

## Cabinet

**Tuesday, 6th December, 2016**  
**6.00 - 7.25 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), Flo Clucas (Cabinet Member Healthy Lifestyles), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety) and Roger Whyborn (Cabinet Member Corporate Services)
<b>Also in attendance:</b>	Councillor Matt Babbage

## Minutes

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meetings held on 28 October and 8 November were approved and signed as a correct record.

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

<b>1.</b>	<b>Question from Mr Adrian Kingsbury to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Cheltenham Local Plan – Preferred Options – West Cheltenham  The plan as presented to the Cabinet shows little definition of the plans for the area known as West Cheltenham, other than to refer back to the JCS and reference strategic allocation. There is considerable local opposition to the JCS as currently drafted, so would it be preferable for the Local Plan to utilise the preliminary JCS position of the land remaining safe-guarded until 2031, thus allowing a likely smoother route to local acceptance and be representative of the local resident's requirements?
	<b>Response from Cabinet Member</b>
	The Cheltenham Plan draft mapping shows shading at West Cheltenham to reflect the JCS as it was agreed by Council on October the 18 <sup>th</sup> 2016 for main modifications consultation. The Cheltenham Plan in this case is just reflecting the current state of play in the JCS document.

	<p>The separate Main Modifications consultation on the Joint Core Strategy scheduled for early 2017 will provide an opportunity for local people to make representations on that Plan. The JCS consultation is the right place to make representations concerning West Cheltenham, as it is that document, rather than the Cheltenham Plan, which will determine the status of the site. All consultation responses made as part of the JCS consultation will be provided in full to the JCS Inspector, who has said that she will hold hearings on this in the New Year to allow respondents to attend.</p>
<b>2.</b>	<p><b>Question from Mr Adrian Kingsbury to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>Can the Cabinet please explain/clarify how the JCS, Local and Neighbourhood plans integrate, and what would be the status of the Local Plan should the JCS not be adopted?</p>
	<p><b>Response from Cabinet Member</b></p> <p>The JCS provides the higher level or strategic part of the development plan for the Gloucester, Cheltenham and Tewkesbury area. More detailed; locally-specific planning policies are set out in the Cheltenham Plan (also sometimes referred to as the 'local plan') including local allocations of land for development and policies to guide decisions on planning applications.</p> <p>Neighbourhood Plans can be produced by Parishes and other designated communities. They must be in general conformity to the strategic policies in the JCS and the Cheltenham Plan.</p> <p>The Cheltenham Plan is being developed alongside the JCS for adoption shortly after it. If the JCS were not to progress, further consultation would need to be undertaken to make significant changes to the Draft Cheltenham Plan in order to address the elements of plan making currently covered by the JCS. These changes would not reduce the need to develop sufficient sites to meet our housing and economic requirements and would also mean continuing to work with Tewkesbury and Gloucester Councils as well as others through the duty to cooperate.</p> <p>In a supplementary question Mr Kingsbury asked whether the Local Plan was subject to the same process as the Joint Core Strategy and if this was not the case whether the economic forecasts could be revised.</p> <p>In response the Cabinet Member Development and Safety was hopeful that the current problems with the Joint Core Strategy could be resolved. In the unlikely event that this did not happen he said the Cheltenham Plan would need to be changed to incorporate the Cheltenham elements of the core strategy. He emphasised that there was the assumption that the joint development growth figures would not change. The Leader confirmed that the approval of the Cheltenham Plan was a separate process but identical in nature.</p>

## 5. LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2017/18

The Cabinet Member Finance introduced the report and explained that in April

2013 the government gave the council 90 % of the cost of the previous year's scheme, nationally set the pension age scheme that the authority had to administer and gave the local authority the responsibility of creating its own working age scheme each year as long as it complied with certain conditions, such as protecting the vulnerable and not to disadvantage those in work. To generate additional income to fund the 10 % shortfall in grant the council reduced the council tax discounts on empty properties and second homes. She reported that in 2014 the government left it entirely up to the local council to decide how much to spend on council tax support, however they still set the pension age scheme nationally so any savings could only be made from the working age scheme. Since 2013 the number of people claiming council tax support had reduced by 10 % and the amount awarded had also reduced. This was mainly due to welfare cuts in working age benefits, the changes in pension age and until 2016/17 a freeze in council tax charge.

The Cabinet Member Finance stated that the universal credit live date for all new claims in Cheltenham had been delayed until 2018 and a new benefit cap came into effect on 7 November 2016 with a new limit on child premiums due to be introduced in April 2017 which would restrict the maximum child premium additions to two children for new claims or breaks in benefit.

