

Cabinet

Tuesday, 14th April, 2015
5.00 - 6.00 pm

| Attendees | |
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| Councillors: | Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), 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) |
| Also in attendance: | Councillor Tim Harman, Councillor Helena McCloskey, Councillor Chris Nelson and Councillor Pat Thornton |

Minutes

1. APOLOGIES

2. DECLARATIONS OF INTEREST

None

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 17 March were signed and approved as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

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| 1. | Question from Mary Nelson to the Cabinet Member Development and Safety, Councillor McKinlay |
| | By allocating £2 million of the £8 million North Place sale proceeds, are you acknowledging at the same time as making this decision that the only way Boots Corner can become a new Public Square and thus merit that much money being spent on it, is by the implementation of the new bus lane across the front of Boots shop, and that this requires the removal of the pedestrian crossing? |
| | Response from Cabinet Member Development and Safety |
| | <p>The monies allocated are for the public realm in the wider Boots Corner area and so would extend to Pittville Street in the East and Imperial Circus. Should GCC decide to implement the Cheltenham Transport Plan it was clearly with the caveat that Boots Corner would be on an experimental basis. Until such an experiment has concluded and GCC made their final decision as highways authority it is impossible to speculate upon what other measures will be taken. At this moment and during any experiment it is my understanding that the Pelican crossing will remain.</p> <p>In a supplementary question Mary Nelson referred to the Cabinet Member's statement that the experiment at Boots Corner retained the pedestrian crossing. She asked if he could confirm that it would not trial</p> |

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| | <p>the new bus lane at all, only the closure of the inner ring road past Boots. She questioned therefore whether the trial would address any of the safety implications of the new bus lane which required the removal of the crossing?</p> <p>In response the Cabinet member confirmed that buses would not be trialled at Boots Corner at this stage but other elements of the scheme would be trialled.</p> |
| 2. | Question from Mary Nelson to the Cabinet Member Development and Safety. Councillor McKinlay |
| | <p>By proceeding to allocate money for the creation of a new public square at Boots Corner (within the context of a 'Key' decision) do you consider that all the implications of such a potentially dangerous 'Shared Space', which is what it must become, have been properly investigated and considered by both CBC and GCC, especially the impact on those in the Equality groups, which includes the elderly and young, as well as those with impairments?</p> |
| | Response from Cabinet Member Development and Safety |
| | <p>As mentioned in the previous question any changes to the highway will ultimately rest with GCC, hence why we are supportive of GCC colleagues and the proposal for an experiment at Boots Corner. CBC has a forum for meeting a range of equality groups who have recently been consulted and supported the proposals associated with the public realm at Brewery II. Boots Corner will naturally follow similar consultation processes should the experiment determine that a public realm space can be created.</p> <p>In a supplementary question Mary Nelson referred to the Chief Executive's tweet that the Council was not proposing Shared Space at Boots Corner. She quoted from the Department for Transport Guidance Notes on Shared Space and said that in the light of this it seemed that the existing road layout at Boots Corner must therefore be retained in its current conventional form. She asked whether the public had therefore been misled and said that the new "public square" could amount to no more than the refurbishment of the existing small triangular shaped pedestrian area connecting from Starbucks to Boots shop, which is just 22 feet wide at its narrowest point; or questioned whether the Council was continuing to disguise its real intentions.</p> <p>In response the Cabinet Member stated he did not have any knowledge of the Twitter feed. He did say that the style of solution bus lane was similar to that which was in place at the other side of the junction into the Lower High Street, i.e. in front of Tesco.</p> |
| 3. | Question from Ken Pollock to the Leader of the Council, Councillor Jordan |
| | <p>If this undisclosed building cannot be occupied straight away by CBC, what is the overriding need to take the building off the owners' hands (and in such sudden haste) <u>eight years</u> before the 'main lessee' disappears?</p> |

