

## Council

**Monday, 21st July, 2014**  
**2.35 - 4.38 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Simon Wheeler (Chair), Matt Babbage, Paul Baker, Flo Clucas, Chris Mason, Dan Murch, Chris Nelson, John Payne, Max Wilkinson, Wendy Flynn, Andrew Chard, Garth Barnes, Nigel Britter, Chris Coleman, Bernard Fisher, Jacky Fletcher, Colin Hay, Tim Harman, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew McKinlay, John Rawson, Anne Regan, Rob Reid, Chris Ryder, Diggory Seacome, Malcolm Stennett, Pat Thornton, Jon Walklett, Andrew Wall and Roger Whyborn

## Minutes

### 1. APOLOGIES

Councillors Sudbury, Smith, Lillywhite, McCloskey, Williams, Lansley and Prince had given their apologies.

Councillor Seacome had advised that he would be a little late and arrived at 3:00pm.

### 2. DECLARATIONS OF INTEREST

Councillor C. Hay declared an interest in agenda item 12 (Financial Outturn 2013/14 and quarterly budget monitoring report to end of May) as a CBH Board Member, should discussion arise on the HRA or CBH.

Councillor Malcolm Stennett declared an interest in agenda item 12 (Financial Outturn 2013/14 and quarterly budget monitoring report to end of May) as a Director of Gloucestershire Airport, should discussion arise on the Airport.

Councillor Jacky Fletcher declared an interest in agenda item 12 (Financial Outturn 2013/14 and quarterly budget monitoring report to end of May) as a Director of Gloucestershire Airport, should discussion arise on the Airport.

### 3. MINUTES OF THE LAST MEETING

The minutes of the last meeting had been circulated with the agenda.

The Leader highlighted that the Cabinet portfolio titles were incorrect. This would be amended and the minutes republished.

Upon a vote it was unanimously

**RESOLVED that the minutes, as amended, of the meeting held on the 2 June 2014 be agreed and signed as an accurate record.**

**4. COMMUNICATIONS BY THE MAYOR**

The Mayor welcomed newly elected Councillor Paul Baker and paid thanks to the outgoing member, Councillor Penny Hall, for all of her excellent work during her time as a borough councillor.

He took the opportunity to commend all of those involved in the recent Twinning visit to mark the centenary of the outbreak of the First World War. The weekend had been very successful.

**5. PRESENTATION TO NEWLY APPOINTED HONORARY ALDERMEN**

The Mayor presented former Councillors Rob Garnham and Les Godwin with a scroll to mark their election as Honorary Aldermen of the Borough, in recognition of their eminent services as members of Cheltenham Borough Council.

**6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

The Leader of the Council welcomed recently elected Councillor Paul Baker back to the chamber, some 22 years since he had last held a seat. He thanked Councillor Penny Hall for the major contributions she had made in her time as a Councillor and wished her luck for the future.

The Leader had recently attended the Local Government Association (LGA) conference. Following the publication "rewiring public services", the LGA had published "Investing in our nation's future: the first 100 days of the next government", which was available on the LGA website and a copy of which would be placed in the Members' room.

The Communities and Local Government (CLG) Committee on the National Planning Policy Framework (NPPF) had visited Cheltenham as part of the review, which the Leader felt was significant. The visit had been good for the CLG Committee and useful for the Council. He thanked those that had arranged the visit.

**7. PUBLIC QUESTIONS**

No public questions had been received.

**8. MEMBER QUESTIONS**

The following responses were given to the 6 member questions that had been received;

<b>1.</b>	<b>Question from Councillor Regan to the Leader, Councillor Steve Jordan</b>
	Will the Leader say if any consideration is being given to reducing the

	<p>salaries of Cabinet Members owing to the reduction in responsibility of duties with the amount of arm's length and commissioning etc? Does the Leader recognise the savings to Cheltenham taxpayers if Cabinet Member's salaries were reduced from the £16k + per annum they are allowed at this time? Will this be reflected in the next budget round?</p>
	<p><b>Response from the Leader, Councillor Steve Jordan</b></p>
	<p>Cabinet Members have not had a reduction in duties as their responsibilities exist regardless of how council services are provided. If anything the workload of Cabinet Members has been increasing as a result of the different means of providing services and the reduction in senior management posts at Cheltenham Borough Council.</p> <p>As Councillor Regan will recall Cabinet Members did take a voluntary 5% cut in their Special Responsibility Allowance in 2011 reducing it to £12,930 and it has been frozen at that level ever since. Any general issues relating to the level of Special Responsibility Allowances should be dealt with by the independent panel set up for that purpose.</p> <p>In a supplementary question, Councillor Regan asked how the Leader monitored how effective Cabinet members were at holding outsourced activity to account and whether he would be introducing a performance pay system?</p> <p>In response to the supplementary question, the Leader said that he had regular discussions with Cabinet Members about areas they are responsible for but there was also a role for scrutiny in monitoring performance of council services.</p>
<b>2.</b>	<p><b>Question from Councillor Regan to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b></p>
	<p>Due to the increase in fly tipping (this has been recently reported in the local news) will the member for Environmental issues consider giving the brown garden waste bins to those on a lower income at a considerably reduced rate? This will use up the many hundreds of bins standing idle at the depot and thus increase the recycling momentum.</p>
	<p><b>Response from Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b></p>
	<p>Contrary to what has been reported about fly-tipping across Gloucestershire, Cheltenham Borough Council actually saw a drop in the number of reported incidents from 407 in 2012/13 to 400 in 2013/14.</p> <p>Officers from the public protection team, customer relations, private sector housing, Ubico and the Joint Waste Team have been working closely to target areas across the town, and particularly within St. Pauls, which are experiencing environmental problems, which includes fly-tipping. It is hoped that this initiative will further decrease the numbers of fly-tipping incidents going forwards.</p> <p>In respect of the Brown Bins scheme, we have seen a further increase in take up by local residents and we hope that that trend will continue. As of 30th June 2012, there were 11,867 customers. As of 30th June 2013,</p>

