

## Cabinet

**Tuesday, 16th September, 2014**  
**6.00 - 7.15 pm**

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

## Minutes

### 1. APOLOGIES

None.

The Leader of the Council took the opportunity to welcome members of the LGA Peer Review Team who were in attendance.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF THE LAST MEETING

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

### 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

There were no questions or petitions.

### 5. THE CHELTENHAM TRUST-CONTRACT AWARD

The Cabinet Member Healthy Lifestyles introduced the report which followed on from the update report presented to Cabinet in June recommending it note the intention to award a contract to The Cheltenham Trust from 1 October 2014. She highlighted that the project was not solely focussed on achieving savings for the Council but concerned protecting those important services which contributed to the delivery of the Council's corporate objectives.

The Cabinet Member explained that the contract would be for a period of 10 years which could be extended for an extra five and this linked to the Leases which were for 15 years with a break clause at 10 years. The management fee would be payable to the Cheltenham trust as set out in paragraph 8.1.6 of the report. In terms of net annual savings the Cabinet Member explained that these were £125k in 2014/15, £407k in 15/16 rising to £833k by 2018/19. These had exceeded original estimates as the Shadow Trust had developed its business

plan. The business plan had been through the Council's due diligence process and the detail of this was set out in section 12 of the report.

The Cabinet Member highlighted that this would be an outcomes based contract with three high level target outcomes as follows : 1. People in Cheltenham lead healthier, fulfilling and active lives; 2. People in Cheltenham are inspired to take part and gain valuable skills and experiences; 3. Cheltenham is seen as a world class place to live, work, study and visit. She noted that whilst the Trust was expected to deliver against the specification the Council did not intend to dictate how this was achieved. The draft heads of terms for support services were also outlined in the report and the Trust had considered its requirements in this respect and these were set out in section 7 of the report. In terms of performance management monitoring the Cabinet Member highlighted that informal strategic meetings with herself as Cabinet member, the Leader, the Chief Executive and Chair of Trustees had already taken place. It was important that these opportunities were built on with the independent body in delivering the future of these services for the people of Cheltenham and in her view partnership working was a crucial path to follow.

In summing up the Cabinet Member paid tribute to the commitment and enthusiasm of the Shadow Trust and thanked them and other officers involved in this project for their work.

Members recognised the efforts that had been made in realising this project and particular thanks were given to the Deputy Chief Executive, the Director Resources, the Project Manager and Legal and Property Services. The Trust would be taking over a very strong team of enterprising managers and a diverse board of Trustees. The Cabinet Member Finance highlighted the continuing commitment to work with the Trust particularly on the strategic approach to investment. Finally, the Leader informed the meeting that the Trust was still awaiting confirmation from the Charity Commission that The Cheltenham Trust had been registered as a charitable body. He paid tribute to the positive progress which had been made and wished the Trust all the very best in its work.

## **RESOLVED THAT**

### **1. Subject to The Cheltenham Trust being registered as a charity by the Charities Commission before 1 October 2014,**

#### **1.1 It be agreed that the following services will be undertaken by The Cheltenham Trust, or where relevant its trading subsidiary, Cheltenham Leisure and Culture Limited:**

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

**1.2 the proposed management fee, and the arrangements for varying it, as set out in sections 8.1 and 8.2 of this report be approved.**

**1.3 Authority be delegated to the Deputy Chief Executive, in consultation with the Cabinet Member for Healthy Lifestyles, S151 Officer and Borough Solicitor to finalise and complete the contract, leases, licences and all other relevant contracts and legal documentation as necessary to enable the Trust to commence business from 1 October 2014.**

**1.4 Authority be delegated to the Deputy Chief Executive, in consultation with the Cabinet Member for Healthy Lifestyles, S151 Officer and Borough Solicitor for the Council to enter into a service level contract with The Cheltenham Trust for the provision of property services as outlined in section 5.4.3 of this report.**

**2. in the event of The Cheltenham Trust not being registered as a charity before 1 October 2014, or another critical issue preventing the transfer of services by that date that**

**2.1 authority be delegated to the Deputy Chief Executive, in consultation with the Cabinet Member for Healthy Lifestyles, the Cabinet Member for Finance, S151 Officer and Borough Solicitor for the Council to complete the transfer, if all impediments are removed, at any date up to and including 1 November 2014.**

**2.2 In the event that services are not transferred in accordance with recommendation 2.1 that a further report be brought to the Cabinet meeting on 11 November 2014.**

**3 It be noted that The Cheltenham Trust has been granted Admitted Body status to the Local Government Pension Scheme and that, as previously advised to Cabinet in the June report, this Council will be liable for any pension deficit on former employees of the Council who transfer to the Trust.**

## **6. ASSET MANAGEMENT PLAN AND CAPITAL STRATEGY-UPDATE**

The Cabinet Member Finance introduced the report which outlined the progress made in developing the Council's Asset Management Plan and Capital Strategy and made some initial proposals at this stage. He reminded members that the Council had recently benefited from a significant capital receipt as a result of the sale of North Place and Portland Street car parks and the Asset Management Plan and Capital Strategy would propose how these receipts would be used and set a continuing framework for capital investment.

