

## Council

**Monday, 17th December, 2012**

**2.30 - 6.40 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Colin Hay (Chair), Wendy Flynn (Vice-Chair), Andrew Chard, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Barbara Driver, Jacky Fletcher, Rob Garnham, Les Godwin, Penny Hall, Tim Harman, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, John Rawson, Anne Regan, Rob Reid, Diggory Seacome, Charles Stewart, Klara Sudbury, Jo Teakle, Pat Thornton, Jon Walklett, Simon Wheeler and Roger Whyborn

## Minutes

**1. A MOMENT OF REFLECTION**

Reverend Robert Pastelli invited members to take a moment of reflection.

**2. APOLOGIES**

Councillors Smith, Wall, Stennett, Fisher, Williams and Prince had given their apologies.

**3. DECLARATIONS OF INTEREST**

Councillor Garnham declared a disclosable pecuniary interest in agenda item 10 (Council Tax Discounts on Empty Properties) as a landlord of property which would be subject to the new policy.

Councillor Seacome declared a disclosable pecuniary interest in agenda item 10 (Council Tax Discounts on Empty Properties) as a landlord of property which would be subject to the new policy.

Councillor Regan declared a personal interest in agenda item 13 (Scrutiny Task Group – Community Governance Review) as a member of Leckhampton with Warden Hill Parish Council.

Councillor Massey declared a disclosable pecuniary interest in agenda item 10 (Council Tax Discounts on Empty Properties) as a landlord of property which would be subject to the new policy.

Councillor Chard declared a personal interest in agenda item 13 (Scrutiny Task Group – Community Governance Review) as a member of Leckhampton with Warden Hill Parish Council.

Councillor Helena McCloskey declared a personal interest in agenda item 13 (Scrutiny Task Group – Community Governance Review) as a member of Charlton Kings Parish Council.

Councillor Reid declared a personal interest in agenda item 13 (Scrutiny Task Group – Community Governance Review) as a member of Charlton Kings Parish Council.

#### **4. MINUTES OF THE LAST MEETING**

Prior to the meeting Councillor Godwin had made the Mayor aware that there was an inaccuracy in the minutes of the meeting on 24 September and had asked for this to be addressed.

Upon a vote it was unanimously

**Resolved; That the minutes of the meeting on 24 September 2012, approved and signed by the Mayor at the meeting on 15 October 2012 be amended in the following respect to correct an inaccuracy subsequently discovered.**

*The sentence in the minutes for Agenda item 10 where Cllr Godwin was speaking in support of his amendment to 10d - "He warned that at a recent appeal the planning inspector had made it clear that the authority's local plan was out of date and indeed a barrister at the appeal had advised that the plan should be updated "tout suite" should read "He warned that at a recent appeal the planning inspector had made it clear that the authority's local plan was out of date. On another occasion when the Local Plan was discussed, a Barrister had also advised members that the Local Plan should be updated "tout suite".*

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

**RESOLVED that the minutes of the meeting held on the 15 October 2012 be agreed and signed as an accurate record.**

#### **5. COMMUNICATIONS BY THE MAYOR**

The Mayor reminded members that throughout the Jubilee celebrations across the town there had been a photographer taking photographs. These now formed part of a commemorative book which was in the process of being published. Unfortunately it would not be available for Christmas but would be available in the Tourist Information Centre in the New Year at a cost of approximately £5-6. Following a request from a member the Mayor confirmed that he would be happy to forward a copy of the book to the Queen.

He thanked those members that had attended Remembrance Sunday of which there had been a good number and whilst he understood that some members had alternative commitments he felt member attendance was very much appreciated by the many members of public and service men and women that turned out for the event.

The year was rapidly drawing to an end and he was in the midst of attending various carol concerts and alike.

#### **6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

The Leader congratulated Martin Surl on his election as Police and Crime Commissioner in spite of the disappointing turnout by voters. He and Andrew North were scheduled to meet with Martin on the 10 January 2013.

**7. PUBLIC QUESTIONS**

No public questions had been received.

**8. MEMBER QUESTIONS**

The following responses were given to the 14 member questions received;