	<p>there were 13,199 customers. As of 30th June 2014, there were 14,209 customers.</p> <p>There are no current plans to introduce a reduced fee based on the financial position of customers. There is however a reduced fee available for those customers renewing early.</p> <p>There was no supplementary question.</p>
<b>3.</b>	<b>Question from Councillor Harman to Cabinet Member Corporate Services, Councillor Jon Walklett.</b>
	Can the Cabinet Member update Council on the continuing problems with the Municipal Offices Door Entry System and the steps that are being taken to resolve the situation?
	<b>Response from Cabinet Member Corporate Services, Councillor Jon Walklett</b>
	<p>Earlier this year there was a failure of an electronic switch that controls entry depending on access rights programmed into swipe cards. This Issue was resolved with the purchase of a new switch. These cannot be held in stock as the supplier only provides replacements on an exchange basis, the exchange took 2 weeks and then the IT program controlling access to areas of the building had to be reprogrammed.</p> <p>In addition the PSN security risk assessment identified the need to replace the existing swipe cards to enable a new approach to controlling access. A phased approach for the issuing of new cards to CBC members and employees, Police, Partner organisations is underway but the process was delayed/disrupted because of the failure of the electronic switch. It is anticipated that all new cards will be issued and old cards cancelled by August.</p> <p>In the event of further failures of the system a series of manual digital locks have been fitted to key doors which would be utilised should the problem continue over a lengthy period.</p> <p>There was no supplementary question.</p>
<b>4.</b>	<b>Question from Councillor Harman to Cabinet Member Corporate Services, Councillor Jon Walklett</b>
	Individual Electoral Registration makes fundamental changes to the way in which Voters can register. Noting the Guide for Members and the other steps being taken by the Council and the Government to make people aware of the changes can he inform Council of any specific steps he is taking to inform existing Postal or Proxy voters that in some circumstances they may have to provide additional information to retain their Postal or Proxy vote?
	<b>Response from Cabinet Member Corporate Services, Councillor Jon Walklett</b>
	Existing postal or proxy voters who could not be confirmed when checked against government records will receive a letter along with an invitation to register. The letter will inform them that they currently have a postal or proxy vote and in order to retain the postal or proxy vote they will need to

	<p>provide the requested information. Any electors who do not respond to the invitation will lose their postal or proxy vote on publication of the register on 1 December 2014. These electors will be written to notifying them that they no longer have a postal or proxy vote because they have not registered individually. At the same time they will be encouraged to register individually by providing them with an invitation to register and a new application for a postal or proxy vote. The Electoral Registration webpage will also contain this information.</p> <p>In a supplementary question, Councillor Harman asked that in light of next year's general election, what local campaign would back national campaigns, if any?</p> <p>The Cabinet Member Corporate Services assured members that additional measures were being considered, including specifically targeting those living in student and residential accommodation.</p>
<b>5.</b>	<b>Question from Councillor Babbage to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>Given that recycling bank 'bring sites' are an efficient and low cost route for recycling, would the Cabinet Member reconsider the decision to close some of the town's recycling bank sites, including QEII playing fields in Battledown, and instead investigate expanding the range of materials accepted at these limited facilities to cover a similar range to other sites across town, including paper, cardboard and plastics where not available, to help boost the level of recycling."</p>
	<b>Response from Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>The recommendation to close down the QEII recycling bring site, along with those at the St. Marks and Hesters Way Community Centre, the Sandford Lido and the Prince of Wales stadium (which was temporarily removed last year following safety concerns), was made because these sites were underperforming and offering little contribution to the overall recycling performance.</p> <p>In addition, there was continually wasted time in having the skip vehicles and drivers check the locations periodically and not have anything to collect.</p> <p>As part of the planning process for the mixed plastics trial, it was concluded that because of the finite working time available for the 2 skip crews, this wasted capacity could be better used to empty the mixed plastics banks at the larger sites more frequently, based on the assumption that the likely uptake would increase.</p> <p>If mixed plastic recycling at the larger sites remains as a permanent service enhancement following completion of the trial, then this gained time from not visiting these four smaller sites will continue to be needed for that purpose.</p> <p>The Joint Waste Team has an action within the 2014/15 action plan to</p>

