

Council

**Monday, 11th October, 2010
2.30 to 3.40 pm**

Attendees	
Councillors:	Anne Regan (Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Barbara Driver, Bernard Fisher, Wendy Flynn, Rob Garnham, Penny Hall, Colin Hay, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Paul Massey, Helena McCloskey, Andrew McKinlay, Heather McLain, John Rawson, Diggory Seacome, Malcolm Stennett, Charles Stewart, Klara Sudbury, Lloyd Surgenor, Jo Teakle, Pat Thornton, Jon Walklett, John Webster, Paul Wheeldon, Simon Wheeler and Roger Whyborn
Also in attendance:	

Minutes

1. PRAYERS

Reverend Maz Allen opened the meeting with a prayer.

The Mayor asked those present to stand for a minutes silence as a mark of respect for the sad passing of Councillor John Morris.

2. APOLOGIES

Apologies were received from Councillors Cooper, Fletcher, Godwin, MacDonald, P McLain and Smith.

3. DECLARATIONS OF INTEREST

Councillor Stennett declared a personal and prejudicial interest in agenda item 9 as a director of Gloucestershire Airport and announced his intention to leave the meeting for that item.

4. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 26 July 2010 be agreed and signed as an accurate record.

5. PUBLIC QUESTIONS

None received.

6. COMMUNICATIONS BY THE MAYOR

The Mayor commended the work of the Street Pastors who provided a night-time service for young people. She had joined them recently on their rounds when they had talked to young people on the streets and answered their questions. They all gave their time on a voluntary basis till four in the morning and the town was very lucky to have such a dedicated group of church leaders.

7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader advised of a number of Liberal Democrat changes to membership of committees. Councillor Stewart would be joining the Licensing Committee, Councillor Fisher the Audit Committee and Councillor R.Hay would become a substitute on the Environment O&S Committee. Further announcements would be made following the by-election results at the end of October.

Regarding the Joint Core Strategy, he welcomed the government proposals for more local input to local plan issues. That should provide more opportunities for local decisions on where housing should be built and not built in the area. There would be a full consultation on the localism bill.

He thanked officers and members who had assisted in the budget consultation during the summer months. It had been very useful for increasing public understanding of the functions which the council performed and collecting their views on their relative priorities. In view of the recent media comments he wished to put on record his thanks to the Mayor who he considered was doing an excellent job. Any comments made should not be taken as a criticism of the work of either the current Mayor or past Mayors.

All members had been circulated copies of the responses from the county council and Wales and West Utilities regarding the Tatchley Junction and compensation for the Tewkesbury Road traders discussed at the last council meeting.

He noted the successful launch of the Literature Festival where ticket sales were exceeding expectations.

Regarding the Cheltenham Festival of Performing Arts, he advised members that the petition had been withdrawn following an agreement between the council and the festival. In parallel to discussions regarding the renewal of the service level agreement, the festival had agreed to make a contribution to the council for their hire of the town hall at a level which was sustainable for their organisation.

8. MEMBER QUESTIONS

None received.

9. AIRPORT RUNWAY SAFETY PROJECT UPDATE

The Leader introduced the report as circulated with the agenda. The report explained that in December 2009 the Council had agreed the business case for the airport and had agreed to facilitate £1.2 million of the borrowing required from the PWLB for onward lending to the airport to fund the runway safety project. Since this date the project costs had increased and the project implementation period has been shortened in line with recommendations of the project manager. The business case financial projections have been revised and an additional temporary borrowing facility of £350,000 was being requested from both Cheltenham Borough Council and Gloucester City Council as joint shareholders of the airport. Gloucester City Council had already agreed to support the additional funding on 1 September 2010.

The Treasury Management Panel had approved the necessary changes to the Treasury Management Policy to facilitate the loan at their meeting on 14 September 2010. The report had also been considered by the Economy and Business Overview and Scrutiny Committee at their meeting on 20 September and Cabinet on 21 September who were now recommending the report to Council.

A member referred to paragraph 3.7 of the report and asked why a safety officer was only being appointed now. The Leader advised that this was an operational matter for the airport and he could request a response from them if this was deemed necessary.