<b>1.</b>	<b>Question from Councillor Sudbury to Cabinet Member Built Environment</b>
	I have asked council officers to improve the information on the Council website regarding the proposal to partially close Boots Corner to through traffic. This particularly relates to the need for much more detailed information about how the impact of displaced traffic will affect other residential roads such as St Luke's Road, College Road, Gloucester Road and St George's Street. When will this be completed?
	<b>Response from Cabinet Member Built Environment</b>
	Gloucestershire County Council as the highways authority plan to begin a consultation process on their proposals in the New Year. The Saturn modelling work undertaken includes predictions for the junctions listed. This information will be available for discussion during the public consultation.  In a supplementary question Councillor Sudbury explained that the Integrated Transport Manager at CBC had given verbal agreement that the website would be updated and asked the Cabinet Member to give a commitment that this would happen.  In response the Cabinet Member Built Environment explained that the matter was being dealt with by the Cheltenham Development Task Force. This was a joint proposal between CBC and Gloucestershire County Council and therefore the information on both websites would need to match and at this time, to his knowledge there was no information on the GCC website. He would ensure that this would happen but for the time-being the proposals were still provisional.
<b>2.</b>	<b>Question from Councillor Sudbury to Cabinet Member Built Environment</b>
	On the County Council's website, information on the Local Sustainable Transport Fund bid says regarding the proposals for Cheltenham town centre that investment will be made for <i>"traffic calming measures in residential roads to ensure traffic does not divert on to inappropriate routes."</i> Is this the case and will investment happen in residential roads such as St Luke's Road and College Road (subject to agreement of course with local residents)?
	<b>Response from Cabinet Member Built Environment</b>
	A sum is allocated within LSTF funding for traffic calming and alleviation of rat running post Boots corner implementation.
<b>3.</b>	<b>Question from Councillor Sudbury to Cabinet Member Built Environment</b>
	Has a date been set for the Traffic Regulation Order consultation for the changes associated with the partial closure of Boots Corner to through traffic?
	<b>Response from Cabinet Member Built Environment</b>
	The TRO advertisement date will be confirmed once analysis of the public feedback to the consultation has taken place and a final design option approved

	by members. The advertisement is unlikely to occur prior to the 2013 elections.
<b>4.</b>	<b>Question from Councillor Sudbury to Cabinet Member Built Environment</b>
	One of the suggestions put forward in the Local Sustainable Transport Funding bid was to make Imperial Square and Oriel Road two way. Residents in the St Luke's area are very concerned about this part of the plan particularly as traffic flowing from the South to North of the town would use this route and add considerably to existing high levels of congestion. Given the sensitive uses on College Road, such as the hospital, Cheltenham College boarding houses, Sandford Park and residential properties will this council instead (whilst supporting plans to make Imperial Square two way to enable better access to the Regent Arcade Car Park which is one of the aims of the plans) keep Oriel Road one way so as to minimise the impact of displaced traffic on St Luke's Road and College Road?
	<b>Response from Cabinet Member Built Environment</b>
	Suggestions such as this and others received during the consultation will be examined in due course and influence the final design option for presentation to members.
<b>5.</b>	<b>Question from Councillor Chard to the Leader</b>
	The Highways Agency proposals for the "Air Balloon" roundabout could have a profound effect on my ward. Can the Leader of the Council please advise me what, if any, action, he has taken regarding these proposed changes?
	<b>Response from the Leader</b>
	The proposals are from the Highways Agency and I have received no representations about them from residents of Leckhampton, the parish council or Cllr Chard himself. If Cllr Chard has concerns I presume he has already raised them with the Highways Agency and if he wishes to raise them with me I will be happy to advise on possible actions to take.  In a supplementary question Councillor Chard queried whether the Cabinet would follow the example of Cotswold District Council and request a public consultation by the Highways Agency.  In response the Leader confirmed that he would be happy to make such a request but at this time he had not yet been provided with any specific details about what was being proposed, reiterating that this was not a CBC proposal. If members or residents had particular queries he would be happy to raise them on their behalf if they were made known to him.
<b>6.</b>	<b>Question from Councillor Regan to Cabinet Member Housing &amp; Safety</b>
	We urge this Council to be proactive in introducing the Night Time Levy. Will the Cabinet Member explain what steps they have taken, in conjunction with the Police, in planning for the introduction of such a Levy? Will the Cabinet Member also guarantee today that any money that comes to CBC will be targeted at combating the worst effects of the Night Time Economy and not be used to prop up the Council balance sheet.
	<b>Response from Cabinet Member Housing &amp; Safety</b>
	A number of steps have been taken in preparation of potentially introducing a late night levy in Cheltenham. There have been ongoing discussions at a senior county level about the introduction of the levy in the county. Furthermore, officers from public protection, the Wellbeing & Culture Director and the Cabinet Member for Housing and Safety have had a meeting with senior officers from the LPA about the desire for introducing such a levy in Cheltenham.