	<p>review the recycling bring site provisions in Cheltenham following the completion of the mixed plastics trial, with a view to maximising the numbers of materials available at the most popular sites.</p> <p>Even taking away these four small sites, Cheltenham has a very good spread of recycling bring site facilities available to residents living across the Borough. Twelve sites across the town will remain together with the Recycling Centre at Swindon Road. The full list, together with a link to a map showing the locations, is available on the Borough Council website.</p> <p>In his supplementary question, Councillor Babbage queried how performance of the sites was measured and how this was quantifiable.</p> <p>Cabinet Member Clean and Green reiterated that the four sites that had been closed were considered to be underperforming as they were often next to empty. It was considered sensible to close these sites and introduce more frequent emptying of larger sites, offering mixed plastics recycling. The mixed plastics trial would be under continued review and it was important to note that there were many alternatives for residents where the local bring sites had been closed, including the Swindon Road site.</p>
<b>6.</b>	<b>Question from Councillor Smith to the Leader, Councillor Steve Jordan</b>
	<p>4 years ago, KPMG produced a public interest report following the conclusion of the Laird case.</p> <p>Can the Leader confirm that all of the recommendations were implemented and are still in place today?</p>
	<b>Response from the Leader, Councillor Steve Jordan</b>
	<p>As you will recall the council considered the 26 recommendations at an Extraordinary Meeting of Council on 23 March 2010, and approved a list of 49 actions to be taken forward. Monitoring the implementation of the recommendations was given to the Audit Committee and they considered progress reports at their meetings in June 2010, September 2010, January 2011 and March 2011. At their meeting on 21 September 2011 they concluded that they were satisfied that all specified actions had been fully addressed.</p> <p>It is inevitable that four years later, processes put in place at the time will have been updated and amended, as governance and risk arrangements have been improved. I think it would be appropriate for the audit committee to review the current situation and I have asked officers to prepare a report for consideration by the committee.</p> <p>There was no supplementary question.</p>

**9. CHANGES TO APPOINTMENTS TO COMMITTEES FOLLOWING THE ELECTION FOR CHARLTON PARK WARD**

The Chief Executive, Andrew North, introduced the report which explained that following the election of Councillor Paul Baker (Liberal Democrat) as the member for Charlton Park Ward replacing former Councillor Penny Hall (Conservative) at the election on the 3 July 2014 there had been a slight change to the political balance of the Council which had required some adjustment in order to maintain political balance on each committee and across all the committees as a whole. The report set out the decisions required by Council in a table. It was also suggested that the Planning Committee be reduced from 15 to 14 to support the political balance overall.

Councillor Regan proposed Councillor Jacky Fletcher as vice-chair of Planning Committee.

The Leader advised the following for the Liberal Democrats:

- Councillor Paul Baker had replaced Councillor Wheeler on the Planning Committee who would now be a substitute.
- Councillor Paul Baker was nominated for the Appointments and Remuneration Committee

The Conservatives had advised the following nominations:

- Councillor Smith as substitute on the JNC Appeals Committee
- Councillor Wall to stand down from the JNC Disciplinary committee
- Councillor Harman to be a substitute on Licensing Committee
- Councillor Regan to be a substitute on O&S Committee

The PABs had advised that Councillor Lillywhite was nominated to join the JNC Disciplinary Committee with Councillor Stennett as a substitute. It was noted that this was a change to the current composition of the committee but would ensure that there was cross-party representation.

Upon a vote it was unanimously

**RESOLVED that**

- i) the amendments to the membership of the committees as set out in the table and with the additional nominations presented at the meeting be approved**
- ii) Councillor Jacky Fletcher be appointed as vice-chair of Planning Committee**

**10. PETITION CALLING FOR ZERO LIMIT ON SEXUAL ENTERTAINMENT VENUES IN CHELTENHAM**

The Mayor referred members to the process for dealing with petitions at Council which had been circulated with the agenda. Before he invited the petition organiser to address Council, the Borough Solicitor and Monitoring Officer offered clarification as to the decision making process in relation to this issue. She advised that Cabinet would consider a recommendation in September and make onward recommendations to Council in October.

As petition organiser, Captain Steve Smith, presented the petition;

*“We the undersigned, petition the Council to;*

- *Issue no further Sexual Entertainment Licenses (SEVs) in Cheltenham*
- *Note our objection to the granting of a license to operate a permanent lap dancing club in the former Voodoo Lounge on the Bath Road*
- *Note that we want our town to be free of sexual entertainment venues, such as lap and pole dancing clubs and therefore set a NIL Policy for SEVs in the future.”*

A copy of his statement was circulated to members and is attached at Appendix 1.

In his statement, he reminded members that there had been an unprecedented number of objections to granting the licence referred to in the petition. The Licensing Committee appeared to have granted the licence based on their understanding that there was no evidence to support the concerns of the objectors. These centred on the risk that sexually charged males coming out of the lap dancing club would be more likely to commit sexual assaults in the vicinity. The committee had been specifically advised at the meeting that there was no such evidence. In his view this was untrue and a lot of scientific research had been done, mainly in London, which clearly showed that such incidents would increase. On that basis he urged members to support the petition.

In response to a query from a member of the Licensing Committee, the Borough Solicitor and Monitoring Officer confirmed that members of the committee were permitted and entitled to participate in the debate as they were entitled to represent their views in all parts of the democratic process.