A member asked whether it was agreed in writing that there would be no cost to the council from the loan, whether a bank would have been more cautious before offering a loan and what recourse did the council have if the Bridging the Gap monitoring referred to in paragraph 8.2 raised concerns.

The Leader advised that the legal side of the process had been carefully planned to minimise the risk in any transfer of funds. He reminded members that the Council would still maintain control of the assets under the proposed loan. There was a minimal risk to the council that the airport would not be able to pay the loan back and he had confidence in the business plan which accommodated all the repayments. Regarding the Bridging the Gap monitoring, this was important in ensuring that the council received improved future dividends from the airport. As shareholders, they would have the option to sell their shareholding at any point in the future. Council also appointed three directors to the airport board and although the airport was clearly an independent company, it would be possible for the Council to give some direction and they would have the power to review the airport accounts. He confirmed that any decision to sell the shareholding would be made by Council but that the airport was part of his portfolio as Leader

RESOLVED that the additional temporary borrowing facility of £350K (maximum) to support the implementation of the Runway Safety Project be approved and that the Treasury Management Policy be amended accordingly.

Voting: unanimous

10. GO SHARED SERVICES PROGRAMME

The Cabinet Member Corporate Services introduced the report as circulated with the agenda. The report informed members of the progress of the GO programme and the final business case and sought approval to progress the programme and commence the implementation phase. .

He explained that the report had been considered by the Economy and Business Improvement Overview and Scrutiny Committee at their meeting on 20 September 2010. He confirmed that since the report had been prepared the Forest of Dean District Council had signed up to the Programme. He referred in particular to the agreement for CBC to become the Support and Hosting Centre of Excellence and he felt that the work by officers in achieving this should be recognised. He also mentioned the suggestion which had been made that the County Council system should be considered. He confirmed that an

investigation had been carried out but the costs were not competitive with the system being recommended.

A member asked whether the estimated savings were conservative and what flexibility was there for taking on more partners in future. He noted that it would also require a big cultural change and would there be a strict regime to ensure compliance in the full use of the system without which the full benefits may not be achieved.

The Cabinet Member acknowledged that the figures were cautious in that they identified immediate savings, for example the current four system administrators could be reduced to one. Other savings had not been included at this point e.g. the opportunity for a single banking contract or combined procurement. It would be possible for other partners to join at a later date however they would have to pay a joining fee to cover their proportion of the development and implementation costs.

A member asked whether there would be a general deterioration in service as a result of the new system, particularly in responding to queries from members and the public.

The Cabinet Member advised that the introduction of system would provide a more resilient workforce. There would be more flexible working in the future but members and the public should still be able to get answers to questions within a reasonable timescale. He encouraged the member concerned to raise this with the appropriate managers if they felt this was not the case.

A member asked if there were penalty clauses to deter the remaining partners from leaving the partnership.

The Cabinet Member was confident that each of the four partners were making an upfront investment so this shouldn't be a major problem. The system had also been procured on the basis of four partners.

RESOLVED THAT:

- 1. A contribution of £100,000 to support the financing of the implementation of the ERP from the Housing Revenue Account, as outlined at paragraphs 5.2 and 5.3 be approved.**
- 2. The residual financing of circa £93,000 required to support the financing of the implementation of the ERP through a virement of the money set aside to fund the councils sourcing strategy as outlined in paragraph 5.4 be approved.**

Voting: unanimous

11. REGULATION OF COSMETIC PIERCING AND SKIN COLOURING BUSINESSES

The Cabinet Member Housing and Safety introduced the report as circulated with the agenda. He explained that there was a requirement to update the

regulation of skin piercing activities within the Borough to include semi permanent skin colouring and all cosmetic piercing.

A member commented that the fees seemed quite low and asked whether they were sufficient to cover the cost of monitoring such businesses.

The Environmental Health Manager advised that the fees were set at a sufficient level to cover the cost of administration and were reviewed on an annual basis.

A member was concerned that the new byelaws could cause some confusion with the Asian community who have traditionally used henna as a skin dye for their wedding ceremonies. As this did not involve piercing the skin it would not be affected by these bylaws.