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| | Response from the Leader of the Council |
| | <p>The Council has explored many options over the years but has failed to find a solution which provides an alternative home which reduces costs.</p> <p>The building identified suits the Council needs and financially it makes sense to acquire as an investment property until we are ready to move into it at the point the Municipal Offices is ready to be redeveloped.</p> <p>As you will see from the reports, the Council does not have another viable option. It is unlikely to have another opportunity to acquire the right building which suits our needs and which makes financial sense. In eight years, the owner will undoubtedly take the building to the open market and we may not be in with a chance against institutional investments.</p> <p>In a supplementary question Ken Pollock asked the Leader if he believed that councillors (the decision-takers) have had adequate time and information to assess and scrutinise the above issues.</p> <p>In response the Leader stated that if the Council waited any longer there were no guarantees that this opportunity would still exist. He confirmed that all Members had received all the necessary information to take this decision.</p> |
| 4. | Question from Ken Pollock to Cabinet Member Finance, Councillor Rawson |
| | In Appendix 2, you claim it to be a "prudent view" to assume a "ground rental from a redeveloped site of £175k per annum". What are the <u>capital costs</u> of effecting that 'redevelopment', and what are the timescales? |
| | Response from the Cabinet Member Finance |
| | <p>The capital costs have yet to be determined. It is anticipated that a redevelopment of the Municipal Offices will have a significant capital cost but that it will be funded from external sources. The £175k is the estimate of income from ground rent which will come to the Council, since we will retain the ground lease very much on the lines of Regent Arcade where we bring in excess of £475k annually for rent. In addition, we anticipate retaining around £200k of any growth in business rates generated from the site once redeveloped. The timescale would be flexible in order to make sure we get a scheme that we are happy with, but three years would be a reasonable estimate of the time needed to get a new development under way.</p> <p>In a supplementary question Mr Pollock asked what was the type and scale of development being assumed in order to generate the "anticipated" £200K of business rates from the Municipal Offices and in particular: how big a rearward extension.</p> <p>In response the Cabinet Member Finance stated that the proposal did not assume change would take place in Royal Place therefore some minor development could be possible at the back of the building. He would ensure that there was a considerable improvement to the current situation. He stated that a range of alternative uses had been considered for the Municipal Offices, both commercial and residential and included retail, leisure, and hospitality although discussions were at a very early</p> |

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| | <p>stage. He reported that a number of reports on how the redevelopment should be approached would be forthcoming. The Cabinet Member Finance gave the example of the Regent Arcade as a template of what the council was trying to achieve in terms of a joint venture. The aim would be to retain the freehold to ensure future investment income whilst relieving the council of the considerable cost of maintaining the building as it was estimated that £6.5 m of expenditure would be required over the next 20 years.</p> |
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5. CABINET RESPONSE TO THE SCRUTINY TASK GROUP MEMBERS ICT

The Cabinet Member Corporate Services introduced the report which had reviewed further issues following the Overview and Scrutiny's report to Cabinet on 10th February. He explained that the issues reviewed were as follows :

- 1) on-going training for existing and future members - developed to ensure all members are made sufficiently aware of opportunities to enhance their use of ICT equipment
- 2) equalities - an equality impact assessment had been carried out to identify options to provide adapted iPads or larger print/Braille to suit needs
- 3) taking advantage of new developments in technology- by constantly reviewing updates, provision of suitable and appropriate applications, and access to common set of facilities.

He highlighted that the report detailed that any change in communications technology came at a cost and that ongoing funding was necessary to meet both current and future demand.

The Cabinet Member reiterated that the prime purpose of this policy was to set out clearly what was being provided for Members in terms of ICT and the expectation placed on them with regard to the loan of a Council iPad and the move to paperless meetings which in turn would generate sufficient savings by reducing the need for printed hard copies of Cabinet/Council and other committee agendas and reports.

Finally the Cabinet Member took the opportunity to thank O&S and the dedicated Scrutiny Task Group for their work in over-viewing the original substance of this policy.

RESOLVED THAT

- 1. the Members' ICT Policy as set out in Appendix 2 be endorsed and publicised to all Members, thereby demonstrating Cabinet's support for the move to paperless meetings**
- 2. the recommendations in respect of Members signing up to the policy before accepting a council iPad (including the retrospective**

requirements) should be implemented by Democratic Services Manager

3. the recommendation regarding encouraging Members to participate in training and development designed to enhance their use of ICT equipment and applications provided be taken forward by the Cabinet Member Corporate Services in liaison with ICT and Democratic Services
4. the recommendation regarding Members' ICT provision being kept under review in order to take advantage of new developments in technology be taken forward by the Cabinet Member Corporate Services in liaison with ICT and Democratic Services. In addition this should include ensuring that all Members have access to a common set of facilities and applications on their Council iPad by offering updates to Members when new facilities are available.

6. 2020 VISION MEMORANDUM OF UNDERSTANDING

The Leader introduced the report which sought Cabinet's approval of the 2020 Vision Memorandum of Understanding (MOU). Whilst the MOU was not legally binding it did outline a clear and accountable framework for working together to deliver the 2020 Vision Programme. The Leader reported that the MOU had been approved at the 2020 Vision Member Governance Board on 6 March 2015 and would be considered by each of the partner Council's Cabinets over the coming weeks. He reminded Members that the budget for the 2020 project had been approved by Council in February and that the 2020 Vision project had been awarded £3.8m of Transition Challenge Funding and therefore provided the means of taking the process forward.

RESOLVED THAT

The 2020 Vision Memorandum of Understanding be approved.