Louis Krog, Business and Support Team Leader, gave the following answers to questions from members relating to the covering report;

- It was the activity itself that was licensable under the policy and as such the policy was gender neutral.
- Should a zero tolerance policy be adopted, there will be a presumption against the grant of the renewal, at the point at which any existing licences were up for renewal. It was important that members understood that the Licensing Committee had powers of discretion to deviate from any such policy and/or advice.
- Despite having an application granted in February 2014, the sexual entertainment venue on Bath Road, now known as Fantasy, had only been open for a few weeks. Having spoken to the Police Licensing Officer, he had reported that there had only been one incident during this time which related to crime and disorder.
- A statutory exemption exists whereby any premises can offer sexual entertainment provided it lasts no longer than 24 consecutive hours and is not more frequent than one 24 hour period per month for 11 months a year. In order to take advantage of the statutory exemption, premises requires a Temporary Events Notice, to cover the entertainment aspects. Any zero limit policy would have no bearing on this.



The Cabinet Member Development and Safety thanked the petition organisers for raising an issue that he was aware, posed concerns to residents across the town. He believed that the recommendation that the matter be referred to Cabinet and form part of their consideration of the matter in September was the only appropriate course of action which could be taken at this stage. He did not consider it to be sensible for the council to take a policy decision at this time, without giving due consideration to the views of a range of people including the Licensing Committee, Police, residents that did not sign the petition, etc. He was confident that consideration of all these views would enable Council to make the right decision in October.

Members who did not support the call for a zero limit did so because they felt that, unlike TEN's, licensing of such venues, afforded the council with a certain amount of control. Some of these members included members of the Licensing Committee which had granted the application to licence a sexual entertainment venue in December 2013. They confirmed that in licensing this venue they had been able to delay opening from 8pm to 10pm and stipulate 'no advertising'. There was a suggestion from a member that a proportionate response to any risk could be to set a zero limit within certain/residential areas.

One Member voiced his concern that a zero limit would contravene the Licensing objectives which state that an application cannot be refused on moral grounds.

Members who supported the petition did so, on grounds of safety. They felt that there was research and evidence available that indicated that such venues posed a credible risk to the safety of women and that this was sufficient justification for a zero limit policy. They argued that a zero limit would offer ultimate control of the issue.

Another member thought that the issue was not about one particular club but the attitude of mind to sexual exploitation of those working at the club as well as the increased risks to females in the vicinity. It could also lead to a higher incidence of access to online pornography. The safest thing members could do to protect both men, women and children in Cheltenham was to have a zero limit. Without this there was a risk that Cheltenham could become a hub and draw people into the town with the sole purpose of visiting such establishments. They urged the Cabinet member to gather all the research evidence before making a decision.

Upon a vote it was unanimously

**RESOLVED that the matter be referred to Cabinet for further consideration.**

#### **11. FINANCIAL OUTTURN 2013/14 AND QUARTERLY BUDGET MONITORING REPORT TO END MAY 2014**

The Cabinet Member for Finance introduced the report as circulated with the agenda. A copy of his introduction is attached (Appendix 2) and key points included;

- There was a £490k under spend which equated to less than 1% of the Council's gross annual budget. This was the result of the continued efforts of council staff to deliver services as efficiently and cost-effectively as possible.
- It was being proposed that £100k should be used to speed up delivery of the five year programme of investment in ICT infrastructure.
- £97k would be held back to strengthen reserves.
- £100k of new money would be put towards the restoration of the war memorial in the Promenade. Work on the first phase would start on the 21 July as paving and lighting are renewed.
- A number of budget allocations were being carried forward where projects overlapped or where there had been unavoidable delays.
- There had been a significant reduction in short term borrowing which had cut costs.
- Tabled, were £30million worth of capital programme projects that members and officers had proposed, of which £18m required funding.
- On a like for like basis the council had lost roughly £4.2million of Government funding since 2009/10, with the expectation of a further 15.3% cut next year (approx £835k).
- Part of the budget saving will be used to fund a major review of Regulatory and Environmental services with the aim of cutting costs.
- A review to determine the costs of the One Legal shared service was planned of whether these could be reduced and/or revenue increased.
- Looking at the possibility of setting up a solar farm on council land.
- Exploring the option of setting up a joint company with a number of other councils in order to reduce overheads.

The Cabinet Member Finance gave the following responses to questions from members;

- The £10k for Christmas lights that the member had referred to was simply a carry forward sum which would be used to replace/improve existing lights rather than the total display budget.
- There were robust measures in place to address the revenue overspend at the Art Gallery and Museum. The Cabinet Member Finance was happy to provide a written response outlining the specific measures. The Cabinet Member Healthy Lifestyles confirmed that fundraising would bridge the £31k funding shortfall in relation to capital funding but she was not in a position to divulge any more information than this at this stage.
- Restoration of the St. Peter's Church memorial had been delayed due to issues surrounding ownership. He was keen for these issues to be resolved and felt that this could be one of the memorial restorations in which the council provided help.

A member felt that the fact that the Cabinet Member Finance was able to report such figures deserved congratulations. He felt that the people of Cheltenham would feel reassured about the council's financial position, given the current economic climate and would welcome the mix of investment and strengthened reserves.