	<p>Whilst discussions are ongoing, officers are currently waiting for the amended Local Authorities (Functions and Responsibilities) Regulations to be published, these regulations will specify who has the decision making responsibility in respect of adopting the levy.</p> <p>CBC will be able to retain a maximum of 30% of the net amount from the levy. The Late Night Levy (Application and Administration) Regulations 2012 specify that the Council must spend its portion on "...arrangements for—</p> <p>(a) the reduction or prevention of crime and disorder, .  (b) the promotion of public safety, .  (c) the reduction or prevention of public nuisance, .  (d) the cleaning of any relevant highway or relevant land in its area."</p> <p>CBC's portion of the levy income must therefore be ring fenced for the purposes specified above.</p>
<b>7.</b>	<b>Question from Councillor Regan to Cabinet Member Finance</b>
	<p>The proposed changes to the benefit system next April will mean the public will have many questions. What steps have this Council taken to ensure that those affected by the changes will be informed at the earliest opportunity and in a format that is easy to understand? I understand that some information will be "on-line" but many people do not have this facility or are not computer literate. Therefore can the relevant Cabinet Member guarantee that the public will still be able to come into reception and talk to a member of staff in the Municipal Offices as happens at the moment?</p>
	<b>Response from Cabinet Member Finance</b>
	<p>April 2013 sees the start of a number of welfare benefit changes. The Members' Briefing sent on 19th October explained in detail the two main Housing Benefit changes from April 2013, the number of tenants likely to be affected in Cheltenham and how the Council's benefit service was going to contact tenants.</p> <p>The 60 potential tenants likely to be affected by the overall benefit cap are having one to one meetings or home visits with the Council's welfare benefits officers to explain the options open to them and they should be completed by the end of this week.</p> <p>The 800 working age tenants likely to be affected by the spare bedroom restrictions in social housing have all had personal letters sent to them asking them to check the information we hold and explaining as clearly as possible how the bedroom calculation works, how much benefit they will lose in April, and contact numbers if they need further advice. In addition we are sharing this information with social landlords who are also contacting tenants by home visit, telephone or letter.</p> <p>The national Council Tax Benefit scheme is also being abolished on 31<sup>st</sup> March 2013 and replaced by a local Council Tax Support scheme. Item 9 on today's agenda is proposing to adopt the DCLG's default scheme for next year with one modification, to make it as identical as possible to the old national scheme, while we review all the welfare benefit changes taking place.</p> <p>Existing Council Tax Benefit customers will be transferred over to the new scheme automatically and should see no difference in awards if the Council adopts the default scheme. If a customer has a Housing Benefit or Council Tax</p>

	<p>Support enquiry then they will still be able to visit the Council Offices and be seen by a dedicated officer from the benefits service.</p> <p>In addition to all of the above changes Incapacity Benefit is being replaced with Employment &amp; Support Allowance, Disability Living Allowance is being replaced with Personal Independence Payments and six means tested benefits (including Housing Benefit) are being replaced with Universal Credit, which starts in October 2013 for new claims and will be phased in over the following four years.</p> <p>The Government intends that these working age benefits, which will be administered by the Department for Work and Pensions, will be mainly claimed on-line from June 2013. However they are running various pilots from April 2013 to review “face to face” options for customers who cannot claim in this way, and one pilot is for local councils to administer the system.</p> <p>In a supplementary question Councillor Regan sought further assurance from the Cabinet Member that front line advisors would be available at the Municipal Offices, as they were at present, to deal with those that were concerned by the changes or were not computer literate.</p> <p>In response the Cabinet Member Finance confirmed that this would continue to be the case until 2013. With the introduction of Universal Credit, which would be the responsibility of Department of Work and Pensions rather than the Council, the council’s role would be to signpost to other benefit advice services including officers in Cheltenham Borough Homes.</p>
<b>8.</b>	<b>Question from Councillor Driver to Cabinet Member Sustainability</b>
	<p>Many parts of the town, particularly Lansdown, suffer from irregular recycling collection mainly due to the fact that the larger lorries cannot access the narrow streets and lanes. They are also restricted at times by inconsiderate parking. The alternative is to use a smaller vehicle but there are insufficient vehicles of the size to maintain a regular service. Therefore could the Cabinet Member tell me exactly how many smaller recycling lorries we have, how often are they used and what plans are in place to ensure a regular collection of recycle materials from all parts of Cheltenham?</p>
	<b>Response from Cabinet Member Sustainability</b>
	<p>Ubico Ltd operate 2 smaller 7.5 tonne vehicles to collect recycling in Cheltenham and one of them has been specifically designed with a chassis/narrow body which allows it to gain access to the most restricted areas of the town. The number of vehicles available has been calculated based on the requirement and their capacity is more than adequate to service the amount of restricted access areas in Cheltenham. However, occasionally even these vehicles cannot gain access to certain streets/lanes because of parked cars and in such instances the collection crew will report the issue to Ubico’s management team, then continue with their round and revisit the area later in the day/week to try and make the collection.</p> <p>If Cllr Driver could specify which streets/lanes she feels are suffering from an irregular recycling collection, then Ubico’s Management Team would be happy to investigate further.</p> <p>Councillor Driver explained that she had already met with Officers at the depot to discuss issues within specific streets and in a supplementary question asked whether Ubico’s Management Team could speak to the Officers she had been</p>