7. REVISED LICENSING ACT 2003 LICENSING POLICY

The Cabinet Member Development and Safety introduced the report by explaining that Section 5 of the Licensing Act 2003 required the Council to review, determine and publish its Licensing Act 2003 Policy Statement every three years. He reported that whilst it was not technically necessary to review the adopted policy statement until 2016, it was deemed appropriate to undertake an early review to reflect various changes in law, good practice and changes in the local licensing landscape.

The Cabinet Member reminded members that the 2003 Act was the primary legislation that dealt with the licensing requirements relating to :

- a) The sale by retail of alcohol
- b) The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- c) The provision of regulated entertainment
- d) The provision of late night refreshment

He explained that the licensable activities listed were authorised through the issue of :

- a) a premises licence; or
- b) a club premises certificate; or
- c) a temporary event notice

He reminded Members that the licensing objectives were as follows :

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) protection of children from harm

He explained that new initiatives were included within night safe, reducing alcohol related harm and the sexual entertainment policy. The Cabinet Member said that most significant was the introduction of core hours of licensable activity as outlined in Table 1 of the report. He explained that if licensing was applied for outside of these core hours then this would have to be applied for separately and concerns and merits would be taken forward on an individual basis.

Members welcomed the proactive policy which represented a considerable step forward.

The Leader highlighted that this policy was being approved for consultation.

RESOLVED THAT

- 1. the amendments to the existing policy be noted and**
- 2. the draft amended policy be approved for consultation.**

8. COMMUNITY INFRASTRUCTURE LEVY CONSULTATION

The Leader introduced the report which outlined progress which had been made in preparing for the introduction of a Community Infrastructure Levy (CIL) for Cheltenham.

He explained that the development of a CIL supported delivery of the Joint Core Strategy. The evidence provided in the appendices to the CIL report would support the forthcoming JCS Examination in public. The Leader reported that from April the use of Section 106 funding was being restricted. A list of projects had been produced as required by CIL Regulation 123 which suggested at this stage how CIL monies could be used to cater for the anticipated level of growth in the area. This list set out what infrastructure projects or types of infrastructure the Council may decide will be funded wholly or partly by CIL. He highlighted that it was possible to use CIL and S106 in combination but CIL could not be used for affordable housing. He informed that Peter Brett Associates had been commissioned to assess the scope to introduce a CIL within each of the JCS Councils. He emphasized that this was a preliminary consultation which may be adjusted following the JCS examination in public. There were likely to be additional costs in 2015/16 whilst the process moved through the consultation

and examination phases. To cover these costs a recommendation was made to seek approval for a £25k contribution per partner council. The Leader believed that this was a useful addition to funding opportunities.

Members supported the recommendations and believed that the CIL represented an important part of the planning machinery going forward and was a vital contribution from developers to infrastructure in the town.

Members supported the common countywide approach. It was hoped that there would be extensive engagement in the consultation.

RESOLVED THAT

- 1. the Community Infrastructure Levy - Preliminary Draft Charging Schedule be endorsed for public consultation.**
- 2. the Head of Planning in consultation with the Leader of the Council be authorised to prepare the final consultation documents as required, based on the information in Appendix 2.**
- 3. the Head of Planning be authorised to agree the date of consultation on the Preliminary Draft Charging Schedule with Gloucester and Tewkesbury Councils.**
- 4. a report is prepared following the consultation on the Preliminary Draft Charging Schedule and reported to a subsequent meeting of Cabinet.**
- 5. Each Joint Core Strategy partner agrees to contribute £25,000 per authority to underwrite the set up costs of developing a CIL.**

9. GLOUCESTERSHIRE LOCAL TRANSPORT PLAN

The Leader of the Council introduced the report which proposed comments for formal submission to Gloucestershire County Council's Local Transport Consultation document.

He informed Members that this had incorporated feedback received from the recent Member Seminar and from the current Scrutiny Task Group (STG) on Walking and Cycling. He explained that the STG had not yet concluded its work but it was hoped that the outcome of its work would be incorporated into what the County do as this was important for the future of Cheltenham.

The Leader explained that as Cheltenham worked closely with Gloucester City and Tewkesbury on JCS planning matters it was hoped that the Central Severn Vale area could now incorporate Tewkesbury. Concern had also been expressed about the County Council's proposal to reduce its contribution to the Park and Ride at Arle Court.

RESOLVED THAT

To agree Cheltenham Borough Council's representations to Gloucestershire's Local Transport Plan (2015 – 2031) Consultation Document (appendix 2)

10. CHELTENHAM PLAN-PREFERRED OPTIONS AND ISSUES

The Leader introduced the report and explained that CBC had chosen to meet its statutory obligation to prepare a development plan by means of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Cheltenham Plan.