Upon a vote it was unanimously

**RESOLVED that Council;**

- 1. Note that services have been delivered within the revised budget for 2013/14 resulting in a saving (after carry forward requests) of £489,998.**
- 2. That furthermore:**
  - 2.1 £327,500 of carry forward requests (at Appendix 5) be approved.**
  - 2.2 The use of the budget saving of £489,998 (as detailed in Section 3) be approved.**
- 3. The annual treasury management report (at Appendix 7) be noted and the actual 2013/14 prudential and treasury indicators be approved.**
- 4. The revision to the Treasury Management policy to reflect the revised borrowing facility to support the newly created Leisure and Cultural Trust (Appendix 7) be approved.**
- 5. The capital programme outturn position (as detailed in Appendix 8) be noted and the carry forward of unspent budgets into 2014/15 (section 9) be approved.**
- 6. The position in respect of Section 106 agreements and partnership funding agreements at Appendix 10 (section 10) be noted.**
- 7. The outturn position in respect of collection rates for council tax and non-domestic rates for 2013/14 in Appendix 11 (section 11) be noted.**
- 8. The outturn position in respect of collection rates for sundry debts for 2013/14 in Appendix 12 (section 12) be noted.**
- 9. The financial outturn performance position for the Housing Revenue Account for 2013/14 in Appendices 13 to 14 (section 13) be noted.**
- 10. The power to act as accountable officer for the transformational challenge funding (as outlined in section 14) be delegated to the Section 151 Officer.**
- 11. The budget monitoring position to the end of May 2014 (section 15) be noted.**

## **12. INDEPENDENT MEMBERS ON THE AUDIT COMMITTEE**

The Cabinet Member Corporate Services, Councillor Jon Walklett introduced the report, as circulated with the agenda and referred members to an email that had been sent to all members on Friday (18 July) which contained revised recommendations. He indicated that Councillor Colin Hay was now being proposed as Chairman of the Audit Committee. He highlighted an amendment to the recommendations that had been circulated in his e-mail and iv) now proposed that the selection criteria be delegated to the Audit Committee in consultation with the Borough Solicitor and the External Auditor.

A member questioned a reference in the e-mail that the Audit Committee required a chairman with knowledge and experience of the governance arrangements. He queried whether that related to knowledge of the governance of this council in particular or whether it related to more general knowledge of governance in local government.

The Cabinet Member replied that his understanding that it was specifically related to the local governance arrangements of this council but that somebody with knowledge of governance at the county council for example could be considered

Upon a vote it was unanimously

### **RESOLVED that;**

- i. Councillor Colin Hay be appointed as Chair of the Audit Committee.**
- ii. The terms of reference of the Audit Committee be amended to allow it to appoint up to 3 co-optees as non-voting members.**
- iii. The decision to co-opt be delegated to the Audit Committee.**
- iv. Selection criteria pertaining to the appointment of independent co-optees on the Audit Committee, including any restrictions, be delegated to the Audit Committee in consultation with the Borough Solicitor and External Auditors.**
- v. The Borough Solicitor and Monitoring Officer be authorised to make the necessary changes to the Constitution, to reflect the above.**

## **13. ANNUAL SCRUTINY REPORT**

Councillor Harman, as Chair of the Overview and Scrutiny Committee, introduced the 2013-14 annual report. As the newly appointed chair of the committee, he gave thanks to former Councillor Barbara Driver and Councillor Smith who had chaired the committee in the last 12 months. He also wished to give thanks to former Councillor Rob Garnham for his excellent work in supporting the Budget Scrutiny working group and similarly to Councillor Penny Hall for her contribution to the scrutiny task group on dog fouling.

In his view scrutiny was a powerful tool which should not be political. It was his intention to operate scrutiny in a fair and balanced way and be a critical friend to Cabinet. He would very much like to engage all members in the process and he encouraged members to consider new topics for scrutiny and complete the registration form with any ideas. He acknowledged that there was a need to match scrutiny workload with resources and this would be considered at the next committee meeting when planning their workload for the rest of the year.

The Leader commended the report and considered that scrutiny was a very useful function within the council. He indicated that the Cabinet were very happy to work with scrutiny task groups to achieve better outcomes for the people of Cheltenham. He urged the O&S committee to consider what was the appropriate number of groups to be operating at any one time. Clearly there was a practical limit to avoid too many resources being drawn from other important projects in the Council's business plan. He thought the written Cabinet Briefing he provided for each meeting of the committee was helpful in highlighting items of interest to the committee which were not necessarily in the Forward Plan.

The chair of O&S responded that the regular update from Cabinet was welcomed by the committee. He acknowledged the point about limited resources and the importance of scrutiny task groups having well-defined terms of reference and not being open-ended.

The vice-chair of O&S, Councillor Colin Hay, was keen to point out that when the new arrangements were put in place, it was identified that not all scrutiny task groups needed the full support of Democratic Services. There could be some scrutiny task groups where members could do it for themselves including writing their final report.

Upon a vote it was unanimously

**RESOLVED that the Annual Report of Overview and Scrutiny be noted.**

**14. NOTICES OF MOTION**

No notices of motion had been received.

**15. TO RECEIVE PETITIONS**

Councillor Payne presented a petition to the Mayor, on behalf of residents of Pittville, relating to the proposed increase from 650 to 800 students at the Pittville Campus.