	<p>discussing the issue with.</p> <p>In response the Cabinet Member Sustainability agreed that it would be beneficial for Ubico and CBC staff to discuss issues of this nature. Whilst he was unable to control inconsiderate parking he would be happy to convene a meeting between Ubico, CBC staff and residents to help resolve issue. This option was always available.</p>
<b>9.</b>	<b>Question from Councillor Fletcher to Cabinet Member Corporate Services</b>
	<p>Due to the very severe IT problems which have plagued the Council over the past month, and that for some still continue, can you please explain why certain vital elements of the IT system have not been upgraded for 8 years?</p>
	<b>Response from Cabinet Member Corporate Services</b>
	<p>The IT department supports and maintains a wide number of products and services. Each product has different manufacture support timescales, some products are typically 3 years others significantly longer. The particular items identified have now reached their end of life support agreement by the manufactures hence the need to replace.</p> <p>In a supplementary question Councillor Fletcher asked why essential elements had not been upgraded sooner and asked for assurances from the Cabinet Member that they had since been upgraded.</p> <p>The Cabinet Member Corporate Services reiterated the variance in support timescales associated with various elements and that some had been identified as having reached the end of life support agreement. At this time the exact cause of the problem was still unknown and as such it was not possible for him to confirm whether these elements had been updated. Internal Audit were in the process of reviewing the matter and would be reporting back in due course and there was now a strategy in place which would enable expenditure where required.</p>
<b>10.</b>	<b>Question from Councillor Fletcher to Cabinet Member Corporate Services</b>
	<p>As access to the Citrix system is sometimes 'hit and miss" can you tell me why there are only 10 licences available for councillors and only 20 for staff.</p>
	<b>Response from Cabinet Member Corporate Services</b>
	<p>There are currently 10 licences for councillors and 30 for staff. These are monitored on a regular basis to review how many concurrent sessions are in use. There has been an issue whereby sessions were not disconnected properly and using up resources, this has been addressed by some training. Reviewing the current usage, there is on average only 3-4 councillors logged on at any one time. There is currently enough capacity to meet demand. Moving forwards, the ICT Infrastructure Upgrade strategy for 2013 to 2017 will add additional resilience and capacity to accommodate future council needs.</p>
<b>11.</b>	<b>Question from Councillor Garnham to Cabinet Member Housing &amp; Safety</b>
	<p>Given the new Police and Crime Commissioner is responsible for policing and the wider criminal justice remit e.g. working with Community Safety Partnerships and Councils, can the relevant Cabinet Member inform the council how many meetings they have had with the Commissioner's office to ensure Cheltenham benefits from any money, commissioning or activities arising from the PCC's office?</p>
	<b>Response from Cabinet Member Housing &amp; Safety</b>
	<p>Various meetings have taken place between the commissioner's representatives and CBC officers. These are listed below:</p>

Andrew North has had the following meetings with representatives from the Commissioner's office:

Andy Champness - various informal discussions

Richard Bradley - specific meeting on 3 December 2012

Andrew North attended GSSJC at which Martin Surl, Andy Champness &

Richard Bradley were in attendance - 27 November 2012

Planned meeting with Andrew North and Cllr Jordan with Martin Surl on 10 January 2013

In addition, officers have had the following meetings:

- Jane Griffiths attended an evidence based practice commissioning/police and crime commissioner
- Richard Bradley (PCCs commissioning development manager) met with Jane Griffiths reference commissioning
- Richard Bradley attended Exec Board on 23 August with Andrew North, Pat Pratley, Grahame Lewis, Jane Griffiths and Mark Sheldon
- Jane Griffiths and Helen Down attended an evaluation workshop at Waterwells facilitated by Richard Bradley on 24 September
- Richard Gibson attended a needs workshop at Waterwells facilitated by Richard Bradley on 9 October
- Richard Bradley attended the Positive Lives Partnership on 20 September
- Richard Bradley attended the Positive Lives Partnership on 22 November
- Sam Gibbs (deputising for Richard Bradley) attended our neighbourhood management meeting 4 December
- Richard Bradley and Richard Gibson attended the Barnwood Trust Commissioners Circle 18 October and 21 November.

The Public Protection team have met with the Commissioning Development Manager for the PCC to discuss existing synergies between priority areas of work.

They identified many areas where strength-based partnership working already exists to support PCC priorities.. Examples include:

PCC priority	Public Protection existing support
Older but not overlooked	Contributors to 'ageing well in Gloucestershire' strategy; safeguarding leads, mental health referrals, community safety, restorative practice, work with housing associations
Young people becoming adults	Joint working protocol with University of Gloucestershire Safeguarding ASB groups and partnership work Early intervention approaches Healthy lifestyles – eg nutrition, drugs, alcohol, smoking, sexual health
Safe days and nights for all	Night Safe and Day Safe Reducing Alcohol Related Violence project Taxi marshalls Joint policing operations PACT (Partners and Communities Together) Joint working protocol with Cheltenham Borough Homes
Safe and social driving	Local Sustainable Transport Fund and Air Quality action plan Improvement of road safety and air quality



