

Cabinet

**Tuesday, 24th June, 2014
4.00 - 4.55 pm**

Attendees	
Councillors:	, Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Healthy Lifestyles), Andrew McKinlay (Cabinet Member Development and Safety), Jon Walklett (Cabinet Member Corporate Services) and Chris Coleman (Cabinet Member Clean and Green Environment)
Also in attendance:	Councillor Tim Harman, Councillor Helena McCloskey, Councillor Rob Reid and Councillor Chris Ryder

Minutes

1. **APOLOGIES**

Apologies were received from Councillor Jeffries.

The Leader took the opportunity to welcome Councillor Chris Coleman in his new role as Cabinet Member Clean and Green Environment. He also wished to put on record his thanks to Councillor Roger Whyborn for his contributions as Cabinet Member Sustainability.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF THE LAST MEETING**

The minutes of the last meeting were approved and signed as a correct record.

4. **PUBLIC AND MEMBER QUESTIONS AND PETITIONS**

There were none.

5. **FINAL REPORT OF THE CEMETERY AND CREMATORIUM SCRUTINY TASK GROUP**

The Leader of the Council invited the Chair of the Scrutiny Task Group to address Cabinet. The Chair of the Scrutiny Task Group, Councillor Chris Ryder, introduced the report and explained that whilst there were 8 formal recommendations there were in fact 22 recommendations contained within the report. She wished to put on record her thanks to the Overview and Scrutiny Committee, the former Cabinet Member Sustainability and in particular the Task Group for their work in trying to address what was an important issue for families in the town. She urged the recently appointed Cabinet Member Clean and Green Environment to work more closely with the manager at the crematorium and to identify and resolve issues more promptly than had been done in the past.

The Cabinet Member Clean and Green Environment thanked the members of the Scrutiny Task Group for their detailed report and the guidance going forward. He reported that since taking up office a problem developed with the flue of one of the two cremators, which if not dealt with promptly would have become a safety issue. Expert opinion was therefore sought and it was decided to run just one cremator. A decision was made that there would be a two week closure to deal with the problem on 14 July. The Cabinet Member highlighted that a meeting had been held last week with funeral directors to keep them informed and BBC Gloucestershire and the Echo had been informed of the planned closure. He had every confidence in the team of officers at the crematorium and thanked them for their commitment. He assured the scrutiny task group that he would be working very closely with them to achieve the right result.

In terms of the future the Cabinet Member highlighted that there would need to be a sustainable plan for the future development of the crematorium and an options appraisals would be drawn up. He intended to be fully open with Members, officers and funeral directors and would take advice where necessary. At the current time he deemed it inappropriate to ask officers to respond to the task group report but intended to bring a full written report to Cabinet in September. Given the level of expertise which Members of the Scrutiny Task Group had gained he suggested that a Cabinet Member working group be established to make the best use of this expertise.

The Chair of the Scrutiny Task Group explained that the STG had met on one occasion recently and would be keeping a watching brief on progress. She welcomed the ongoing involvement of the STG members and requested that a replacement for Barbara Driver be sought.

In terms of the issue with the flue, she asked who would be project managing the issue as this had not always been apparent in the past. In response the Cabinet Member said there were changes in the property team but he would confirm the name of the project management lead to her.

The Chair of the STG expressed her concern with regard to the abatement issue and the cost involved. In response the Leader said that a long term solution to the service as a whole was being sought and abatement was a key part of this.

Members welcomed the STG report and supported the proposal to undertake a wide ranging options appraisal of the service. Investment was vital to deliver this valuable service in the borough.

The Leader wished to record his thanks to all who had been involved.

RESOLVED

- 1. To note the recommendations as laid down in the report**
- 2. That a report responding to the recommendations be brought to Cabinet in September 2014.**

6. CONSULTATION ON A NEW MANAGEMENT AGREEMENT AND PROPOSALS TO CHANGE THE COMPOSITION OF THE BOARD OF DIRECTORS OF CHELTENHAM BOROUGH HOMES

The Leader of the Council introduced the report and explained the Board of CBH had been undertaking some detailed work in moving the organisation forward, building on its success over the last 10 years. There was a desire to continue to deliver the current new build programme as well as identifying further opportunities for developing and delivering affordable/social housing and expanding its existing services to meet the needs of the community.

