

## Cabinet

**Tuesday, 15th January, 2013  
6.00 - 6.40 pm**

| <b>Attendees</b>           |   |
|----------------------------|---|
| <b>Councillors:</b>        | 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) |
| <b>Also in attendance:</b> | Councillor Wendy Flynn  |

## Minutes

**1. APOLOGIES**

There were none.

**2. DECLARATIONS OF INTEREST**

There were none.

**3. MINUTES OF THE LAST MEETING**

The Cabinet Member proposed the following amendment, as a point of clarification, to the minutes of the meeting held on 11 December:  
That the second paragraph of agenda item 9 Joint Waste Committee be amended to read "The Cabinet Member Sustainability explained that the joint committee could achieve several million pounds worth of savings in the longer term, across the County including savings already being pursued through Ubico." The amendment was supported by Members.

**Resolved**

That the minutes (as amended) of the meeting held on 11 December and the minutes of the meeting held on 21 December be approved and signed as a correct record.

**4. PUBLIC QUESTIONS AND PETITIONS**

There were none.

**5. INTEGRATED TRANSPORT RETAINED ORGANISATION REVIEW**

The Cabinet Member Built Environment introduced the report and explained that Cheltenham Borough Council currently ran the enforcement of both on and off street parking, on street parking being undertaken via a Highways Agency Agreement with the County Council. However, on 1 April 2013, as part of a county wide contract, on street car parking would be run by a private contractor. As a consequence CBC would have to adjust the structure for its own car parking service.

The Cabinet Member emphasised that maintaining off street car parking in house was vital as this was a major income stream for the council. He highlighted that a number of strategic initiatives were ongoing in the town, for example the Cheltenham Development Task Force integrated transport plan for the "Boots Corner" proposals. It was important that CBC played a full role in this in order to fulfil public expectations and to ensure that proper information was put forward in terms of future design changes.

Members agreed that it was vital that the Council should continue to be accountable for running the off street car parking service. However they were disappointed that having achieved joint enforcement, which had benefited the town, the parking team would now be broken up. Members were also concerned how on street car parking would be enforced under a private contractor. They believed the Council still had a continued interest in transport related matters, which included general street scene issues. CBC would continue to work in partnership with the county and also with the Cheltenham development Task force and the CBC Urban Design Team.

#### **RESOLVED THAT**

- 1. the position as regards future on-street car parking enforcement being undertaken by a private contractor on behalf of Gloucestershire County Council be noted**
- 2. the Borough Council's off-street car parking service be retained in-house as set out in this report pending a review by the Executive Director of the Gloucestershire County Council's Framework Agreement within the next 15 months.**
- 3. the Executive Director in consultation with the Cabinet Member for Built Environment should ensure that adequate provisions are put in place to maintain a reasonable level of response to formal Gloucestershire County Council requests for information specifically in relation to Highways related matters.**

#### **6. PROPOSED LEASEHOLD DISPOSAL OF A PARCEL OF OPEN SPACE AT SANDY LANE RECREATION GROUND**

The Cabinet Member Finance introduced the report and explained that the proposal was in effect a technical requirement as the current use of the land designated as open space would not be changing. The current tenant (Old Patesians Sports and Social Club) at Sandy Lane Playing Field wished to enter into a new lease term of 30 years to enable access to grant funding from the Rugby Football Union and implement a series of improvements to the playing surface. He highlighted how Old Pats formed part of the fabric of the town.

Members supported the proposal.

