

## Cabinet

**Tuesday, 11th November, 2014**  
**6.00 - 6.30 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), Rowena Hay (Cabinet Member Healthy Lifestyles), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety), Jon Walklett (Cabinet Member Corporate Services) and Chris Coleman (Cabinet Member Clean and Green Environment)

## Minutes

- 1. APOLOGIES**  
Councillor John Rawson
- 2. DECLARATIONS OF INTEREST**  
There were no declarations of interest.
- 3. MINUTES OF THE LAST MEETING**  
The minutes of the meeting held on 14 October were approved and signed as a correct record.
- 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**  
None.
- 5. ONE LEGAL- EXPANSION AND BREAK CLAUSE REVIEW**  
The Cabinet Member Corporate Services introduced the report which would facilitate the inclusion of Gloucester City Council to join One Legal. He explained that in November 2009 the council entered into a section 101 agreement with Tewkesbury Council and the new shared service of One Legal commenced on 30 November 2009.

The Cabinet Member explained that the creation of One Legal had delivered savings which have increased to £80 000 annually for the council. It was anticipated that an expanded service would continue to deliver potential cashable savings from service rationalisation, external spend reduction and maximise opportunities for undertaking third party work. The business case for the expanded service would also consider the key objectives which were likely to include continuing to provide an excellent legal service, adding value and providing supportive influence when required, refreshing and embedding robust processes and procedure to ensure good communication including a case management system, refreshing and enhancing specific core services standards against which service performance may be monitored and to tailor the case and file management processes to meet clients' needs.

In terms of governance the Cabinet Member reported that the Joint Monitoring and Liaison Group which monitored and reviewed One Legal performance

would continue. He reported that Gloucester City had resolved at its Cabinet meeting on 15 October that it would, subject to a business case, join One Legal. The Monitoring Officer role is intended to be retained by Gloucester City. The ambition would be for the new shared service to be implemented on 1 April 2015 subject to the approval of Tewkesbury and Cheltenham. Discussions were also ongoing with Gloucestershire County Council.

The Cabinet Member explained that this opportunity should allow One Legal to be a leading player as the largest shared legal service in the South West with excellent prospects for being the public sector legal supplier of choice in the region, with significant reputational benefits for partner authorities.

The Leader added that this was good news and positive arrangements were in place with One Legal. Members needed to be assured that the business case would deliver the improvements outlined and, as such, further discussions would take place before April. The current service arrangements with TBC should be continued.

#### **RESOLVED THAT**

- 1. The One Legal shared service arrangement with TBC be continued and**
- 2. Subject to the approval of a Business Case (including the financial case) by the Director of Resources in consultation with the Cabinet Member Corporate Services:**
  - the joining of Gloucester City Council's legal services with One Legal be approved.**
  - the delegation of Gloucester City Council's legal service functions and the transfer of staff to Tewkesbury Borough Council, as host authority be noted.**
  - Authority be delegated to the Director Resources in consultation with the Cabinet Member Corporate Services, to enter into the s101 Agreement, other legal documentation and to take all necessary steps to implement the above mentioned resolutions.**

#### **6. MOBILE HOMES ACT 2013**

The Cabinet Member Development and Safety introduced the report and explained that the Mobile Homes Act 2013 introduced new powers allowing local authorities to charge fees for their licensing functions in respect of mobile home parks and to charge for enforcement under the Act.

The Cabinet Member reported that previously local authorities did not charge and funded activities through rate funding arrangements. Charging for licensing and enforcement action therefore would allow the council to recover costs with carrying out functions under the Act and for the deposit of site rules by the site owner. The Cabinet Member referred to Appendix 2 of the report which outlined the fees payable as from 1 January 2015 which were based on the amount of time it was expected to take for inspection. In terms of enforcement charges

there was no specific fee but it was proposed that costs would be recovered on a case by case basis according to the actual costs incurred by the Council in taking enforcement action. The Cabinet Member explained that the income to be generated was modest but it was important that the public were assured that the Council properly licensed and maintained mobile home sites in a formalised process.

#### **RESOLVED THAT**

- 1. the charging of licence fees as laid out in appendix 2, which will be reviewed annually, be approved.**
- 2. the charging for enforcement action to recover associated costs, which will be calculated on a case by case basis, be approved.**
- 3. the charge for depositing of site rules under the Mobile Homes (Site Rules) (England) Regulations 2014 Section 16 as contained in appendix 2 be approved.**

#### **7. ALLOCATION OF HEALTH INEQUALITIES AND POSITIVE ACTIVITIES FUND 2014**

The Cabinet Member Healthy Lifestyles introduced the report which outlined the funding allocations under the Health Inequalities Fund and Positive Activities Fund 2014.

The Cabinet Member Healthy Lifestyles explained that last year the Health Inequalities Fund had been allocated via the Cheltenham partnership structure. This year a grants round went live on 18 August and 17 applications had been received totalling £71 000 for a total of £40 000 of funding. Not all bids were successful and this was outlined in Appendix 2 of the report. A number of these bids had other funding streams and some had been requested to resubmit their bids for the remaining £19 786. The successful projects covered both the young, elderly, socially isolated and mental health. All of these projects were likely to become sustainable in the future.

The Cabinet Member reported that the three Positive Activities Funding projects had come back due to further information being sought. The Panel wanted to be sure that the Naunton Park Pavillion project funding could be used for outreach work should the refurbishment take place in the next year. In terms of the County Community Projects youth café the Panel had met with the contact and then requested further information but this had not been received from the applicant. It was therefore recommended that this application was not approved at this time. The Hesters Way Neighbourhood Project proposal to deliver youth work activities in Springbank was recommended for approval of £5000 funding further to monitoring information being received by the Panel.