**16. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION**

The Mayor confirmed that there was an urgent item for consideration of Council regarding nominations to outside bodies. Cabinet had approved nominations where there was no contest at its meeting on Tuesday (15 July) but there were three outside bodies for which there were two nominations for one seat. The

reason that it was to be taken urgently was that some of these bodies would be calling meetings prior to the next Council meeting in October. He referred member to the document which had been circulated, with the outside bodies concerned highlighted in yellow.

The Leader explained that the list of outside bodies approved by Cabinet had not included Penny Hall as the nominee for the Cotswold Conservation Board as this was received subsequent to the Cabinet meeting.

The Mayor took a vote on each of the remaining groups:

St Margarets Hall User Group:  
Councillors Regan and McKinlay were nominated and upon a vote Councillor McKinlay was elected as the representative.

Third Sector Services  
Councillor Clucas had withdrawn and upon a unanimous vote Councillor Regan was elected as the representative.

UBICO  
Councillors Ryder and Whyborn were nominated and upon a vote Councillor Whyborn was elected as the representative.

Cotswold Conservation Board  
Upon a vote Penny Hall was elected as the representative.

## **17. PETITION CALLING FOR INVESTMENT IN BADGER VACCINATION PROJECTS**

The Mayor referred members to the process for dealing with petitions at Council which had been circulated with the agenda. He invited the representative of the petition organiser, Liz Gaffer, to present the petition;

- *“We the undersigned, call on Cheltenham Borough Council to give financial support to local badger vaccination projects being undertaken and to financially assist other badger vaccination projects which may be set up in Gloucestershire.”*

The petitioner explained that the county of Gloucestershire had become a hotspot for TB and the disease had a devastating effect on farmers once it had been detected in a herd. This resulted in significant cost to the farmer and was an extremely stressful experience for them. Badgers were one factor in the spread of disease and though there was no current vaccination for the cattle, vaccination of badgers was an efficient way of dealing with the issue. Badger vaccination had the potential to reduce the incidence of the disease by 74% and only 70% of a badger set needed to be vaccinated. The badger cull last year had cost an extraordinary amount of money, well over government estimates, due to the extra policing required. Their research indicated that 82% of the public were against badger culling. She reassured Members that any vaccination programme would be carried out by properly trained operatives supported by volunteers. There was such a group in Gloucestershire and they

would take responsibility for coordinating and organising a programme, training operatives and volunteers and supplying matched funding.

The Mayor invited Members to ask any questions on the supporting officer report.

A member asked what would be the arrangements for receiving and determining any application for funding.

The Chief Executive advised that this has not yet been agreed and suggested that the Cabinet Member may want to deal with this in his response.

A member asked for figures on the number of badgers and cattle in the Cheltenham Borough and was advised that officers did not have this information.

A member referred to in paragraph 4.2 of the report and was concerned that over 300 of the 750 signatures required were not local residents and this could be setting a precedent for the future.

The Chief Executive advised that the scheme required signatures from those living, working or studying in Cheltenham. On contacting the petition organisers on this issue, officers were assured that these requirements had been made clear to all those signing the petition.

Councillor Rawson, as Cabinet Member for Finance, responded to the petition and advised that he had set out to provide a proportional response to the petition. There was a general acceptance that badger vaccination was widely accepted as a potential useful way to combat bovine TB and this was accepted by the government and the Gloucestershire Wildlife Trust. He was proposing that the Council made a contribution to this vaccination programme if a suitably qualified organiser came forward with a plan. As he was only proposing a modest amount of matched funding, he suggested this could be done under delegated powers by Cabinet unless members felt particularly strongly that it should come back to Council for a decision. Before allocating any funding, Cabinet would need to be satisfied that the programme was adequately equipped, planned and costed with suitably qualified operatives. He advised members that in agreeing to matched funding they would not be making a long-term commitment in the revenue budget but in the short term he felt it could potentially do some useful work.

In the debate that followed a member said that he had always been against the cull and this view was supported by many members of the public who felt shooting badgers was an uncertain process and cruel to animals. In his view Council needed to persuade the government to back farmers and find a long-term solution to this problem. If badger vaccination was effective he questioned why the government was not initiating such a programme. He felt it was good for this Council to be showing some leadership on this issue but he felt that the Council should be writing to DEFRA encouraging them to provide funding for vaccination.

Other members were against the cull and hoped that whatever funding the Council could offer in support of a vaccination programme would help prevent

further animals, both badgers and cattle, being killed. They suggested the government should be doing more to find a vaccination for cattle as it seemed ridiculous that a vaccine to prevent TB had been found for humans and badgers but not for cattle.

Upon a vote it was

**RESOLVED (with 1 abstention) that Council;**

- 1. Accepts that badger vaccination is a potentially useful way of the preventing the spread and severity of bovine TB.**
- 2. Is prepared to consider an application for match funding from an organisation that is capable of carrying out badger vaccination in Cheltenham Borough, provided the application sets out a credible plan for a vaccination programme, including clear objectives and costs.**
- 3. Will write to the petition organisers to inform them accordingly.**

**18. REVISED STATEMENT OF COMMUNITY INVOLVEMENT**

The Leader introduced the report as circulated with the agenda. There was a legal requirement for the council to have a Statement of Community Involvement (SCI) which set out procedures and methods the council would use when consulting on planning applications and during preparation of new development plans and related documents. This was formally adopted by the council in October 2006 but since this time there had been a number of legislative changes resulting in the need for updates to the SCI. Public consultation on the revised SCI started in July 2013 and four responses had been received, though some were seemingly automated responses which did not relate to the document.