Members commented that they were pleased the council was still funding those "just about managing" despite no specific support provided to local authorities from Government.

## **RESOLVED THAT**

**Council keep the working age council tax support scheme unchanged for 2017/18, other than any annual uprating of premiums, allowances and non-dependant deductions.**

### **6. TREASURY MID-TERM REPORT 2016/17**

The Cabinet Member Finance introduced the report and explained that the Treasury Management Strategy for 2016/17 had been determined by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2009 (revised 2011), which included the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year. The Code also recommended that members were informed of Treasury Management activities at least twice a year. The report therefore ensured that the authority had adopted the code and complied with its requirements.

The Cabinet Member Finance highlighted that part of the treasury management operations ensured that cashflow was adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return. The second main function of the treasury management was the funding of the Council's capital plans. She also highlighted that the outturn position was above budget due to good rates. The report would be forwarded to Council.

## **RESOLVED THAT**

**the contents of the summary report of the treasury management activity during the first six months of 2016/17 be noted.**

### **7. APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM BY THE WEST CHELTENHAM NEIGHBOURHOOD FORUM**

The Cabinet Member Development and Safety introduced the report and explained that Cheltenham Borough Council had a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans (NDP). The Localism Act 2011 sets out the Local Planning Authority's (LPA) responsibilities including designating Neighbourhood Plan Areas by inserting provisions into the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

An application to designate a neighbourhood plan area and designate the West Cheltenham Neighbourhood Forum as the neighbourhood forum for that area has been received. This application has been assessed against the requirements set out in the legislation and is considered to meet the requirements to enable designation of the neighbourhood area and of the neighbourhood forum. The Council's Neighbourhood Planning Protocol has been used to guide officers in assessing the application (see Appendix 6).

Approval of this application enables the West Cheltenham Neighbourhood Forum to prepare a NDP for the area covered by the designation.

The Cabinet Member Development and Safety said that ordinarily there would be no issue in terms of the area of designation illustrated in Appendix of the report. However, due to the delay in the Joint Core Strategy (JCS), the area included undeveloped land in the West of Cheltenham which had been earmarked as housing and employment land. He therefore had concerns at approving the application in this format at this time. Other Members commented that due to the lateness of the inclusion of West Cheltenham in the JCS local residents had been focussing their efforts on this and had missed the consultation. They also highlighted the importance of having a dialogue with Tewkesbury Borough Council on this issue. The Leader wished to highlight that the council was supportive of the neighbourhood planning process, but due to the complexities of where the boundary should be drawn clarity was sought as to the councils legal obligations in making the proposed decisions.

The Senior Planning Policy Officer was invited to address Cabinet to clarify the process. with reference to National Planning Practice Guidance (PPG) "Neighbourhood Planning he explained that this item was the consideration of 1. The West Cheltenham Neighbourhood Forum, and 2. The West Cheltenham Neighbourhood Area, which were separate decisions. He stated that it was possible to agree the neighbourhood area and make a separate decision on its boundaries. A neighbourhood forum could put forward the neighbourhood area that they considered appropriate for neighbourhood planning; this does not have to follow administrative boundaries, but in this case it does.

When asked whether it was possible that the neighbourhood area boundary could follow the strategic allocation i.e. cross into Tewkesbury Borough the Senior Planning Policy Officer said that this was possible providing this was agreed by Tewkesbury Borough, in dialogue with any relevant Parish.

Where a neighbourhood area was proposed that crossed the administrative boundaries of two or more local planning authorities, the authorities were encouraged to agree a lead authority to handle neighbourhood planning in a particular neighbourhood area.

In terms of rules concerning designation the Borough must designate a neighbourhood area if it received a valid application

In certain circumstances, the local planning authority must designate all of the area applied for. These circumstances were where a parish council applied for the whole of their parish to be designated or where the time limit for determining the application had not been met.

The Senior Planning Policy Officer said Cabinet must decide on this quickly, because if the time period was not met then the whole area applied for must be designated. The time period expired on the 14<sup>th</sup> of December.

In other cases the local planning authority should take into account the relevant body's statement explaining why the area applied for was considered appropriate to be designated as such.

However, since this application was being considered in the time limit, Cheltenham Borough could refuse to designate the area applied for if it considered the area was not appropriate. Where it does so, the local planning authority must give published reasons, which should be based on the reasons given in PPG.

