

## Cabinet

**Tuesday, 7th November, 2017**  
**6.00 - 6.45 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)

## Minutes

### 1. APOLOGIES

None.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 10 October 2017 were approved and signed as a correct record.

### 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

<b>1.</b>	<b>Question from Peter Sayers to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	I understand, from Cllr B Fisher, that a TRO is being prepared to make traffic on the South side of Clarence Square one-way. There may very well be better solutions to the traffic issues of St Pauls Road/Clarence Square and any change will affect many residents. Would it not be sensible for this Council to consult with the residents of Clarence Square PRIOR to a formal TRO consultation, even if this is 'devolved' to County?
	<b>Response from Cabinet Member</b>
	For clarification traffic regulation orders are not devolved to Gloucestershire County Council; they are the highways authority and as such responsible for all matters relating to the highway.  I have sought information from colleagues at GCC and they have advised as follows. <ul style="list-style-type: none"><li>• There are no proposals to change the traffic flow in Clarence Square.</li><li>• Current state is that there is a possible solution to a perceived safety issue where the road narrows at the end of Saint Pauls Road with Clarence Road. Whilst there are no vehicular accidents</li></ul>

	<p>reported at the junction with St Pauls Road, it is on the hot spot list for Cheltenham with cycle and pedestrian injury accidents.</p> <ul style="list-style-type: none"> <li>• The idea being to prevent cars heading west from Clarence Road turning right and then left into St Pauls Road by making the short section one-way.</li> <li>• Whilst both of the roads concerned lie within Councillor Fisher's area they border with Councillor Payne (County) and Councillor Lillywhite (Borough) areas. We understand that Councillor Fisher has told St Pauls Residents Association about the idea and the requirement for a TRO. However GCC have not started a process other than informal discussions internally. GCC have spoken to both Councillors Lillywhite and Payne some time ago and it was agreed that we would set up a meeting to talk about other local residents concerns. We have as yet not done this.</li> <li>• The main concern as we understand it, seems to be that residents of Clarence Square will not be able to use St Pauls Road as a rat run to avoid the A4019.</li> <li>• In summation, initial discussions have taken place between County Council Member and highways officers regarding a possible change to traffic flow in St Pauls Road at its junction with Clarence Square and Monson Avenue. Consultation has taken place with Saint Pauls Residents Association and the next step is to talk to adjoining County and Borough Members to understand any wider issues. Once this has been done further informal and formal consultation will take place as required should a TRO be considered the most appropriate course of action”</li> </ul> <p>I trust that this clarifies the matter but should further information be required I would suggest direct contact with GCC.</p>
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**5. COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY**

The Cabinet Member Corporate Services introduced the report and related Policy which had been drafted on behalf of the Revenues and Benefits Teams within a number of the Gloucestershire Authorities and which replaced the Housing and Council Tax Benefits Sanctions Policy dated March 2010.

He explained that the Policy reflected the position following the introduction of the Council Tax Reduction Scheme (Council Tax Support) which replaced Council Tax Benefit in 2013. In addition it outlined the changes brought about by the creation of the Single Fraud Investigation Service which subsumed the council's responsibilities for investigating allegations of fraud in relation to Housing Benefit. The Policy also detailed the options available in relation to abuse of Council Tax discounts and exemptions.

The Cabinet Member explained that the fixed civil penalty of £50 would be applied where there was no evidence of fraud in terms of Housing Benefit and £70 in terms of Council Tax Support where there was no evidence of fraud. The civil penalties appeals process was laid down in section 6.25.

Members proposed that the words “coercive control” be included at paragraph 6.18 (b) to read as follows : Social factors such as domestic violence, coercive control, career or employment impact, childcare etc. This was agreed and the

officer concerned that agreeing this addition would not be a problem bearing in mind that this is a Policy shared across multiple organisations.

A Member requested that an element of judgement be exercised by officers and that the Policy be implemented on a fair and equitable basis. The Cabinet Member Corporate Services added that it was recognised that where fraud was suspected but there was not sufficient evidence to support it, or that the overpayment raised was due to negligence or error, the Policy would be sufficiently flexible in wording to enable officers to use their common sense to determine their approach.