	<p>The Public Protection team will continue to strengthen partnership links and will also support the priorities of the incoming Chief Constable.</p> <p>In a supplementary question Councillor Garnham asked for assurances from the Cabinet Member Housing &amp; Safety that he would encourage the PCC to consider the wider issues of crime rather than simply policing.</p> <p>The Cabinet Member Housing &amp; Safety assured Councillor Garnham that he would indeed do this, as would the Chief Executive.</p>
<b>12.</b>	<b>Question from Councillor Garnham to the Leader</b>
	<p>At the County Council elections in May 2013 there will be elections for 53 Councillors – ten less than at present. This is an excellent example of how a Conservative led Council have saved money and, at the same time as staff have lost jobs, have led by example and actually cut the cost of democracy and taken steps themselves to reduce the burden on the tax payer. Given that the Leader has already said he refuses to move to four yearly elections can he explain what steps he is actually taking to reduce the cost of governing the town?</p>
	<b>Response from the Leader</b>
	<p>In Cheltenham we have concentrated on reducing bureaucracy rather than democracy. As the recently published draft budget for 2013/14 shows the cabinet is proposing a further freeze on Council Tax and no major cuts to front line services despite at 32% reduction in central government grant funding over 3 years.</p>
<b>13.</b>	<b>Question from Councillor Seacome to Cabinet Member Sustainability</b>
	<p>Given that the Cheltenham Motor Sport has a banner on its web page that says “2013 Moto Expo 28-29 September” and that Cheltenham Festivals have confirmed the Literature Festival as taking place from 4<sup>th</sup> to 13<sup>th</sup> October (with set up happening in the week before) can the relevant portfolio holder confirm what actions they have taken to ensure the protection of Imperial Gardens, whether or not the Council has agreed to two large events happening at the same time and what discussions the Cabinet Member has had with either Cheltenham Festivals or Cheltenham Motorsport? If any discussions have taken place can the Cabinet Member tell the Council if they have sanctioned these two events happening at the same time?</p>
	<b>Response from Cabinet Member Sustainability</b>
	<p>The question of a clash of dates does not arise:- I can confirm that Cheltenham Motor Sports have no plans to use Imperial (or Montpellier) gardens for their Expo event in 2013. Expo are in negotiation with CBC for use of an area in front of the Municipal offices during the weekend of 28th and 29th September with construction taking place on the Friday before and dismantling on the Monday. Also, the provisional booking made by Expo at the Town Hall was cancelled. Event planning is the subject of a report on today’s agenda, and the expo event would be large enough to fall within its ambit.</p> <p>In a supplementary question Councillor Seacome questioned the claim that no clash arose when in fact the set-up and take-down of the events did coincide and asked the Cabinet Member Sustainability to clarify who it was that accepted event applications and at what point potential pitfalls (i.e. barriers, bus times, etc) were given due consideration.</p>

	<p>The Cabinet Member stressed that there was no clash between the Expo and Cheltenham Festivals as the two events were geographically separated with the Expo set-up outside of the Municipal Offices rather than the gardens. At the moment event applications were dealt with on a first come first served basis and in this particular case by the Parks department. He explained that he intended to raise this very issue as part of the Event Submission discussion scheduled later on the agenda.</p>
<b>14.</b>	<b>Question from Councillor Harman to Cabinet Member Housing &amp; Safety</b>
	<p>With the cold winter months now upon us could the Cabinet Member please reassure the Council that measures are in place to help homeless people in the Town; what actions are the Council taking in conjunction with other statutory and voluntary organisations to help homeless people and in particular rough sleepers in Cheltenham?</p>
	<b>Response from Cabinet Member Housing &amp; Safety</b>
	<p>CBC's Housing Options Team has signed up to a county-wide protocol to ensure that rough sleepers are accommodated in an emergency during sub-zero temperatures. This is financed out of separate funding from the Department of Communities and Local Government.</p> <p>The Housing Options Team has also recently commissioned Cheltenham Housing Aid Centre (CHAC) to deliver Assertive Outreach services in Cheltenham for rough sleepers and for those at risk of rough sleeping/homelessness as a result of having highly complex needs. CHAC were specifically commissioned to carry out this work because of their contacts with other agencies, such as the church, who are already working closely with rough sleepers. The aim of the service is to get rough sleepers to begin engaging with mainstream support and/or health services and to get them back on the pathway to independent living. Not every rough sleeper is willing to engage with support services or indeed is willing to live off the streets. The challenge for the Assertive Outreach service is to build roughsleepers' trust in support services again and for them to want to improve their own lives.</p> <p>In addition, Gloucestershire Emergency Accommodation Resource ( GEAR ) Projects has also recently secured funding from Homeless Link to deliver county-wide outreach services for roughsleepers. Both GEAR and CHAC are therefore looking to work together to avoid duplication in effort and to maximise the resources available for Cheltenham.</p> <p>Cheltenham also has supported housing specifically for individuals with high needs and who cannot manage to live independently just yet. These supported housing providers offer accommodation and work with individuals to improve their skills so that they can live independently in the medium term - with support attached. Access into supported housing is done via multi-agency groups who meet to discuss individual cases on a weekly basis.</p> <p>Whilst there is supported housing in Cheltenham, what is lacking is Direct Access accommodation for those whose support needs are unclear/very high - and who need further assessment before being placed into alternative accommodation. Supporting People, which is a commissioning department within the County Council, has recently commissioned P3 to set up and deliver Direct Access accommodation (6 units) and Drop-in Services in Cheltenham from February next year. These services will provide accommodation, assessment, support and advice for rough sleepers and other households with</p>

complex needs. These new facilities will provide a key additional resource for Cheltenham, and for those agencies working with rough sleepers.
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The Mayor reminded members that supplementary questions should clarify the answers provided and members should not instead make statements.

## **9. LOCALISATION OF COUNCIL TAX SUPPORT**

The Cabinet Member Finance took great pleasure in being able to present this report. As members would be aware from the response provided to the question raised by Councillor Regan, the Government had decided that from April 2012, local councils would be able to set up their own local schemes for administering council tax benefit to people of working age. The bad news was that this new arrangement was accompanied by a 10% cut in Government funding for council tax support.