The Cabinet Member Finance explained that there was a robust system for evaluating capital bids and establishing priorities which involved scoring against the Council's corporate objectives. It was also important to look at the return on investment as it was important that the project delivered in terms of the revenue budget. He reported that the Budget Scrutiny Working Group and Asset Management Working Group were being consulted in terms of refining the capital programme. It was also important to note the leisure and culture capital budget and the council would work with the Trust to get a view.

The Cabinet Member Finance reported that there were a number of significant workstreams that had yet to be concluded such as the accommodation strategy, Boots corner public realm, the car parking strategy and the investment in the cemetery and crematorium and so the capital investment/capital allocation required to deliver them had yet to be finalised. However, it was intended that the following projects were brought to Council for approval-High Street public realm improvement, car park investment and replacement of the Town Hall chairs.

The Leader added that it was important that the council supported those projects which were good for the town and many of the projects involved working with the county council in funding terms.

## **RESOLVED THAT**

**Council be recommended to approve:**

- 1. The principles on which the new Asset Management Plan and Capital Strategy will be based and the methodology for prioritising capital projects, as outlined in sections 2 and 3 below.**
- 2. the funding of the projects outlined in paragraphs 4.2 to 4.4 below, totalling £891,700, to be funded from capital receipts.**

## **7. UPDATE ON CBC/CBH CONSULTATION AND PROPOSALS TO UPDATE THE CBH ARTICLES OF ASSOCIATION**

The Leader introduced the report which updated members on the CBC/CBH consultation and proposals to update the CBH Articles of Association. He explained that there were three key areas which were consulted upon which were as follows :

- Extension of the management agreement to 30 years
- CBH Board size and composition-reduce the number of Board members and appoint future Board members based on the skills needed to meet the growth of CBH (this included reducing the number of Councillors from 5 to a minimum of 2).
- Development of the new CBH Business plan and services for the future which CBH might undertake

The Leader reported that the proposals had received positive feedback. Of current work programmes tackling anti-social behaviour had most support. Those consulted felt that repairs were undertaken to a good level and the priority for new projects should now be new affordable housing. The Leader explained that the report was in his name rather than the Cabinet Member Housing as he represented the shareholder interest and as the proposal concerned the articles of the company it was his role to request permission. In terms of the specific management agreement the details would be presented to Cabinet in December 2014.

The Cabinet Member Housing paid tribute to CBH and in particular to the Chair of the CBH Board for his contributions in taking the organisation forward. The additional services provided by CBH were really important to the tenants in the town. His comments were reiterated by other members who were confident in the service that CBH provided for tenants and the wider community in the town. Since self-financing had been introduced CBH had demonstrated that it was possible to invest in housing in progressive and innovative ways.

The Leader thanked the CBH board, past and present for its valuable work.

#### **RESOLVED THAT**

- 1. the outcome of the stakeholder consultation process be noted**
- 2. the Leader be authorised to take a decision, by way of a written resolution, to make the necessary amendments to the CBH Articles of Association and any subsequent amendments required by the HCA following CBH's Board meeting on 24 September 2014.**
- 3. A further report to agree the proposed variations to the CBH Management Agreement is brought back to Cabinet for approval in December.**

#### **8. LOCAL COUNCIL TAX SUPPORT SCHEME**

The Cabinet Member Finance introduced the report which sought approval to keep the Local Council Tax Support Scheme (LCTS) unchanged for 2015/16 and 2016/17. He explained that in 2013/14 the Council received approximately 90 % of the cost of the previous year's national council tax benefit scheme. CBC had been working closely with other local authorities in the county and adopted the LCTS and whilst the aspiration had been to agree a permanent scheme this was not possible at this stage due to delays in welfare reforms and policy changes arising from a general election in May 2015.

Members agreed that continuing the present scheme for a further two years was a sensible way forward.

The Leader reminded Cabinet that this report would be recommended to Council for approval.

#### **RESOLVED THAT**

**Council be recommended to keep the Local Council Tax Support scheme unchanged for 2015/16 and 2016/17, other than the annual uprating of premiums, allowances, non-dependant deductions and any changes to the national pension age scheme that need to be reflected in the local working age scheme.**

#### **9. POLICY ON SEXUAL ENTERTAINMENT VENUES**

The Cabinet Member Development and Safety introduced the report which provided feedback on public consultation which had taken place on whether it was appropriate for the Council to limit the number of Sexual Entertainment Venues (SEVs) it should licence in the borough. This consultation was in response to concerns raised at the granting of an SEV licence in the town centre which attracted significant local opposition. He reported that the outcome of the response was a preferred zero limit of SEVs in the defined areas which were consulted upon. The Cabinet Member Development and Safety also reminded members that a petition had been debated at Council in July.