The Leader explained that in light of the above the CBH Board had also been considering its current governance arrangements, including potential changes to its board composition and updating its management agreement, to facilitate/underpin the future direction of travel. Proposals included extending the life of the current management agreement and advice received suggested that a 30 year period would provide stability in terms of planning for the future. In addition reducing the CBH Board size to 10 was proposed. There would continue to be 2 Council nominated members and 3 tenant representatives including one leaseholder. This model was deemed to be a practical size for today's conditions.

The Leader highlighted that it would also be important for Members to consider the future role for CBH in the context of the Vision 2020 project as there may be potential for CBH and CBC to consider how they may collectively address financial pressures over the extended life of the management agreement.

The Leader then explained that all proposals were subject to a 6 week consultation period and a report would be brought back to Cabinet in September on the outcome of the consultation. In the meantime notice would be given to the Secretary of State as consent would be required.

The Leader reiterated the positive relationship CBC had with CBH.

RESOLVED

That subject to consultation :

1.1 the strategic direction of the CBH business plan be endorsed

1.2 the principle of amending the term and content of the Management Agreement, as outlined in section 3 be endorsed, in order to facilitate the delivery of the CBH and HRA business plans;

1.3 the principle of reducing the CBH board size from 15 to 10 as outlined in section 4 of the report be endorsed;

1.4 the principle of changing the composition of the CBH board to facilitate the delivery of the CBH and HRA business plans be endorsed.

That :

2.1 the Deputy Chief Executive be authorised to make early contact with the Secretary of State and to undertake, in conjunction with CBH, consultation with tenants, leaseholders and other stakeholders for a minimum of 6 weeks in relation to the proposed changes to the CBH board and the management agreement.

2.2 the relevant Directors from CBC and the Chief Executive of CBH be requested to consider options for further collaboration for sourcing support services over the period of the extended management agreement

2.3 a further report be brought back to the September 2014 Cabinet for endorsement on the outcome of the consultation together with any proposed changes before seeking the Secretary of State's consent in accordance with s27 Housing Act 1985.

7. CHELTENHAM ECONOMIC DEVELOPMENT STRATEGY

The Leader introduced the report and explained that in order to inform the drafting of the Cheltenham Plan, assist with implementation of the policies of the Joint Core Strategy and to engage effectively with emerging Local Enterprise Partnership initiatives, the Council needed to replace its Economic Development Strategy. This would provide a strong analytical evidence base which clearly set out the Council's aspirations for the local economy and identifies through an action plan how these can be delivered.

The Leader informed that preparation of an economic development strategy required the application of technical and professional expertise therefore consultancy support would be procured, the funding for which would be £10 000 from the Economic Development earmarked reserve.

RESOLVED THAT

- 1. the draft brief for consultants' expressions of interest at Appendix 2 which will form the basis for the tender brief for the Economic Development Strategy for Cheltenham be agreed;**
- 2. the Director of Environmental and Regulatory Services be authorised to undertake the procurement process;**
- 3. the transfer of £10,000 from the Economic Development reserve be approved, to assist in funding the project**

8. 2020 VISION FOR JOINT WORKING

The Leader of the Council introduced the report which outlined Vision 2020, a broad strategic direction for further collaboration with Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council. The report sought approval to develop a more detailed business case and to seek funding from government through the Transformational Challenge Award process.

The Leader explained that the 2020 vision built on the success of GO Shared Services which had given those councils involved the confidence to go beyond

the current arrangements and to explore the options further. Other councils should have the option to join and it should enable the council to deliver the level of projected savings whilst maintaining the level of service. He reported that the Council had recently received a visit from the Cabinet Office to discuss the concept.

The Leader went on to explain that the drivers for the concept included the fact that directly employed staff had reduced from 800-200 (by October 2014) and one option to be explored was the possibility of a company to employ the staff of the four councils in order to achieve economies of scale. This would have implications for pensions and the pension fund but could potentially provide staff with more career opportunities.

In terms of timescale, the Leader explained that the aim was to establish a programme board and present a business plan to Cabinet in October using funding already awarded. He emphasised that each Council would remain independent and Council members would independently determine the service for that area.

Members recognised that the Council had been successful as a council in finding savings whilst maintaining services through shared service arrangements. Whilst establishing a joint company would be complicated it was an innovative step so officers would work carefully to address potential problems. It was highlighted that the briefing process for members and officers was ongoing.