#### **RESOLVED THAT**

- 1. the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy be approved (as amended) and adopted.**
- 2. the Chief Finance Officer be authorised to approve future minor amendments to the Policy in consultation with appropriate Officers, Cabinet Member Corporate Services and One Legal.**

#### **6. BUDGET MONITORING REPORT TO 30 SEPTEMBER 2017**

The Cabinet Member Finance introduced the report which updated Members on the council's current financial position for 2017/18 based on the monitoring exercise at the end of September 2017. The report covered the council's revenue, capital and treasury management position and identified any known significant variations (minimum £50k) to the 2017/18 original budget and areas with volatile income trends.

The Cabinet Member highlighted the following :

- the expected savings in business rates were due to less rates payable by the council of £80k for the year, which included rebates of £ 52K for rateable values backdated from prior years.
- Cemetery & crematorium surplus income was currently at £10k and was expected to increase by the year end.
- Off street car parking income to the end of September was overachieving by £91k; she explained that the target income for the first six months of the year was lower to take account of holiday periods.
- The continued use of older refuse vehicles which were becoming less efficient and incurring higher operating and maintenance costs had given rise to an additional contract charge from Ubico of approximately £120k for the half year to 30th September 2017. These costs would be mitigated by a finance lease payment due back to the council from Ubico for the same period, due to the delay in purchase of new vehicles. New vehicles were however now in operation so these additional costs would not continue in the second half of the year.
- The cost of recycling waste wood (previously met by Ubico) was not factored into the budget and was expected to cost £63,000 in 2017/18. Income from cardboard recycling had been adversely affected by a sharp fall in the value of this commodity from £97 to £67 a tonne leading to a projected loss of income of £50,000. Income from waste and recycling

continued to be monitored on a regular basis in conjunction with the Joint Waste Committee.

- Investment interest was likely to be around £22,000 in surplus against the expected budget of £385,700 for the financial year. The council invested £1m with the Local Authorities Property Fund in August this year with the aim to achieve a return circa 4%. For this financial year the council has held an average balance of £23.4m investments achieving an average rate of 0.50%.
- The housing revenue account (HRA) showed expenditure on repairs and maintenance for the year was currently forecast at £3,802,000, a reduction of £157,000 in comparison to budget. This reduction was due to a number of factors including lower demand following mild weather and ongoing improvements in working practices and procurement.
- The current forecast for capital expenditure on existing housing stock was £7,973,000, a reduction of £403,100 in comparison to budget, due to significant project variations in terms of external works and 100k reduction in the Disabled Facilities Grants. Lower expenditure was forecast as a result of lower demand and external delays to the approval of applications.
- Collection rates for this years council tax was above the target set, whilst business rates collection was slightly below the target which was being carefully monitored.

In conclusion the net effect on the general fund of the variances reported was that there was a forecast net underspend against the budget of £209k for 2017/18.

The Cabinet Member Finance highlighted that the continued impact of the changes in government funding arrangements and the economic climate presented particular concerns for the council's budgets. It was clearly important to ensure that budgets continued to be closely monitored over the coming months with a view to taking action at a future date, if necessary.

She explained that the next detailed budget monitoring was due in January 2018 which may result in further projected variances. Cabinet and Council would decide in July 2018, when the outturn was finalised, how to apply any potential further savings. However it was recommended that any underspend identified on outturn be transferred firstly to the Budget Deficit (Support) Reserve and secondly to support general balances, bearing in mind the need to keep the level of reserves robust and the uncertainty surrounding possible future budget funding gaps, as outlined in the Council's Medium Term Financial Strategy report.

Finally the Cabinet Member Finance wished to put on record her thanks to all officers for their diligence in ensuring that the council was on course for all expected services to be delivered and within budget.

#### **RESOLVED THAT**

**the contents of this report including the key projected variances to the 2017/18 budget and the expected delivery of services within budget be noted.**

**7. LEASE FOR GRANGE FIELD WALK PLAYING FIELD**

The Cabinet Member Finance introduced the report and explained that Grange Walk Playing Fields was public open space in the heart of Charlton Kings. It was located close to Beeches Playing Fields and Church Piece which had various local amenities.

Charlton Kings Parish Council would like to take a lease of Grange Walk Playing Fields for 31 years which would be co terminus with that of the Stanton Rooms. They would like to continue to use it for Public Open Space and invest in the area to integrate it more with Church Piece.