He explained that the recommendation for Council to now consider within the context of the amended policy would be that each application be considered on a case by case basis in the central shopping area. Accordingly the appropriate number of SEVs for outside of the central area was nil. In his view this would reduce to a minimum the impact on residential areas. Licensing Committee had been consulted on the appropriate boundary. The Cabinet Member highlighted that any applicant for an SEV in the central shopping area would be reminded of the restrictions outlined in the policy in terms of properties with sensitive uses or in sensitive locations.

A member commented on discussions held at the recent Licensing Committee in terms of failing to acknowledge the risk in licensing SEVs and in so doing damaging the reputation of an area. Other members believed that the recommended approach was sensible.

#### **RESOLVED THAT**

- 1. the consultation feedback be noted**
- 2. the amendments to the policy as outlined in the draft policy attached at appendix 4 (and to include the redefinition of the central area as the central shopping area as shown in the map at appendix 4) be approved; and**
- 3. Council be recommended to adopt the amended policy**

#### **10. FOOD SAFETY DELIVERY PLAN**

The Cabinet Member Development and Safety introduced the report and explained that the Food Safety Service Plan was an annual operational plan giving details of how Cheltenham was going to execute its statutory food safety functions within the Public Protection service under the Director of Environmental and Regulatory Services. He reported that there had been little change but highlighted that the following targets applied for the percentage of interventions achieved for 2014-15:

- 100% of unrated new food premises inspected within 28 days of registration/opening
- Inspect 100% of Category A premises due for intervention
- Inspect 100% of Category B premises due for intervention
- Inspect 96 % of Category C premises due for intervention

- Inspect 94% of Category D and E premises due for intervention

The Cabinet member stated that Cheltenham could be confident that the Food Safety Plan was fit for purpose in order to maintain food safety in the town.

**RESOLVED THAT**

**the Food Safety service plan for 2014-15 be approved**

**11. HEALTH AND SAFETY DELIVERY PLAN**

The Cabinet Member Development and Safety introduced the report and explained that this was an annual plan detailing how Cheltenham was going to undertake its statutory health and safety regulatory functions. The targets had been met in 2013-14 and gave those in the town confidence that the Council was fulfilling the necessary statutory function to maintain safety in the town.

**RESOLVED THAT**

**the Health and Safety Delivery plan for 2014-15 be approved**

**12. SCRUTINY TASK GROUP REVIEW - CEMETERY AND CREMATORIUM**

The Cabinet Member Clean and Green Environment introduced the report which had been deferred from the June meeting of Cabinet. He once again thanked the Scrutiny task group for its report which was most valuable and he accepted the recommendations. In response to the concern raised in the scrutiny report that staff were “out on a limb” he confirmed that he would be meeting the team on a regular basis.

The Cabinet Member referred to the briefing note attached to the Cabinet papers. Lessons had been learned but there remained ongoing operational issues and he assured members that he was doing all he could to address these concerns and focus on the future.

He took the opportunity to update members on the tender process and reported that the advert for expressions of interests closed on Friday 12 September and 13 applications had been received. A shortlisting process was now underway and the draft tender brief would be finalised. As the Cabinet member responsible he was keen to see the tender brief and sign it. He had made a commitment to the working group and would also give them an opportunity to be involved in the sign off process. He anticipated that this process would be completed at the end of the week of 20 September. Thereafter there would be an invitation to tender on 8 October and on 31 October an evaluation and shortlisting process, with interviews anticipated between 3 and 7 November. Consultants would be appointed on 17 November.

The Leader of the Council thanked the scrutiny task group for its work and highlighted the recommendation to Cabinet to create a Cabinet member steering group to consider a longer term solution for the service, which included members of the Scrutiny Task Group.

**RESOLVED THAT**

1. **the officer response and comments in relation to the recommendations of the Cemetery & Crematorium Scrutiny Task Group, as set out within Appendix 2 be noted**
2. **the creation of a Cabinet Member Steering Group to consider a longer term solution for the Cemetery and Crematorium service, including members of the Scrutiny Task Group, to help ensure effective implementation be approved.**

**13. MIXED PLASTICS BRING BANK RECYCLING**

The Cabinet Member Clean and Green Environment introduced the report which provided an update on the mixed rigid plastic recycling trial at the 12 larger bring sites in Cheltenham. He explained that the 12 week trial had been a success and the recommendation was to implement this as a permanent recycling service enhancement and to close the 4 smaller infrequently used recycling sites.

Members welcomed the progress which had been made and in the future hoped that the service could be enhanced further.