Whilst he welcomed these new freedoms, he could not ignore the fact that it could potentially come at a heavy cost to some of the poorest and most vulnerable members of the community. If the council were to recover the 10% cut from those on benefit, the cut faced by people of working age would be much greater than 10%, because people of pension age would be protected from any such cut. This would result in taking money away from people who by their very definition were least able to meet the cost. A decision taken within Gloucestershire councils was that the people on benefit should be protected as far as possible from the Government cut.

Following public consultation, the proposal is to do this in two stages: in the first year of localisation (2013/14) the council would continue to operate a slightly modified version of the DCLG's default scheme, which was almost identical to the present scheme. The council would shoulder the shortfall in income rather than passing the cost on to benefit claimants. In Cheltenham's case this was estimated to be £90,000, less a one-year transitional grant from the Government, which would bring this figure down to £68,000. The means by which this money would be found was detailed in the next report on the agenda (Council Tax Discounts on Empty Properties). Existing council tax benefit customers would be transferred over to the new scheme automatically and should see no difference in awards. Meanwhile, over the next year, working with other Gloucestershire councils, a fully local council tax support scheme would be devised with the aim of helping those in greatest need, within the limits of the resources available.

He felt strongly that this was an issue of social justice and the council should not place the full burden of cuts on those who had the least and instead shift as much of that burden as was possible to people who were better able to shoulder it. It was in that spirit that he put the recommendations as the best way to deal with a difficult and potentially distressing situation.

The Leader, in response to a question from another member, explained that, as demonstrated when four yearly elections had been previously considered such a move would not generate significant savings in the first year and could in fact result in an increase in costs as a result of more regular bi-elections. In addition to this the Cabinet Member Finance suggested that benefit claimants would indeed need to wait some time before they were relieved of any financial burden if four yearly elections were adopted to generate the savings required.

Upon a vote it was unanimously

**RESOLVED that;**

- a) **The Department for Communities and Local Government (DCLG) default scheme be adopted as the Council's Local Council Tax support scheme for working age customers in 2013/14.**
- b) **War widows and war disablement pensions in the local council tax support scheme for working and pension age customers as currently happens for housing and council tax benefit be disregarded in full.**
- c) **Work commences on developing a robust council tax support scheme for working age customers, to take effect from April 2014, which reduces the council tax support costs, protects vulnerable people as far as possible and keeps work incentives.**

#### **10. COUNCIL TAX DISCOUNTS ON EMPTY PROPERTIES**

Having declared an interest in this item Councillors Garnham, Massey and Seacome left the chamber.

The Cabinet Member Finance presented the report which set out the greater discretions allowed to local authorities by the Government in deciding council tax exemptions and discounts. He felt the proposals in the report were quite simple; to remove the 10% discount on second homes and abolish the exemptions in Classes A and C and replace them with discounts, as set out on page 3 of the report. More details about the situations in which these changes would apply were given on pages 5 and 6 of the report.

He believed the changes being proposed were right for three reasons; firstly, they would result in the distribution of the tax burden more fairly, secondly, they would generate additional income and help to offset the Government cut in council tax support and thirdly, they would encourage owners to bring empty properties back into use more quickly, a desirable objective in itself, which would also benefit the Council by increasing the tax base, as explained on page 4.

The Cabinet Member Finance gave the following responses to questions from members;

- A letter was sent to all landlords who were awarded class C discounts and for some time this had included a reference to the upcoming changes. The consultation that had been undertaken had included an online questionnaire and a letter to relevant people across the county and representations from landlords had been received. He took the point that landlords would need time to advertise a property, etc, but felt that many would receive 1 months notice from tenants and at this stage, given that countywide agreement had been achieved, he was reluctant to unpick parts which would cause delays and have a considerable impact. It was his feeling and one shared by Officers that 1 month free and 5 months discount was reasonable.

- Members could be assured that the council was relentless in its pursuit of outstanding council tax and Officers worked hard to identify owners. A common misconception was that collection did not continue beyond the year end once the in-year collections figures were published.

A member gave the recommendations her wholehearted support and expressed her hope that this would help to increase housing availability within the town.

The Mayor raised a general point regarding instances whereby councils worked together to develop common policies. He queried how borough councillors were able to influence recommendations in a timely manner before matters were brought before Council for a decision, at which point amendments resulted in delays which may not be acceptable to other authorities.

Upon a vote it was unanimously

**RESOLVED that;**

- 1. The level of discount for former class A exempt properties be set at 25% for the 12 month period, as detailed in table 1.**
- 2. The level of discount for former class C exempt properties be set at 100% for the first month and 25% for the remaining 5 months, as detailed in table 1.**
- 3. The level of discount for long term empty properties remain at zero, as detailed in table 1.**
- 4. The level of discount on properties classed as second homes be set at zero, as detailed in table 1.**

## **11. TREASURY MID-TERM REPORT 2012/13**

Councillors Garnham, Massey and Seacome returned to the chamber.