#### **RESOLVED**

- 1. to declare surplus the parcel of open space land outlined in red on the attached plan (attached as Appendix A) and to authorise the placing of a Public Notice pursuant of Section 123(2a) of the Local Government Act 1972 in respect of the leasehold disposal of the parcel of open space land relating to the Clubhouse at Sandy Lane**

**Playing Fields, Cheltenham, the location of which is outlined in red on the plan attached to this report.**

- 2. That any objections and representations which might be received in response to the advertisement be considered by Cabinet before making a recommendation to the Cabinet Member for Finance for a final decision concerning the land.**
- 3. That should no objections or representations be received in response to the advertisement, Cabinet declares the land surplus and the matter is referred to the Cabinet Member for Finance for a final decision concerning the grant of a lease extension to Old Patesians at Sandy Lane.**

**7. REQUEST FOR LEASEHOLD DISPOSAL OF OPEN SPACE AT MONTPELLIER GARDENS**

The Cabinet Member Finance introduced the report which explained that the current tenant of the Proscenium Building, Montpellier Gardens, wished to enter into a further lease term of 25 years to enable access to grant funding to implement "green initiatives". He highlighted the fact that the Gardens Gallery was a very popular and thriving charity and provided an important service to the town.

Members were happy to support the recommendations which would enable the Gallery to fund energy efficient initiatives.

**RESOLVED THAT**

- 1. the parcel of open space land outlined in red on the attached plan (attached as Appendix A) be declared surplus and that the placing of a Public Notice pursuant of Section 123(2A) of the Local Government Act 1972 be authorised in respect of the leasehold disposal of the parcel of open space the land and Proscenium building at Montpellier Gardens, Cheltenham the location being outlined in red on the plan attached to this report.**
- 2. Any objections and representations which might be received in response to the advertisement be considered by Cabinet before making a recommendation to the Cabinet Member for Finance for a final decision concerning the land.**
- 3. Should no objections or representations be received in response to the advertisement, that Cabinet declare the land surplus and the matter is referred to the Cabinet Member for Finance for a final decision concerning the proposed new lease of the Proscenium Building.**

**8. 3RD SECTOR APPLICATION FOR RETAIL PREMISES AT 12 ROWANFIELD EXCHANGE**

The Cabinet Member Finance explained that the Council had received a request from Hesters Way Neighbourhood Project that consideration be given to agreeing a rent subsidy for its Community Hub project at 12 Rowanfield

exchange. The project satisfied two of the Council's key objectives of its 3<sup>rd</sup> sector policy and, as a result, a rent reduction of 60 % was proposed.

The Leader noted that Appendices 2 and 3 were exempt and should Members wish to discuss them a resolution would have to be passed to exclude the press and public in accordance with the Local Government Act 1972 (exempt business).

Members welcomed the proposal and recognised that 12 Rowanfield exchange was a well used facility which provided a valuable drop-in service to the community.

The Leader of the Council said that this was a case of maximising the value of the Council's assets to the community as a whole.

## **RESOLVED**

**That the recommendation of the 3<sup>rd</sup> Sector Panel be accepted and that the Director of Resources be authorised to administer a rent reduction of 60% against the rent of £4,000 pa associated with the lease dated 1<sup>st</sup> August 2010 between Hesters Way Neighbourhood Project and Cheltenham Borough Council**

### **9. RELEASE OF RESTRICTIVE COVENANT-LAND FORMERLY OWNED AT LECKHAMPTON INDUSTRIAL ESTATE, 205 LECKHAMPTON ROAD, CHELTENHAM**

The Cabinet Member Finance introduced the report and explained that in 2009 Cheltenham Borough Council disposed of the freehold of a thin strip of land on the northern boundary of Leckhampton Industrial estate. This was sold subject to a covenant restricting its use to general industrial. The whole estate was now subject to potential redevelopment and the Council could benefit from the uplift in land value should it agree to modify the user covenant on this thin strip of land appropriately.

Members agreed that this was a sensible way forward.

## **RESOLVED THAT**

1. a modification agreement be agreed which allows the council to benefit from any uplift in value, pertaining to a change of use from B2 General Industrial, in proportion to the area of land previously sold by the council (0.18ha).
2. the Head of Property and Asset Management be authorised, in consultation with the Cabinet Member Finance, to negotiate and conclude an Agreement with the owner of Leckhampton Industrial Estate granting that owner the right, within a period of 5 years from the date of the Agreement, to call for the variation of the Covenant restricting the use of the area of land described in the report upon payment of such sum determined by the Head of Property and Asset Management as being the market value for such variation.