The Cabinet Member Finance proposed that a lease be offered at a peppercorn rent. The Parish would be responsible for the maintenance and up keep of the playing fields as well as the trees. Cheltenham Borough Council would maintain responsibility for emptying the litter and dog bins. The proposed vision for the benefit of the community by the Parish Council was welcomed. She added that local ward Members and Asset Management Working Group (AMWG) had been consulted and were supportive of the proposal.

The Leader added that this was good news and welcomed the close working relationship with the Parish Council and all Parish Councils in the borough.

**RESOLVED THAT**

- 1. lease of the land edged red on the attached plan be granted to Charlton Kings Parish Council for a term expiring on 17th January 2048 at nil premium and a peppercorn rent, and upon such other terms as agreed by the Head of Property and Asset Management in consultation with the Borough Solicitor**
  
- 2. the Borough Solicitor be authorised to complete the lease upon the terms negotiated by the Head of Property and Asset Management, together with such other ancillary terms and documents as is considered necessary or advisable.**

**8. DISPOSAL OF PUBLIC OPEN SPACE ( FUNCTION ROOM AT NAUNTON PARK PAVILION)**

The Cabinet Member Finance introduced the report and explained that Naunton Park Pavilion was located in public open space in a park in Leckhampton. The park was popular with the local community used by families visiting the playground, local and dog walkers.

The function room at Naunton Park Pavilion had been occupied under a license by the Friends of Naunton Park since 2013 and they have used it on an ad-hoc basis for hiring out for birthdays, arts club and youth club. They did not pay a license fee and it was predominantly shut during day time hours. The Council were responsible for all repairs. The function rooms have their own separate entrance with a separate toilet as shown on the attached plan.

The Cabinet Member explained that the Property and Asset Management team have been considering ways of maximising the council's estate, especially those assets that were intended to be retained but were under-utilised. This proposal offered an opportunity to generate additional income.

She went on to explain that in September 2017, planning permission was granted for the change of use of the function room at Naunton Pavilion to a tea room to serve the local community. Support was given unanimously by Friends of Naunton Park.

It was now proposed that the unit be marketed on a 5 year lease at a rent of £3,900 per annum. The new tenant would take on all internal repairs and pay a percentage towards the external repairs.

The Friends of Naunton Park have agreed to continue with their agreement until a suitable tenant to run a coffee shop for the local community from the pavilion could be found, Two parties had already expressed an interest in the café and it was hoped that marketing would attract additional interest.

Leasing out the space would provide the council with an annual rental income as well as an additional saving on the cost of internal repairs, which would be covered by the tenant. There was no rent currently being charged, therefore no loss of income would arise.

The Cabinet Member informed that local members and AMWG had been consulted and were fully supportive of the recommendations.

She then proposed a slight amendment to recommendation 2, that 'Ward Members' was replaced with Cabinet Member Finance. This was agreed by Members.

The Leader welcomed the proposal which was positive news for the local area.

#### **RESOLVED THAT**

- 1. It be agreed that the function room at Naunton Park Pavilion be declared surplus for a term of 5 years.**
  
- 2. Authority be delegated to the Head of Property and Asset Management, in consultation with the Borough Solicitor, to agree the terms of the lease of the function room at a rent which may be below the market rent but which the Head of Property and Asset Management in consultation with the Cabinet Member Finance and Borough Solicitor consider to represent best value.**
  
- 3. The Borough Solicitor be authorised to execute a lease upon the terms agreed by the Head of Property and Asset Management and such other terms as is considered necessary or advisable.**

#### **9. FLEXIBLE HOMELESSNESS SUPPORT GRANT**

The Cabinet Member Housing introduced the report and explained that the Homelessness Reduction Act 2017 would be implemented in April 2018 and would significantly increase the statutory duties on councils to prevent and relieve homelessness of all families and single people, regardless of priority need, who were eligible for assistance and threatened with homelessness. There was an emphasis on intervention and acting quickly to provide advice and to take action to prevent homelessness, rather than only intervening at crisis point. The duties to help prevent homelessness of non-priority applicants had also been extended. The Cabinet Member Finance also informed that on 16 October it was announced that the council would receive New Burdens funding over a 3 year period to assist with the costs of implementation and in addition the council had received flexible homelessness support grant funding, over a two year period, which could be used to support its work to prevent homelessness.