**RESOLVED THAT**

**the implementation of permanent mixed rigid plastic recycling at the 12 strategic bring sites used in the trial, as supported by the business case, listed in paragraph 1.5 of this report be approved and to approve the closure of the 4 smaller sites listed in paragraph 1.7 of this report.**

**14. UBICO-TERMS FOR NEW JOINERS AND CHANGES TO GOVERNANCE ARRANGEMENTS**

The Leader introduced the report which set out the proposals for governance of Ubico including decision making at Board meetings and the financial terms for new joiners to the company.

The Leader explained that it was proposed that the articles would be amended as appropriate for practical reasons. He reported that all of those matters reserved for approval by shareholders were to be decided on a majority vote with some requiring a majority of not less than 75 %. The proposals also laid out the agreed cost of joining Ubico and this aspect of the proposals could not be delayed as 2 other councils were due to make a decision on joining in the next month. He stated that it was proposed that authority be delegated to the Director Resources, in consultation with himself to finalise and complete the Ubico Articles of Association and Shareholder Agreement on terms approved by the Borough Solicitor.

The Leader then made particular reference to the role of scrutiny in this process. He explained that the complication in the process was that there were two bodies, both Ubico and the Joint Waste Committee (which comprised 5 councils) with the latter looking strategically at waste collection. The Cabinet Member Clean and Green Environment managed the service level agreement and the Leader took decisions relating to the company. The Leader reported that it was custom and practice for Cheltenham to have a member observer on the board of Ubico, this however was not stipulated in the Articles. In terms of feedback from the recent scrutiny meeting it was accepted by all members that

having observers from each partner on the Ubico Board would become impractical with the addition of new partners going forward. However, scrutiny members were reluctant to sever any link between the Board and elected representatives and suggested that two members representing all partner authorities could be a satisfactory compromise. The Ubico board had offered briefing meetings to a broader group of members as an alternative way to improve scrutiny.

The Cabinet Member Clean and Green Environment acknowledged that there needed to be meaningful scrutiny but it was important to investigate how this could be best achieved. To that end the Leader suggested that an additional recommendation be proposed stating that a further review be undertaken by the Leader with regard to the informal member observer role at Ubico Board meetings. Members agreed with this approach.

#### **RESOLVED THAT**

- 1. the Leader be authorised to take a decision, by way of a written resolution, to amend the Ubico Articles of Association and the Shareholder Agreement, based on the terms outlined in section 2 of the report and detailed at Appendix 2.**
- 2. authority be delegated to the Director of Resources, in consultation with the Leader, to finalise and complete the Ubico Articles of Association and Shareholder Agreement on terms approved by the Borough Solicitor.**
- 3. the founder compensation payment of £45,333 to the founder councils for each new joiner to Ubico be approved, as set out in section 4 of the report.**
- 4. A further review is undertaken by the Leader with regard to the informal member observer role at Ubico Board meetings**

#### **15. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Development and Safety made reference to the briefing note attached to the Cabinet papers relating to Rickshaws. He reported that the Taxi and Private Hire Services draft bill was not included in the Queen's speech and would therefore not be considered until after the next general election.

The Cabinet Member Healthy Lifestyles reported that the Wilson had hosted its first exhibition "Meet Rex" which had been highly successful. Since its opening on 5 October 2013 the Wilson had received 207 031 visitors compared to the 75 000 average number of visitors the Art Gallery and Museum had previously attracted.

The Cabinet Member also reported that the Sport and Play Development team had hosted 9000 children on their school summer activity programme during the summer holidays at 16 different venues across the town. She also highlighted that the Town Hall team had recently organised a successful Guinness book of world records attempt for the number of people involved in a jazz jive street dance.

The Cabinet Member Finance stated that the first phase of the refurbishment of the war memorial was now complete. Stakeholders had recently met to discuss Phase 2 which was a more ambitious project. A wide number of organisations and individuals were involved to help with fundraising for this project. He reported that the project team was working well and a conservator was due to be appointed to look at the programme of action for fundraising.

The Leader reported that the Gloucestershire Economic Growth Joint Committee had held its first meeting on Friday. Its role was to support the strategic economic plan of the Local Economic Plan. The Leader of Gloucestershire County Council was the chair with the Leader of CBC Vice Chair. The committee would shortly be appointing a new post which would be funded from the Gloucestershire business rates pooling scheme. He reported that a paper had been submitted to the group on the business rates pool and each Council was requested to look using its share of the pool to fund economic growth, in Cheltenham's case this was in the region of £154k for 2014/15.

**16. DECISIONS TAKEN BY CABINET MEMBERS SINCE THE LAST MEETING**

The Cabinet Member Finance reported that he had taken a decision on 22 July to enter into a contract with Winning Moves to allow images of council owned properties to be used in the Cheltenham Edition of Monopoly.

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

**18. EXEMPT MINUTES**

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

**Chairman**