### **10. DRAFT POLICY ON MEASURES TO CONTROL STREET SCENE ACTIVITIES IN CHELTENHAM**

The Cabinet Member Housing and Safety, introduced the report which outlined the feedback from the consultation on the draft policy on measures to control street scene activities in Cheltenham, approved by Cabinet in April 2012. It also incorporated policy amendments.

He emphasised that this was a non statutory policy and encompassed all activities, such as street trading and A-boards which had an impact on the street scene in the town. He wished to thank officers for their hard work in drafting the policy.

When asked how many A boards there were currently in the town, the Cabinet Member Housing and Safety replied that a survey undertaken 2 years ago accounted for 200 A-boards in the town. Only a small proportion of these were actually licensed.

Members recognised that A boards was a difficult issue. They acknowledged that there were many small businesses which were out of site in the town. The policy aimed to tackle those unnecessary A boards but would permit A boards where it was sensible and safe to do so.

The Leader of the Council recognised that the policy was an attempt to achieve in a fair way the balance of making the town a good place to do business and a good place to be.

#### **RESOLVED**

**To recommend to Council to:**

- 1. note the consultee comments submitted**
- 2. adopt the amended draft policy to take effect on the 1<sup>st</sup> of April 2013**

#### **11. AMENDMENTS TO CHELTENHAM CIVIC PRIDE URBAN DESIGN FRAMEWORK TECHNICAL APPENDIX ROYAL WELL DEVELOPMENT BRIEF**

The Cabinet Member Built Environment introduced the report which sought technical revisions to the Royal Well Development Brief. The Brief is a technical appendix to the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document. The revisions, listed in Appendix 2, arose from the need to correct inconsistencies between the Brief and the parent SPD in order to clarify the planning position when progressing the site to market.

The Cabinet Member explained that the aim of the draft revisions was to focus on wording changes to the Brief. The main aims of this were to make the wording around use less exclusive, reflecting the altered policy environment of the National Planning Policy Framework and the altered state of the market. It also established a consistency between the SPD and the Brief; and clarified the existence and role of the Municipal Offices Heritage Assessment September 2010; and allowed solutions to the bus interchange and traffic management issue to emerge in a more pragmatic manner.

#### **RESOLVED**

**To recommend to Council the adoption for planning purposes of the schedule of revisions to the Royal Well Development Brief part of the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document as set out at Appendix 2 to this report.**

**12. COUNTER FRAUD, CORRUPTION AND BRIBERY POLICY AND PROCESS**

The Cabinet Member Corporate Services introduced the report and explained that the Council's Anti Fraud and Corruption policy was due for renewal. The policy was reviewed by Internal Audit and was considered by Audit Committee on 9 January 2013.

The Cabinet Member highlighted the minor changes which the Audit Committee had made and which were updated in the documents tabled.

**RESOLVED THAT**

- 1. The Counter Fraud and Corruption policy be approved, as amended.**
- 2. The Director of Resources be authorised to update the policy with any additional comments following the conclusion of the on-going consultation with the audit partnership.**

**13. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Built Environment referred to his concern and indeed public concern surrounding Highways Agency proposals regarding the A417 junction with the Air Balloon roundabout. These proposals would, in his view, have a significant impact on traffic flows and create congestion on approaches into Cheltenham. He intended to submit a motion to the next full council meeting to seek formal opposition to the proposals.

**14. DECISIONS OF CABINET MEMBERS AND OFFICERS**

The Cabinet Member Built Environment informed that he had taken a decision on 8 January to award a contract to Matrix Solutions UK Ltd to undertake repair works to Grosvenor Terrace car park. These works were particularly important in order to satisfy parking demand once North Place car park was vacated.

**Chairman**