The Cabinet Member said there was a problem in that demand for the service was currently unknown, particularly in view of the introduction of universal credit but it was proposed that these funding streams were used to support the delivery of the new statutory requirements detailed within the Act, and to provide the Housing Options Service with the resources to provide a wider range of homelessness prevention options for households presenting as homeless, as detailed in Appendix 2 of the report. Included within this was funding for two fixed term posts.

The Cabinet Member took the opportunity to thank CBH for its work. He was confident that flexibility had been built in to address the demands and pressures on the service in the New Year.

Members welcomed the initiatives outlined in the report which were particularly important given the current climate. Particular concern was expressed regarding the impact of universal credit as the pilot scheme had caused real hardship with an increased number of evictions and homelessness. They believed the service would be put to the test very quickly as universal credit was introduced and monitoring the situation was vital.

Other Members remarked that there had been a significant increase in families using the food bank in their wards.

Finally, the Cabinet Member Housing confirmed that flexibility was essential and CBH was working closely with tenants and would be providing regular monitoring updates to the council of the situation. needs to be there.

The Leader added that the proposal was the best way to deploy resources at the current time and he was confident that everything was in place. Adjustments would be made as required.

## **RESOLVED THAT**

- 1. The transfer of the New Burdens Funding and Flexible Homelessness Support Grant to Cheltenham Borough Homes' Housing Options Service be approved.**
- 2. It be noted that the indicative expenditures detailed within**

**Appendix 2 of the report may need to be flexible, depending upon demands of the service. The Lead Commissioner – Housing Services & Waste, in consultation with the Cabinet Member Housing be authorised to make any changes to these spending plans.**

**3. It be noted that should it be required for back-office Housing Options staff to be relocated elsewhere, under more flexible working arrangements, as a result of the recruitment of two new posts, then any new location arrangements will be agreed in writing between CBH and the Lead Commissioner – Housing Services & Waste, in consultation with Cabinet Member Housing.**

## **10. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Healthy Lifestyles requested an update from the Leader with regard to discussions at Overview and Scrutiny with regard to Accident and Emergency Services at Cheltenham.

The Leader referred to the suggestion at the meeting that an all member seminar be held to which the Chair of the NHS Trust would be invited to respond to questions from Members for them to gain a broader understanding of the issues.

The Cabinet Member Healthy Lifestyles suggested that Members submit questions to the Trust in advance of the seminar to give them time to respond fully. As it was not simply a Cheltenham problem and would have a wider impact across the county she also proposed that after the seminar the Gloucestershire Health and Care Overview and Scrutiny Committee be asked to reopen its work on A&E services in the county.

The Cabinet Member Healthy Lifestyles referred to meetings that had taken place with the Everyman Theatre with regard to commemorating the end of WW1 in 2018. The Everyman would be holding commemorative events and this presented opportunities as a town to involve a greater number of people including involving others who did not have access to such commemorative events. The council would also engage with Gottingen and Annecy to see if they would participate. She would ask the Managing Director Place and Economic Development to meet with the Everyman, the BID and the Chamber of Commerce, the Tourism Partnership and CBH on how to take this forward. This would include working with the Royal British Legion, SAFA, the Guides and Scouts as well as the Holst museum and other charities. She welcomed the fact that the media department from the University of Gloucestershire would be involved and they were proposing to project a film display on the front of the Municipal Offices. This would all be an opportunity for Cheltenham to engage with stakeholders and to ensure as a town that events were commemorated in a way that was fitting.

The Cabinet Member Development and Safety reminded Members of the 20s plenty consultation which was underway until 4 December and urged the public to submit their views.



The Cabinet Member Clean and Green Environment referred to the launch of the new recycling service which had had a positive start with very few complaints. He wished to put on record his thanks to residents for adapting so well to the new scheme and to both the customer services team and Ubico teams on the ground for their contributions.

He then made reference to the work which had commenced on the cemetery and crematorium which had received a positive response from local people. The work so far was to a high standard with minimum disruption and engagement was ongoing with local residents. The access route would be completed towards the end of the year and building would commence shortly afterwards.

**11. 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**

**12. EXEMPT MINUTES  
RESOLVED THAT**

**The exempt minutes of the meeting held on 10 October 2017 be approved and signed as a correct record.**

**Chairman**