The Cabinet Member Housing and Safety confirmed that these communities would not be affected. She was happy to consider how this could be communicated and suggested that this could be done through voluntary organisations.

RESOLVED THAT:

- 1. The byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis be adopted and sealed by the Council as set out in Appendix 2 to the report.**
- 2. The Borough Solicitor and Monitoring Officer be authorised to take all of the necessary steps in connection with the making of those byelaws including the affixing of the common seal to the byelaws, giving public notice and applying to the Secretary of State for Health for their confirmation**
- 3. Subject to the confirmation of the proposed new byelaws, the existing byelaws relating to acupuncture, tattooing, ear-piercing and electrolysis made by the Council on 6 March 1986 and confirmed by the Secretary of State for Health on 27 June 1986, be revoked.**

Voting: unanimous

12. REGULATION OF LAP DANCING AND OTHER SEXUAL ENTERTAINMENT VENUES

The Cabinet Member Housing and Safety introduced the report as circulated with the agenda. The Council were being asked to consider the adoption of the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which have been amended by virtue of Section 27 of the Policing and Crime Act 2009. The amended provisions introduce an adoptive Licensing regime for "sexual entertainment venues". Adoption of the above will enable the Council to properly regulate this type of entertainment in the public interest.

In response to a question from a member it was confirmed that the delegation referred to in recommendation 3 would be to the full Licensing Committee and

not to a subcommittee.

A member was concerned that the council was reducing the number of enforcement officers and new rules would have no effect if they were not enforced.

The Cabinet Member Housing and Safety stressed that if the council did not adopt the amended provisions of the act, there was a risk that the council could not effectively regulate such establishments under the existing legislation available.

The Chair of the Licensing Committee, Councillor Diggory Seacome, confirmed that the amended provisions would give the council much greater control. He reminded members that there was only one licensed sexual entertainment venue currently in the town and the council had been able to control this with only one recorded incident in the four years it had been operating. The new regulations would also prevent the use of temporary event notices for lap dancing establishments which had been a particular problem during Race Week.

RESOLVED THAT:

- 1. The amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 be adopted with effect from 1st December 2010.**
- 2. Authority be delegated to the Assistant Director of Operations to carry out the necessary advertising requirements to comply with section 2 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).**
- 3. The power to grant, renew, vary or transfer licences under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be delegated to the Licensing Committee and/or Officers in line with any Policy subsequently adopted by the Licensing Committee.**
- 4. The draft Sexual Entertainment Venue Policy Statement be approved for the purposes of consultation.**

Voting: unanimous

13. TO RECEIVE MOTIONS

None received.

14. TO RECEIVE PETITIONS

A petition was submitted by Councillor Driver regarding the Imperial Gardens Flowerbeds requesting that

“We the undersigned are strongly opposed to the proposal that flowerbeds in Imperial Gardens should be removed to make way for more sponsors’ tents for Cheltenham Festivals.”

The Mayor accepted the petition on behalf of the Council.

15. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND REQUIRES A DECISION

16. REVIEW OF COUNCIL CONSTITUTION

The Cabinet Member Corporate Services introduced the report which had been circulated with the agenda. The report set out the changes in circumstances which had occurred since March 2010 when it was envisaged by the Council that the Constitution would be comprehensively reviewed to include any changes arising from the implementation of the approved Action Plans. A revised timescale was now being put forward for Council approval. The Constitution Working Group would report to Council in December 2010 in respect of the requirements of the approved Council Action Plans as originally intended.

A member urged his fellow councillors to give their feedback on the constitution when requested and suggested that more thought should be given as to how this could be done.

Councillor Massey, as vice-chair of the Audit Committee reminded members that the Audit Committee had a role in monitoring the Action Plan arising from the recommendations in the KPMG report. He was confident that the proposed approach would satisfy these governance requirements and the rest of the review could be delayed.

RESOLVED that the current position on the comprehensive review of the Constitution be noted and the revised timetable be approved.

Voting: unanimous

Anne Regan
Chairman