Members welcomed the proposals and highlighted the innovative ways in which some of the funding was proposed to be used. The Leader added that whilst the funding was modest the projects played an important role locally.

#### **RESOLVED THAT**

- 1. the allocation of the Health Inequalities Fund and Positive Activities Fund as set out in appendix 2 be agreed.**
- 2. Authority be delegated to the Strategy and Engagement Manager, in consultation with the Cabinet Member Healthy Lifestyles, to award any remaining funds via a second grants round that will go live at the end of November.**

#### **8. LGA PEER REVIEW FEEDBACK AND ACTION PLAN**

The Leader introduced the report on the LGA peer review feedback and action plan and took the opportunity to thank those officers and members who had been involved in the process.

The Leader reminded members that the peer challenge had been requested by the Council and particular attention was given to governance, decision-making, scrutiny and the council's future. He reported that positive feedback had been received although there were some issues, these were identified in Appendix 2 and Appendix 3 of the report. He highlighted that as an organisation CBC was changing rapidly and the Peer Review Team highlighted that it was important that strategies and plans were in line with the corporate strategy being developed for 2015-18 and communicated effectively to all. The Leader acknowledged that public consultation was an issue. There had not been a detailed budget consultation for some time but he suggested that the new corporate strategy may be an opportune time to engage.

The Leader referred to the recommendation that scrutiny would benefit from targeting its effort on key projects and that the use of members' skills be maximised collectively. There were also key examples where project management had not been effective and it was important to learn the lessons from this. The review team also recognised that there were ongoing issues with the council's ICT and as the Forest of Dean/West Oxfordshire and Cotswold were working on a platform for more stability as part of the long term investment in the service.

The Leader reported that Overview and Scrutiny had considered the report at its meeting on 3 November but had not yet taken a view on a more formalised way to be involved in implementing the recommendations.

He also reported that the LGA would be requested to undertake a follow up review in six months time.

#### **RESOLVED THAT**

- 1. the draft action plan as set out in appendix 3 be approved**
- 2. the LGA be requested to undertake a follow up review in six months' time**
- 3. the Overview and Scrutiny Committee be requested to oversee the monitoring of the action plan.**

**9. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Development and Safety said that in the context of concerns regarding enforcement by the council in terms of planning and licensing he was pleased to report that today the Council had issued that day two cautions to premises in Cheltenham for breaches in licensing regulations. This represented a clear statement of intent from the Council that it would not compromise on safety and would take appropriate action against offenders.

The Cabinet Member Healthy Lifestyle referred to the “Reclaim the night” march on 25 November which aimed to raise awareness of domestic abuse.

Following the retirement of the Director of Commissioning, Jane Griffiths, the Leader wished to put on record his thanks, on behalf of the Cabinet, to her valuable contributions to the work of the Council.

The Leader reported that the Joint Core Strategy would be potentially formally submitted to the Secretary of State on 20 November. A briefing note would shortly be issued to Members informing them of progress made since the JCS was adopted in April 2014. He explained that only minor changes had been made to date with no significant changes in evidence coming forward. Authority had been delegated to the Chief Executive in consultation with Group Leaders to submit the formal JCS.

**10. 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 paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely :**

**Paragraph 1 : Information relating to any individual**

**Paragraph 2 : Information which is likely to reveal the identity of an individual**

**11. DECISIONS MADE BY CABINET MEMBERS**

On behalf of the Cabinet Member Finance the Leader informed that a decision had been taken with regard to accepting the tender from Bowater Projects Ltd for the supply and installation of replacement PVCu windows and private balcony PVCu doors at the three adjacent blocks of flats; Hobart House, 33-55 Shelley Road.

**12. COMPULSORY PURCHASE 30 PENNINE ROAD**

The Cabinet Member Development and Safety introduced the report which recommended the Compulsory Purchase of 30 Pennine Road, a privately owned property which had been vacant since approximately 2008 and had deteriorated significantly. Whilst compulsory purchase was seen as the last resort it was now being considered as a means to bring the property back into

residential use and allow renovation to improve its appearance and prevent further loss of amenity to the area.

Members supported the recommendation.

**RESOLVED THAT**

1. the making of a Compulsory Purchase Order ('the Order') under section 226 (1)(a) of the Town and Country Planning Act 1990 to acquire 30 Pennine Road, Cheltenham, as shown edged red on the attached plan (Appendix 2) (the Order Land) be authorised.
2. the Borough Solicitor be authorised to seal the Order and take all necessary steps, including the publication of all statutory notices and to represent the Council at Public Inquiry if necessary, to secure confirmation of the Order and the vesting of the Order land in the Council.
3. the Head of Property and Asset Management if the owner(s) can be traced be authorised to negotiate with them to secure a purchase of the Order Land in advance of confirmation of the Order.
4. the Head of Property and Asset Management be authorised to arrange for a valuation in respect of the Compulsory Purchase of the Order Land and to make any minor or technical amendments to the boundary of the Order Land.
5. In the event that the Secretary of State notifies the Council that it has been given power to confirm the Order, the Borough Solicitor be authorised to confirm the Order and carry out the necessary work to allow the property to be sold.
6. In the event that the Secretary of State confirms the Order, the vesting of the Order Property in the Council and the carrying out of the necessary work to allow the property to be sold be authorised.

**Chairman**