice Bureau	Councillor Helena McCloskey	Councillor Simon Wheeler	3	
		Councillor Pat Thornton	1	
Cleeve Common Board of Conservators	Councillor Bernard Fisher	Councillor Bernie Fisher	1	
		Councillor Anne Regan	1	
Coronation Old Peoples Housing Society	Councillor Anne Regan	Councillor Anne Regan	1	
		Councillor Penny Hall	1	
Cotswold Conservation Board	Vacancy	Councillor Penny Hall Councillor Helena McCloskey	1	
Countywide Strategic Planning Issues group	Councillor John Rawson	Councillor Andy McKinlay	1	
District Councils' Network	Councillor Steve Jordan	Councillor Steve Jordan	1	
Everyman Theatre	Councillor Garth Barnes	Councillor Garth Barnes Councillor Tim Harman	1	
Friends of Leckhampton Hill	Councillor Klara Sudbury	Councillor Andrew Chard	2	

Name of body	Name of previous representative	Nominees	No. reps.	Notes
Gloucestershire Airport Consultative Committee	Councillor Pat Thornton	Councillor Pat Thornton	1	Committee member
Gloucestershire Airport Ltd	Councillor Malcolm Stennett	Councillor Malcolm Stennett	3	Full Board members
Gloucestershire Association Voluntary Community Action	Councillor Jacky Fletcher Mr David Lawrence Councillor Jo Teakle	Councillor Jacky Fletcher Mr David Lawrence Councillor Helena McCloskey	1	Observer status
Gloucestershire Playing Fields Association	Vacancy	Councillor Charlie Stewart	1	
Gloucestershire Safer Stronger Justice Commission	Councillor Klara Sudbury	Councillor Peter Jeffries	1	Cabinet Member Housing and Safety
Gloucestershire Shadow Joint Waste Board	Councillor Roger Whyborn	Councillor Roger Whyborn Councillor Steve Jordan	2	Normally Cabinet Member Sustainability takes one seat
Gloucestershire Waste Partnership	Councillor Roger Whyborn	Councillor Roger Whyborn	1	Cabinet Member Sustainability
Hesters Way Partnership Ltd	Councillor Pat Thornton Councillor Wendy Flynn Councillor Duncan Smith	Councillor Pat Thornton Councillor Wendy Flynn Councillor Duncan Smith	2	Clr Thornton is currently a Director
Higgs and Cooper (and Relief in Need)	Councillor Helena McCloskey	Councillor Helena McCloskey	2	Trustee
Hillview Community Centre	Vacancy	Councillor Steve Jordan	1	Attends committee meetings
Leadership Gloucestershire	Councillor Steve Jordan	Councillor Steve Jordan	1	Leader
Local Government Group	Councillor John Rawson	Councillor Andy McKinlay	2	Cabinet Member Built Environment
Urban Commission				
Low Carbon Partnership	Councillor Roger Whyborn	Councillor Roger Whyborn	1	Cabinet Member Sustainability
Oakley Regeneration Partnership Ltd	Councillor Rowena Hay	Councillor Rowena Hay	1	
Parking and Traffic Regulations Outside London Adjudications Joint Committee	Councillor John Rawson	Councillor Andy McKinlay	1	Normally Cabinet Member Built Environment
Parklands Community Association	Councillor Colin Hay	Councillor Colin Hay	1	
Pates Grammar School Foundation	Mr John Harkness	Mr John Harkness Mr Lloyd Surgenor	2	
Positive Lives Partnership	Councillor Klara Sudbury	Councillor Rowena Hay	1	Cabinet Member Sport and Culture
Positive Participation Partnership		Councillor Peter Jeffries	1	Cabinet Member Housing and Safety
Positive Development Partnership		Councillor Andy McKinlay	1	Cabinet Member Built Environment
Prestbury United Charities	Councillor Pat Thornton	Councillor Pat Thornton	1	
South West Councils	Councillor Steve Jordan	Councillor Steve Jordan	1	Leader of Council
South West Councils' Employers Panel	Councillor Colin Hay	Councillor Jon Walklett	1	Cabinet Member Corporate Services
St Margarets Hall User Group	Councillor Andrew McKinlay	Councillor Andrew McKinlay	1	CBC representative must be a "sitting councillor living within the area of benefit" of St Margarets Hall in order to have voting rights
St Marks & Hesters Way Community Association	Councillor Sandra Holliday Councillor Simon Wheeler	Councillor Sandra Holliday Councillor Simon Wheeler	2	
Strategic Leadership Group	Councillor Steve Jordan	Councillor Steve Jordan	1	Member of partnership (Leader of Council)
Supporting People Partnership	Councillor Klara Sudbury	Councillor Peter Jeffries	1	Cabinet Member Housing and Safety
Third Sector Services	Vacancy	Councillor Barbara Driver	1	Committed to/ experienced in areas of
UBICO	Councillor Colin Hay	Councillor Tim Harman Councillor Colin Hay	1	Member Observer to Board of Directors
Whaddon Lynworth & Priors Neighbourhood Project	Councillor Rowena Hay Councillor Colin Hay	Councillor Rowena Hay Councillor Colin Hay	2	