The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

The key things to be considered in relation to deciding the boundaries of a neighbourhood area were as follows :

- village or settlement boundaries, which could reflect areas of planned expansion
- the physical appearance or characteristics of the neighbourhood

Other comments made included the following :

If the area between the Principal Urban Area and the Borough Boundary is not designated, then the Neighbourhood Forum is unlikely to have as direct a say in the spending of CIL money if the strategic allocation at West Cheltenham is developed

It was the Officer's view that the application met the validation criteria for a neighbourhood forum.

The Director Planning suggested that the decision was deferred to the next meeting of Cabinet (Tuesday 13<sup>th</sup> of December) so that the application was not out of time, and to allow for a dialogue to take place between CBC and TBC on the issue and the relevant TBC parish.

**Members supported this proposal.**

## **RESOLVED THAT**

**The decision be deferred until the 13 December Cabinet meeting.**

### **8. CHELTENHAM PLAN PART 1 : PREFERRED OPTIONS**

The Cabinet Member Development and Safety introduced the report and explained that all local authorities were under a statutory obligation to prepare a development plan. Cheltenham Borough Council had chosen to do this through the preparation of two main development plan documents; the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the Cheltenham Plan. Together the two plans would provide the planning framework for the Borough until 2031, along with Gloucestershire minerals and waste plans and any neighbourhood plans made.

He explained that work to progress the development of the Cheltenham Plan had been underway since 2012. In summer 2013 consultation took place on the scope of the plan, the Council published the plan's draft vision and objectives in February 2014 and consultation on Issues and Options took place in summer of 2015.

The Cabinet Member explained that the Cheltenham Plan project initiation document was agreed by the Planning and Liaison Member Working Group on the 15<sup>th</sup> of October 2014 and updated on 26<sup>th</sup> of July 2016. It set the direction and timetable for development for the subsequent phases of the plan which would be delivered in sections called 'parts'. The first part of the Cheltenham Plan to be developed would deal primarily with policy relating to the development and protection of land for residential and employment use; the designation 'Local Green Space' for some green areas in Cheltenham; and the setting out of an economic strategy for the Borough.

This consultation document formed the 'Preferred Options' stage of part one. The results of the previous Issues and Options consultation have helped the Council to narrow down the alternatives available in meeting the Plan's strategy. Having considered the relevant evidence, including sustainability appraisal and the findings of the ongoing JCS process, the Plan had become more focussed than before and clear spatial priorities have emerged.

The Cabinet Member went on to explain that this Preferred Options consultation was 'non-statutory' in that it was an additional stage that was being undertaken and could have been omitted prior to producing and undertaking statutory (regulation 19) consultation on the version to be submitted to examination (that is the Pre-Submission version). The council, however, believed that community engagement was an essential part of plan preparation. This

consultation would allow respondents to have their say on specific options whilst also allowing the Council enough time to take feedback into account before the plan reached its Pre-Submission version.

The Cabinet Member outlined the subheadings of the document as follows : Vision and Objectives, The Economy, The Economic Strategy of the Plan, Local Green Space, Development Proposals, Amendments to the Principal Urban Area, Permitted Development Rights and the Use of Article 4 Directions, Conservation Area Review 2016-18. He referred Members to the Preferred Options Proposals Map in the Plan.

The Cabinet Member believed that this was a coherent strategy to guide the development of the town for years to come. It sat below the JCS which would be consulted on at the start of February at the same time as the Plan.

The Leader believed that it was sensible to synchronise the Plan with the JCS and the publication of this Plan gave the public a head start in terms of being able to read it before the formal consultation.

A Member was keen for residents in the West of Cheltenham to have their say on the JCS. Equal access to the JCS process was vital. Another Member was pleased that the Local Green Space in Swindon Village had been secured in the Local Plan.

#### **RESOLVED THAT**

- 1. That the Cheltenham Plan Part 1, Preferred Options document set out in Appendix 2, be approved for public consultation.**
- 2. authority be delegated to the Director of Planning, in consultation with the Cabinet Member Development and Safety, to make any minor amendments to the document prior to consultation.**

#### **9. GREEN WASTE CHARGES**

The Cabinet Member Clean and Green Environment introduced the report and explained that the Authority's garden waste collection service began in February 2011 and since 31 March 2013 the number of garden waste bins collected under the scheme had seen a gross increase of around 1, 500 bins/year. Retention rates have remained high at around 95 %, reflecting general satisfaction with the service; with the result that net take-up has been between 800-1000 bins/year. The actual total number of bins collected had increased to 16 189 as at 30 September 2016.