Upon a vote it was unanimously

**RESOLVED that the revised Statement of Community Involvement be adopted.**

Simon Wheeler  
Chair



# **Evidence and Information Page Support of a Zero Limit on Sexual Entertainment Venues in the Borough of Cheltenham**

**Many people who objected to the opening of a Lap Dancing Club in Bath Road, and those who are now calling for a zero limit by signing the relevant petition cited concerns over sexually charged and alcohol-fuelled men posing an increased risk to female members of the public.**

It is my understanding that the Licencing Committee granted the Bath Road SEV licence based, partly at least, on their belief that there was no evidence to support this concern. Indeed, Andrew Wood, solicitor for the licensee, clearly stated at the Licencing Meeting that these concerns were ‘unsubstantiated and without foundation’.

**However, the concerns are strongly supported and substantiated...**

The empirically verified psychological principles of Classical and Operant Conditioning clearly shows that attitudes and actions are strongly influenced by experience. Therefore, the Psychological conditioning effect of the purchase of ‘sexual entertainment’ reinforces the illusion that a female is available to the client for the purpose of sexual gratification.

Therefore, when the conditioning has taken place (by means of the client purchasing services at a SEV) the client’s attitude towards females will unequivocally be altered in the direction of women being viewed as objects of sexual gratification, the client is then most definitely at a higher risk of committing sexually related crime, not just immediately after leaving the SEV, but at any time following the conditioning experience<sup>1</sup>. (Aggrawal, 2009 studies the conditioning effect on sexual behaviour in some detail<sup>2</sup>). Add to this the inhibition-reducing effect of alcohol and then also the further effect of bravado on a group of men and the probability of sexual crime and harassment in, but not limited to, the locality of the SEV will increase.

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<sup>1</sup> Information about Psychological Conditioning can be found in any good Psychology textbook or on the internet.

<sup>2</sup> Aggrawal, A. 2009 *Forensic and Medico-legal Aspects of Sexual Crimes and Unusual Sexual Practices*. Boca Raton, FL: CRC Press

## Experience and observation of this psychological phenomenon corroborate:

- Inspector Ian Drummond-Smith of Devon & Cornwall Constabulary was reported by the Daily Telegraph as raising concerns to his local Licencing Authority that the presence of a lap dancing club in Newquay may have contributed to as many as fourteen rapes and 34 sexual assaults. Five rapes and 16 sexual assaults were committed within a one mile radius of the club.<sup>3</sup>
- Research clearly shows that the instances of reported rape in the vicinity of sexual entertainment venues has increased by anything up to 50%, and that groups of sexually stimulated men are far more likely to engage in sexually threatening behaviour and sexual crime.<sup>4&5</sup>
- The Licensing Authority of the London Borough of Westminster, which has a great deal of experience of Sexual Entertainment Venues, ‘recognises the inherent risks posed to woman’s safety and wellbeing by venues offering nude entertainment, including antisocial behaviour, increased prostitution and touting, and incidents of coercion on-site [in SEVs]’<sup>6</sup>.

## Conclusion:

Cheltenham Borough Council is requested - in the light of the empirical evidence available which substantiates the concerns of 1,122 petitioners, the clear response to the public consultation, and the four licencing objectives, (particularly the prevention of crime and disorder, public safety, and the prevention of public nuisance) – to set a zero limit on Sexual Entertainment Venues in the Borough of Cheltenham.

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<sup>3</sup> The Daily Telegraph – 23 May 2012. Available online at <http://www.telegraph.co.uk/news/uknews/law-and-order/9284609/Lapdancing-clubs-encourage-rape-and-sexual-assaults-claims-police-chief.html>

<sup>4</sup> Eden, I. 2003 *The Lilith Report on Lapdancing and Striptease in the Borough of Camden*. London: Eaves

<sup>5</sup> Bindel, J. 2004 *Profitable Exploits: Lap Dancing in the UK*. London: Child and Woman Abuse Studies Unit

<sup>6</sup> Westminster City Council, 2006. *The Licencing Act: Background*. (Quoted by Eden, I. 2007 *Inappropriate Behaviour: Adult Venues and Licencing in London* (Page 69). London: Eaves

## Page 3

Mr Mayor

I have pleasure in moving the Financial Outturn Report for 2013/14 and the Quarterly Budget Monitoring Report for the period ending May 2014.

As one of Charles Dickens's characters memorably said: **"Annual income twenty pounds, annual expenditure nineteen pounds nineteen and six, result happiness. Annual income twenty pounds, annual expenditure twenty pounds nought and six, result misery!"**

I am happy to report to the Council that we are in the realm of happiness.