The Cabinet Member Finance introduced the Treasury Mid-Term Report, which reported the councils Treasury Management activities for the first half of the current financial year. He suggested that there was nothing significant to report, given that the investment market was very flat and under these circumstances paying off debt as investments matured, rather than re-investing the money had been made a priority.

It was for this reason that the amount of short-term borrowing had fallen significantly, from £7 million to £2 million, in the 6 months between the start of April and the end of September 2012. It was also one reason why the council's borrowing costs for the current financial year were projected to be £35,000 under budget, which he considered to be a more than satisfactory situation.

In terms of investments, the overriding concern had continued to be safety. The council now put money only into the types of investment outlined at point 4 of the report and listened carefully to the advice of its Treasury Adviser, as demonstrated by the shorter deposit durations with investment counterparties in May which were extended again in July. This was active management that was constantly looking out for changes in the economy and the financial markets,

and he felt that it was absolutely right that the council do this. The council had set up a Safe Custody Account in order to widen the range of investment instruments available. Given the economic climate at present members could not expect the council's investment performance to be dazzling, and it wasn't but nonetheless was achieving a return on investment of 1.13% and projecting investment income to come at around £10,000 over budget in the current financial year.

He was pleased to report that the council continued to recover money from the Icelandic banks and anticipated recovery of 100% of deposits in the Icelandic based banks (Landsbanki and Glitnir) together with the interest up to the time when they failed and expected to recover 85% from the London-based bank KSF. This had only happened because this council along with other local authorities were prepared to fight for their money in the Icelandic courts, and council Officers, the Local Government Authority and their lawyers Bevan Brittan, all deserved credit for this outcome.

Upon a vote it was unanimously

**RESOLVED that in compliance with the requirements of the CIPFA Code of Practice the report be noted.**

## **12. SCRUTINY TASK GROUP REVIEW - EVENTS SUBMISSION**

Councillor Klara Sudbury, introduced the report of the Overview and Scrutiny Committee of the scrutiny task group - Events Submission, as the vice-chair of that committee. She commended Councillor Penny Hall for her excellent work as chair of the scrutiny task group and explained that the report had been brought to Council so that all members would have an opportunity to comment on the findings. She felt that the recommendations set out in 2. needed clarification and suggested the following amendment:

That Rec 2 reads – “to request that the Overview and Scrutiny Committee and Cabinet take note of the comments raised by Council when they consider the report of the task group”

This amendment was agreed.

Councillor Sudbury invited Councillor Penny Hall to introduce the report of the scrutiny task group.

Councillor Hall explained that she was very pleased to bring this report to Council as it was such an important issue and she would welcome any proactive suggestions from members. In her introduction she explained the background to the review and why the task group had been initiated. The review had highlighted that currently there was a lack of any coherent process in the procedures for dealing with event requests in the town and there was often no notification to members or the public at an early stage. To tackle these issues, the scrutiny task group had come up with a number of recommendations based around an Events Advisory Group and a Safety Advisory Group. She acknowledged that the review had been challenging at times and commended the efforts of Saira Malin and Rosalind Reeves from Democratic Services who had supported the review along with Grahame Lewis, Louis Krog and other

officers from Parks and Gardens, One Legal, Integrated Transport and Public Protection.

In responding to the report, members commended the working group and acknowledged the great deal of work that had gone into producing their final report and recommendations.

A member asked how the council should prioritise events where more than one applicant was interested in holding an event at the same location at the same time and suggested the task group should give this further consideration.

Another member requested clarity on whether a local street party would fall under category A or B. The guidelines suggested a category B event was over 500 people but this would be difficult to assess.

Members had some discussion about the reference in para 6.4 that ward councillors involved in the ECG could keep the public and local interest groups informed of any potential events and represent their views. One member was concerned that the onus should not be on the local councillors to inform their residents as they did not have the tools available to the authority for communicating with residents and local interest groups on a mass scale. Councillor Hibbert, as a member of the working group, advised that the use of the word "could" was deliberate highlighting that this stage in the process provided an opportunity for the ward councillors to update their residents but it was not negating the council's responsibility to keep the public informed. Another member highlighted the difficulty of consulting with relevant members of the public for a town centre event as the users of the town centre were very wide.

Councillor Jeffries, as the Cabinet Member Housing and Safety, welcomed the report whilst acknowledging that there were still details to be worked out and looked forward to receiving the report at Cabinet.

Councillor Seacome, as a member of the task group, reminded Council that the impetus for this task group had been the announcement of a major event in the town. His concern was that there was a presumption in favour of an event and there was no veto if an event was considered unsuitable for the town. He acknowledged that under the new proposals the organisers may listen to the views of the ECG or SAG if they felt an event was unsuitable, but he personally was disappointed that there was still no mechanism for an outright veto of an event.

In her summing up, Councillor Sudbury thanked members for their comments and commended the recommendations which would introduce a more transparent process and ensure ward members were kept informed of events at an early stage.

Upon a vote, the recommendations as amended were agreed unanimously.