RESOLVED THAT

- 1. the contents and the broad strategic direction for joint working as set out within the 2020 Vision for Joint Working (Appendix 2) be noted.**
- 2. the establishment of a 2020 Vision Programme Board consisting of one Councillor Representative from each Council be approved.**
- 3. the 2020 Vision Programme Board be authorised to develop a programme plan; business case; and consider any efficiency savings that could be delivered for 2015/16 with a further report to partner councils in Autumn 2014.**
- 4. the 2020 Vision Programme Board be authorised to submit applications to the Transformation Challenge Award for additional funding support**
- 5. the allocation of Transformation Challenge Award funding to support the development of the programme be approved.**
- 6. Cheltenham Borough Council act as Accountable Body for authorising expenditure against the programme on the unanimous recommendations of the 2020 Vision Programme Board**

9. JCS: IDENTIFYING POTENTIAL FOR LOCAL GREEN SPACE WITHIN CHELTENHAM, TOOLKIT AND COMMUNITY WORK

The Leader of the Council introduced the report and explained that a key element of the Local Green Space designation in the National Planning Policy framework (NPPF) was that a green area to be designated must be “demonstrably special to a local community and hold a particular local significance”, work with the local communities within the borough to initially identify and propose areas is suggested.

The Leader said that it was important that this work was progressed as there was the immediate pressure of planning applications. It was proposed that CBC adopt the Cotswold toolkit and make it more Cheltenham specific. Consideration was given as to whether officers could lead the consultation elements of the study but as they were currently constrained by other work priorities it was proposed that consultants be commissioned to facilitate work with local communities at an approximate cost of £6 000 to be funded by an underspend at outturn.

Members noted that the recently published national planning practice guidance stated that “Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making. However paragraph 14 of the NPPF stated that local plans should meet objectively assessed need unless there were specific policies in the framework which indicated development should be restricted.

Members recognised the apparent contradiction in the plan. The local green space designations shouldn't be used as a means for thwarting objections but should be used as a means to continue to identify local green space legitimately. Flexibility was key.

RESOLVED THAT

- 1. the use of the Local Green Space Toolkit, amended as appropriate, be agreed. Changes to be agreed with the Leader of the Council prior to publication.**
- 2. the consultancy brief be agreed**
- 3. officers be actioned to undertake the procurement process to commence the works required to support local communities wishing to identify sites considered suitable for Local Green Space designation.**

10. AIR QUALITY ACTION PLAN

The Cabinet Member Development and Safety introduced the report and explained that CBC had produced an Air Quality Action Plan in accordance with its statutory duties under the Environment Act 1995 and following the designation of the Borough as an Air Quality Management Area (AQMA) in

2011. He highlighted the five main areas in the town where NO2 exceeded the recommended level and referred to the proposed measures that should help to reduce air pollution within the Borough some of which were due to be delivered through the Cheltenham Transport Plan and associated smarter travel initiatives funded by the Local Sustainable Transport Fund (LSTF).

RESOLVED THAT

the adoption of the Air Quality Action Plan and implementation of measures contained therein be approved.

11. CORPORATE ENFORCEMENT POLICY

The Cabinet Member Development and Safety introduced the report and explained that the Policy was being reviewed and updated to take account of changes in legislation and the introduction of a new Regulators Code. He referred to Appendix B which listed the new advice and guidance now included in the policy and said that there had not been any substantive changes to what was already implemented. Reference was also made to the fact that legal advice had been received to say the Policy did not require Council approval which had originally been indicated in the report.

RESOLVED THAT

- 1. the amendments to the current Corporate Enforcement Policy attached in Appendix 2 be approved**
- 2. the amended Corporate Enforcement Policy be approved**
- 3. the Director of Environmental and Regulatory Services be authorised to make amendments to the adopted Policy as required to reflect changes in legislation or guidance and codes of practice where a full review of the Policy is not warranted.**

12. CHELTENHAM LEISURE AND CULTURE TRUST - INTENTION TO AWARD CONTRACT AND UPDATE ON ADMITTANCE TO LOCAL GOVERNMENT PENSIONS SCHEME AND ON TUPE

The Cabinet Member Sport and Culture introduced the report and explained that when the market testing and commissioning review had been undertaken it was deemed important to ensure that the market was aware that the contract for the provision of leisure and cultural services had been awarded to Cheltenham Leisure and Culture Trust in order to give those who had been unsuccessful the opportunity to challenge.