He went on to explain that since February 2011 the charge for collecting garden waste had increased only twice; from £36/year to £37/year in February 2014, and from £37/year to £38/year in February 2015. The Authority was now proposing to increase the charge from £38 to £42 a year which was the same level Tewkesbury Borough Council charged. He was aware of the financial challenges faced by the council and highlighted that if there was any additional income generation this would be applied to overall cost of improving the service.

## **RESOLVED THAT**

1. the garden waste collection charge be increased from £38/year to £42/year.
2. the prompt payment discount be increased from £2 to £3 for households renewing their subscription ahead of their annual renewal date.
3. the spring offer discount be increased from £2 to £3 for new customers who subscribe to the garden waste collection service during the period 1st February 2017 to 31st May 2017.

## **10. WASTE AND RECYCLING SERVICE REDESIGN AND ROUTES OPTIMISATION**

The Cabinet Member Clean and Green Environment introduced the report and said that much work had been undertaken to plan, review and improve the fleet for recycling and plan and redesign the waste and recycling service. Two large scale consultations had taken place in collaboration with the Echo. The fleet was due to be renewed next year and a plan was in place to do that. He referred to the large scale consultation exercise which had taken place and which had received more than 3000 responses and which provided a clear steer as to the way forward for waste collection. He reported that 60 % of those who responded were in favour of retaining the existing fortnightly landfill collections and recycling with 20 % in favour of 3 weekly collection and 20 % in favour of comingled recycling collections. The report therefore recommended Option 2a for implementation in 2017.

The Cabinet was committed to maintaining the existing level of recycling and would now be extending it to include heavy cardboard and mixed plastics. In terms of route utilisation the Cabinet Member stated that there had been a number of large scale property developments during the last five years which had increased total property numbers and diluted the efficiency of the collection service. With more developments to come he informed that a route optimisation exercise would have to be undertaken.

The Cabinet Member then stated that a cabinet member working group was proposed as an essential part of delivery of the redesigned service. The public consultation exercise had reassured Cabinet that there was a high level of satisfaction in the existing waste collection service which was largely due to the Ubico team for which he placed his thanks on record. The report would be considered by Council on 12 December.

The Leader added that the consultation was a thorough piece of work and gave the council confidence in pursuing the right option for the town. He very much supported the establishment of the cross party cabinet member working group.

## **RESOLVED THAT**

- a) **Option 2a (Option A as shown in 2<sup>nd</sup> consultation) with routes**



**optimisation be approved and a recommendation be given to Full Council for formal approval of the associated budget required for implementation**

- b) Subject to Full Council approval of the finances to support option 2a, an order be placed for new recycling collection vehicles**
- c) A Cabinet Member Working Group be set-up to oversee Phase II (implementation) of the project**
- d) the Cabinet Member in consultation with the Cabinet Member Working Group be given delegated authority to approve the additional recyclables to be collected i.e. cartons, textiles, batteries or small waste electricals (WEEE) subject to being within the new service budget**

## **11. SHOPMOBILITY COMMISSIONING**

The Cabinet Member Healthy Lifestyles introduced the report and reminded Cabinet that in September 2015 they had resolved that the Shopmobility service be put to a commissioning process, having examined the results of the consultation exercise which strongly supported continuation of the service. The report summarised the results of early market engagement regarding the service and recommended moving to procurement.

She explained that the procurement exercise would enable usage of the service to be increased which could also increase the level of spend on tourism that shopmobility brought into the town. The aim was for a 5 year decrease in the cost of the service and to make it self sustaining in the long run. The mechanism should ensure that all those who required assistance with mobility could access it.

### **RESOLVED THAT**

- 1. the procurement of the Shopmobility Service be instigated ; and**
- 2. contribution equal to the value of the net savings generated in year's 1 to 5 be made into the budget strategy (support) reserve be approved.**

## **12. ACQUISITION OF COMMUNICATIONS DATA USING THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) POLICY**

The Cabinet Member Corporate Services introduced the report and explained that a new policy and procedures document for the acquisition of communications data using the Regulation of Investigatory Powers Act 2000 (RIPA) had been drafted by the Counter Fraud Unit to provide transparency and guidance on the process.

He highlighted that a local authority may only acquire communications data for the purpose of the prevention or detection of crime or the prevention of disorder. He said that it was essential that these powers were used for the proper

purpose and in the correct way; these policies and guidance would ensure that that happened and that elected members were kept fully informed. The powers could help the council reduce illegality and reduce potential financial loss by helping to support the prevention and detection of misuse of public funds and fraud.