Members will see that the council has ended the financial year £490,000 under budget,

This is a good result for the council and the town. £490,000 is less than one per cent of the council's gross annual budget and I think most organisations would be happy to end their financial year within one per cent of budget. Many of these savings have not been achieved easily but have been the result of council staff working hard to deliver their services as efficiently and cost-effectively as they can.

However, this result also makes it possible to recycle the money saved and put it to good use.

Among other things, I am proposing that £100,000 should be used to speed up the delivery of our five-year programme of investment in information technology. It is essential that the council should have modern, accessible IT, not just for our staff but for our residents and customers. At the moment, shortage of specialist staff is slowing us down and I want to make sure we have the staff resources we need while our new systems are being installed and implemented.

I am also keen to do what we can to strengthen our reserves, given the uncertain economic climate we live in, so I am proposing that £97,000 should be not be spent immediately but held back for that purpose.

The budget saving also gives us the opportunity to set aside £100,000 of new money towards the restoration of the war memorial in the Promenade. This is keeping a promise that I made last month that we would launch a major restoration project to mark the centenary of the outbreak of the First World War.

Members will see that a number of budget allocations are being carried forward where projects overlap the end of the financial year or where there have been unavoidable delays. However there are a number of instances where budget savings have been made and the cabinet is asking to carry the money forward for slightly different purposes.

One example is a saving on the Town Hall, which we propose to use to fund further technical work towards the possible redevelopment of this iconic building. Another is a saving on the printing budget in Democratic Services which we proposed to use to provide all council members with ipads. Where this kind of carry-forward is proposed, it requires the specific approval of the Council.

**Mr Mayor there are a number of other points I want to highlight as evidence of our good financial management before turning to the capital programme.**

Where our lending and borrowing are concerned, we continue to work within our Prudential Indicators. We have significantly reduced our short-term borrowing by a more skilful use of internal borrowing which has cut our costs.

The pooling of Business Rates collection has proved a success, reducing the levy we pay to the Government from a potential 50% to just 19%

The Housing Revenue Account is also in a very healthy and robust condition, with a bigger revenue reserve being carried forward into 2014-15 than we originally expected.

For all of these achievements and many others I would like to thank officers across the organisation, and especially our finance team.

Can I now turn to the capital programme. Members will know that we have been working towards an expanded capital programme which draws on the £7.8 million of capital we received earlier this year. This gives us a unique opportunity to invest in the future of the town, but we need to make sure that we invest wisely and thoughtfully.

For that reason, I am approaching the capital programme cautiously. At appendix 9, I have tabled a long list of about £30 million worth of projects that members and officers have proposed. What I want to see is a discussion among councillors and the wider public about what our priorities should be, before I bring forward definitive proposals in October. I believe that the Budget Scrutiny Working Group can play a particularly useful part to play in this.

Mr Mayor, the outturn is always quite a long and complicated report. But one point I want to make is that it isn't just a mass of figures. There is a sense of purpose, which runs through all the major elements – the use of underspends, the carry-forwards, our initial proposals for the capital programme and our asset management strategy.

A driving force behind all our proposals is the need to cut costs and increase our revenue and therefore meet the continuing budget challenges of the next few years.

## Page 5

Over the past five years, on a like for like basis, we have lost roughly £4.2 million a year of our Government funding, almost half the total. In the next financial year we expect to face a further cut of about £835,000 or 15.3 per cent, making it the toughest year yet.

Over the past five years we have responded by finding £7.6 million pounds a year of savings and extra income. We have shown we have got what it takes to survive in almost impossible financial circumstances. But we know we have to do more.

That is why we are investing part of our budget saving in a major review of our Regulatory and Environmental Services to cut costs.

It is why we are using carry forwards to part-fund a review of our One Legal shared service, to see whether costs can be cut and revenue increased.

It is why we are pursuing the idea of a capital investment in the Town Hall that can increase revenues for the council.

It is why we are investing in setting up the Leisure and Culture Trust so that it can deliver very substantial revenue savings.

It is why we are looking at the possibility of setting up a solar farm on council land.

It is also why we are investing in creating a new car park on the Shopfitters site off St George's Place.

And it is why we are exploring the option of setting up a joint company with a number of other councils to cut overheads.

At the same time, we are not just about counting beans. We are about shaping the future. If we do things right, we can transform a large part of Cheltenham in the next few years. We can bring derelict sites to life. We can make Cheltenham a pleasanter place to live and do business. We can strengthen our position as an international cultural centre.

This is what an effective budget and particularly an effective capital programme can deliver for the town.

Finally can I return briefly to the subject of the war memorial. This very day, 21<sup>st</sup> July 2014, work is starting on phase one of the war memorial restoration project, funded from the planned maintenance budget. This will see the paving and lighting renewed.

But of course I also want today to be the start of a much bigger project, what I have called Cheltenham Remembers, the War Memorial Restoration and Education Project.

We see this as a £450,000 scheme in total, including the current phase 1. Of this, £50,000 has now been found from planned maintenance, £100,000 is available today from budget savings and another £300,000 we hope to raise from grants from charitable trusts, sponsorship and donations.

Work is in hand to produce a detailed, expert assessment of the work that needs doing, after which we can get the appeal under way.

But I hope the first stage of the works between now and September will be a token of our seriousness about honouring our heritage and giving Cheltenham a war memorial worthy of those who died.