She also highlighted that staff would be transferred from the Council to Cheltenham LCT under the Transfer of Undertaking (Protection of Employment) legislation and that Cheltenham LCT had been admitted to the Local Government Pension Scheme (LGPS).

RESOLVED THAT it be noted that

- 1. the Council will award a contract to Cheltenham Leisure and Culture Trust (Cheltenham LCT) from 1 October 2014 to operate the following council services:**

- Leisure@
- Prince of Wales Stadium
- Town Hall
- Pittville Pump Room
- The Wilson (Cheltenham Art Gallery and Museum)
- Tourism service and the Tourist Information Centre
- Sport, Play and Healthy Lifestyles

2. the intention to transfer staff, as appropriate, from the Council to Cheltenham LCT under the Transfer of Undertaking (Protection of Employment) legislation and that consultation with staff will be initiated.
3. Cheltenham LCT will be admitted to the Local Government Pension Scheme (LGPS).
4. the Council will act as guarantor for LGPS liabilities arising from those staff who transfer to Cheltenham LCT.

13. INTER AUTHORITY AGREEMENT JOINT WASTE COMMITTEE

The Leader of the Council introduced the report and reminded members that Cheltenham, Cotswold, Forest of Dean and Gloucestershire County Council established a Joint Waste Committee from 1 April 2013. Tewkesbury Borough Council had now agreed to join which was welcomed. Tewkesbury already shared the depot with CBC and other arrangements were in place and it was hoped that this would lead them to join Ubico which would improve the management of collecting waste in the area. He paid tribute to the former Cabinet Member Sustainability, Councillor Whyborn, who had contributed to the work of the GJWC.

Members welcomed the positive news.

RESOLVED THAT

1. Tewkesbury's decision to join the Gloucestershire Joint Waste Committee be welcomed
2. it be noted that the Deputy Chief Executive, in consultation with the s151 officer and Borough Solicitor will update and reissue the Inter Authority Agreement (IAA)

14. BRIEFING FROM CABINET MEMBERS

The Leader made reference to the briefing note attached to the agenda relating to the LGA Corporate Peer Challenge which would take place in September upon request of CBC. This would give the Council an opportunity to take a view on how effective it is in identifying and tackling the big issues and challenges that affect the borough. It would be a three day process and all members were invited to be involved. He highlighted that the team would include both a Liberal Democrat and Conservative Council Leader.

The Leader also referred to the briefing note on business support which explained that the small business advice service had been extended for 12 months. He explained that there would also be an opportunity in the future via the growth hub which formed part of the Gloucestershire Economic Plan.

The Leader then made reference to the table circulated at the meeting detailing the external bodies deemed to form part of the Cabinet members' role and explained that at July Cabinet the formal appointment of outside bodies would be approved.

Finally the Leader updated Members on the JCS. Since the pre-submission had been approved by the three councils in April an issue had arisen with the Stroud local plan where the housing requirement cited in the document was deemed to be too low and a review was therefore being undertaken. Secondly there had been an update in population statistics which now projected a reduced estimate of the increase in population with most of the reduction being in the projected birth rate. This would have little impact on the projected housing numbers in Cheltenham and Gloucester but a sizeable reduction of 5.2 % in projected household requirement in Tewkesbury which would require further consideration.

In terms of the impact this would have on the JCS there would be a review of significant changes prior to pre-submission to the Secretary of State.

15. DECISIONS OF CABINET MEMBERS

The Leader informed that he had taken two decisions since the last meeting of Cabinet. Both related to ordinary resolutions as Shareholder of Ubico, firstly the approval of the Ubico Business Plan and secondly approving that an increase equivalent to the NJC award is applied to the Managing Director's salary for 2014-15 and for subsequent years.

16. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS RESOLVED THAT

In accordance with Section 100A(4)Local Government Act 1972 the public be excluded from the meeting for the remaining 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 paragraph 3, 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)

17. EXEMPT MINUTES

The exempt minutes of the meeting held on 15 April 2014 were approved and signed as a correct record.

18. DISABLED ADAPTATIONS AND EXTENSION TO 23 ENNERDALE RD

The Leader introduced the report in the absence of the Cabinet Member Housing. He explained that this was an immediate and local problem which needed to be resolved. He informed Members that the proposed appropriation

of Open Space land had been advertised in accordance with section 122 of the Local Government Act 1972 and no objections had been received.

Members agreed that this was a sensible solution to a pressing problem.

RESOLVED THAT

The recommendations be approved.

Chairman