**Resolved that the Overview and Scrutiny Committee and Cabinet be requested to take note of the comments raised by Council when they consider the task group report.**

### **13. SCRUTINY TASK GROUP REVIEW - COMMUNITY GOVERNANCE REVIEW**

Councillor Klara Sudbury, introduced the report of the Overview and Scrutiny Committee of the scrutiny task group - Community Governance Review, as the vice-chair of that committee. She commended Helen Down, Strategy and Engagement Officer for her excellent work as a support officer to this scrutiny task group and she also thanked the representatives of the parish councils who had been co-optees on the task group.

She wished to put on record how much she valued parish councils and the vital role they played in representing their communities. She felt that parish council boundaries must represent genuine community boundaries and it was important for all residents to have their say about whether they wish to become part of a parished area. She referred members to the comments made by the Overview and Scrutiny committee when they considered the report which were set out in appendix 4. They had concluded that it was appropriate to make an alternative recommendation to defer the review as set out in their report. It was her personal view that the budget set aside for the consultation was insufficient and any review must be comprehensive and fair.

She invited Councillor Driver, as the only elected member on the task group, to add any comments.

Councillor Driver confirmed that she had been present at every meeting of the task group and commended the officers for their support in what had been some difficult meetings. In her view, the review needed to be started again and done properly following a structured approach and with consistency of attendees.

The Leader, as the member responsible for parish council liaison, highlighted the starting point for this review had been a report to Council in December 2011 from the Cabinet Member Corporate Services. Council had agreed to set up a cross party member working group which had subsequently become a scrutiny working group under the new arrangements. He noted that there had been no Cabinet involvement in the review. His understanding was that the review should have been an early opportunity to tidy up any loose ends but it appeared to have grown well beyond this. His personal view was that parishing the whole of Cheltenham made no sense as parish councils are only effective because of their association with former village areas and this does not apply to the central areas of the town. Under the circumstances, he was supportive of the overview and scrutiny recommendations to defer the review as he did not think it could be dealt with effectively before 2014.

In the debate that followed members made the following comments;

- there could be a unitary debate as early as 2017 and this could challenge the current three tier democratic structure in parished areas and parish councils could become an anachronism.
- even if there is no unitary debate, future Borough council boundaries could be affected by the results of the Joint Core Strategy work and current and further housing development, which would in turn affect parish council boundaries.
- whilst there are some residents who support the work of their parish council there may be others in parished areas who challenge the precept and the value they get from it - consequently there should be a full consultation.



- Local wards surveys carried out in wards seemed to indicate a general trend to retain the status quo, i.e remain in a parished area and no desire to become one if not already.
- Parish councils currently have unfettered tax raising powers and that should be brought into the consultation.
- What had started off as a review of minor changes to boundaries had grown out of control and the resulting proposals for increases in residents in some of the parishes were totally out of order. There were also some real anomalies contained in the proposals and the proposal to include the old GCHQ site at Oakley but exclude the Sainsbury's development was cited as an example.
- Any future consultation with residents would need to be supported by appropriate information on the costs and benefits of being in a parish council area. Without this the cost of a full consultation, in the order of £15 to £20,000, would be a waste of time.
- Democracy was not served by a household survey and all members of the electorate should have the opportunity to respond to any consultation.
- With strong differences between the parish councils it would not be feasible to refer the matter back to the task group and expect to reach agreement for a completion date of 2014.
- The excellent work done by some of the parish councils was noted.

In her summing up, Councillor Sudbury commented that it had been a useful debate. Clearly when the review was restarted it needed to be structured and an elected member should be appointed as chair. The review would provide an opportunity to carry out a more comprehensive review that looked into the shape of communities across the whole borough. If the Cabinet Member wished to be involved in the review then they would be welcome to attend meetings of the task group.

Upon a vote the recommendations were agreed unanimously:

**Resolved that**

- i) **the review of Community Governance should be deferred to a later date when any recommendations can be implemented ahead of the 2018 parish council elections**
- ii) **the scope of the review should be reviewed at that time taking into account the views expressed by the Overview and Scrutiny Committee at its meeting on 26 November 2012.**

**14. NOTICES OF MOTION**

No notices of motion had been received.

**15. TO RECEIVE PETITIONS**

No petitions were presented nor had any been received since the last meeting.

**16. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION**

There were no urgent items for discussion.

**17. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION**

Upon a vote it was unanimously

**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 1, 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:**

**Paragraph 1; Information relating to any individual.**

**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**

**18. REQUEST FOR DISCRETIONARY ALLOWANCE**

Following advice received from the Monitoring Officer, a number of Members did not return to the meeting having declared their intention not to participate in this item.

The following members were in attendance for this item:

Councillors Barnes, Bickerton, Britter, Chard, Fletcher, Flynn, Hall, Harman, Holliday, Jeffries, Lansley, Massey, McCloskey, McLain, Rawson, Regan, Reid, Stewart, Sudbury, Teakle, Walklett and Wheeler.

In the absence of the Mayor, the Deputy Mayor took the chair.

The Council received a report from the Head of Human Resources (GO Shared Services) regarding a request for discretionary allowance. The Council, having considered the report and appendices, determined the matter.

Colin Hay  
Chair