**RESOLVED THAT**

- 1. the new Policy and Procedures Document for the Acquisition of Communications Data using The Regulation of Investigatory Powers Act 2000 (RIPA) be approved.**
- 2. the Counter Fraud Unit be authorised to make any future amendments to the policy to reflect legislative changes, in consultation with appropriate Officers, including the Cabinet Member and Leader of the Council, and with One Legal.**

**13. COUNTER FRAUD UNIT BUSINESS CASE**

The Cabinet Member Corporate Services introduced the report which outlined that in 2014 Cheltenham Borough Council supported the successful DCLG bid to fund the set-up of a Gloucestershire wide Counter Fraud Unit tasked with preventing and detecting fraud and the misuse of public funds. He explained that feasibility work had now been undertaken and a business case and financial detail had been drafted to reflect the financial sustainability of creating a permanent Counter Fraud Unit which would serve the partner Councils across the region. The Audit Committee had considered the report at its meeting on 21 September. The proposal would generate significant financial returns and create a more resilient service.

**RESOLVED THAT**

- 1. the attached business case and supporting financial documentation be reviewed.**
- 2. this Authority's participation in the establishment of a permanent Counter Fraud Unit be approved and recommends the preferred option 3 and associated financial, governance and employment arrangements.**

**14. INVESTMENT PROPERTY PORTFOLIO**

The Cabinet Member Finance introduced the report which set out proposals to increase investment in property in response to the financial pressures to increase revenue and to stimulate and encourage business growth and sustainable development by investing in sites for economic and regeneration purposes.

She reported that an initial allocation of £10 million in the Capital Programme was proposed for approval by Council and the report detailed the criteria for investment, the typical options available, the governance, and the available

options for financing. The report also outlined the decision making process which utilized the Property Acquisition Assessment Group.

The Cabinet Member informed Members that the Asset Management Working Group (AMWG) had considered this report and gave their support. Should the report be approved by Council the group would have a key role to play on any acquisitions proposed prior to any formal decisions as set out in appendix 2 of the report.

The Council had aspirations to grow its already successful investment property portfolio with a view to generating much needed revenue support as set out in 4a of the approved Medium Term Financial Strategy.

Cheltenham was uniquely placed to grow, sustaining and growing Cheltenham's economic and cultural vitality was one of the key outcomes set out in the Corporate Strategy. The property investment strategy would aim to support this by focusing initially on investments within or in close proximity to the Borough of Cheltenham which would help secure existing or increase business rates income.

Members supported the recommendations and highlighted that it was important that wise investment were made to guarantee income for the council. Recognition was given to the building up of the council's investment portfolio to date.

**RESOLVED THAT Council be recommended :**

- 1. To allocate £1 million from unapplied capital receipts to pump-prime a property investment fund, supplemented by £9m of prudential borrowing, (i.e. total allocation of £10m) subject to using the option appraisal process at Appendix 2 and the criteria as set out in para 6.1 of this report.**
- 2. To allocate £200k from unapplied capital receipts to fund external advisers and pre-acquisition costs.**
- 3. To ring-fence a minimum of 50% of all future asset disposal proceeds to enhance the Council's land and asset portfolio.**
- 4. To authorise the Cabinet, in consultation with the Asset Management Working Group and the Chairman of the Overview and Scrutiny Committee, to approve investments in commercial property up to £5m per transaction.**

**Subject to Council approving the above Cabinet**

**RESOLVED THAT**

- (i) The Head of Property Services, in consultation with the Property Acquisition Assessment Group, be authorised to approve the appointment of advisers to assist the Council in its investment transactions.**

- (ii) Head of Property Services, in consultation with the Leader of the Council, Property Acquisition Assessment Group and other Group Leaders, be authorised to make an offer/enter into negotiations on behalf of the Council, in accordance with the Investment Property Portfolio Policy, for the purchase of suitable property or site with any such transaction being subject to completion of necessary due diligence and approval by the Cabinet and Council, depending on the acquisition value.

## 15. BRIEFING FROM CABINET MEMBERS

The Leader informed Members that the council had responded to a consultation on the parliamentary boundary affecting Cheltenham and responded by saying Springbank should remain within the Cheltenham boundary.

## 16. DECISIONS TAKEN SINCE THE LAST MEETING OF CABINET

Cabinet Member Clean and Green Environment	Contractor Preconstruction Work- Crematorium Redevelopment	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=900">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=900</a>
Cabinet Member Development and Safety	Distribution of Free Printed Material	
Cabinet Member Finance	Part Refurbishment Town Centre East Car Park	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=902">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=902</a>

## 17. 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 paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely :

**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. EXEMPT MINUTES

The exempt minutes of the Special Cabinet meeting held on 28 October were approved and signed as a correct record.

**Chairman**