He explained that the first part of the Cheltenham Plan to be developed would deal primarily with policy relating to the development and protection of land for residential and employment use; the potential to use the designation "local green space" for some green areas in Cheltenham; and would introduce evidence to assist in the development of the Borough's economic strategy. He said that the local green space designation was a new feature and the Leader explained how officers had been working with Gloucestershire Rural Community Councils who had suggested 29 sites which could be suitable in the Borough. The Leader reported that Athey consulting had been commissioned to undertake an economic study which would deliver a corporate economic development strategy and economic evidence for the economic policies within it. It aimed to find specialities in the local area, the example given was cybersecurity in the context of GCHQ. The second part of the Plan would deal with specific and detailed policies in parallel with Phase 1. He explained that this was a non-statutory consultation and was scheduled to take place in June with a 6 week consultation period.

Members welcomed the consultation and hoped that there would be significant contributions. The linkage with the Asset Management Plan in terms of the role it played in economic regeneration and development was highlighted.

RESOLVED

- 1. That the Cheltenham Plan Part 1, Issues and Options document set out in Appendix 2, be approved for public consultation**

- 2. That authority be delegated to the Head of Planning to make any minor amendments to the document prior to consultation.**

11. CABINET RESPONSE TO THE CROSS-BOUNDARY CONSULTATION ON TEWKESBURY BOROUGH PLAN

The Leader introduced the report which outlined Cheltenham's response to Tewkesbury's draft local plan which had been recently published. He explained that the importance of local green space was high in Cheltenham with Cheltenham having undertaken a local green space review which had been

submitted to the inspector dealing with the examination in public of the JCS. CBC was therefore keen that Tewkesbury maintained its local green spaces, particularly in areas joining Cheltenham.

RESOLVED

That the representations on the Tewkesbury draft policies and site options document contained in the letter at appendix 2 be agreed

12. ASSET MANAGEMENT PLAN AND CAPITAL STRATEGY

The Cabinet Member Finance introduced the report and explained that the Council's current Asset Management Plan expired in 2015. He reported that advice had been received from CIPFA to review the approach to Asset Management which would help shape future thinking including the role of members in making decisions and reviewing the performance of the property portfolio. Therefore a more dynamic and purposeful document had been drawn up focused around a small number of clear, forward looking policy objectives.

The Cabinet Member explained that the Asset Management Plan was crucial in making a number of important linkages with the corporate strategy, the medium term financial strategy and with the Cheltenham economic development strategy. The key objective of the asset management policy was to use assets to generate income and cut costs.

The Cabinet Member made reference to the Athey consultant's report which recently reported on the economic strategy. It highlighted the positive contribution the Cheltenham Development Task Force had made to promoting economic development but more work was required to bring forward more sites for commercial development. This was a key issue for the Council's asset management.

The Cabinet Member highlighted the new draft terms of reference for the Asset Management Working Group, approved by the group at its last meeting and which would give them a more strategic role in asset management.

The Planned Maintenance Budget of £846 k which represented a substantial investment in the council's assets was also highlighted by the Cabinet Member. He reported that at the same time a new 10 year planned maintenance programme was being worked up to provide a longer term view about the need for further investment.

New capital projects were detailed in Appendix 4 of the report. These had been assessed and scored by a panel of officers against the corporate objectives, deliverability, likely costs and return on investment and feedback from the public consultation. The Cabinet Member emphasised that this had not been an easy process and at this stage some of the proposals required more work. High priority would however be given to projects which could attract additional external funding, such as the town hall redevelopment scheme. This scheme had been most highly rated by the public in the public consultation. He reported that some time ago consultants had been asked to look at how the Town Hall could be improved and updated and a plan had been drawn up to increase capacity of the main hall, improve the flow of people around the building and create new dedicated spaces for events and create new hospitality and catering

facilities. He proposed to earmark £2.4 million for this project (£2.2 million from the £8 million capital pot and a further £200 000 still to be found from future capital receipts). He reported that £400k should be made available immediately so that the project could be worked up in enough detail to go forward to potential funders such as the Heritage Lottery Fund and charitable trusts. It was estimated that the total scheme was likely to cost about £10 million, with £7.6 million being supplemented from other funders. The Cabinet Member Finance believed that this project would provide a lasting legacy to the town and its people.

The Cabinet Member Finance talked in general terms about the accommodation strategy which would be discussed later in the meeting. He emphasised that this was not just a freestanding project but an essential part of the Medium Term Financial Strategy to cut costs through organisational change. In his view it was a practical example of how assets and capital could be used to generate additional income for the Council and opened up the most exciting regeneration opportunity for many years by turning the current offices to new uses and helping to revitalise the town centre. He reminded the meeting that the Council had repeatedly restated its commitment, across party lines, to relocating our offices. For all those reasons it was proposed that £2.5 million from capital be set aside to assist the acquisition of a new building.

In terms of other projects to which it was proposed that funds be allocated or held in reserve, he highlighted the investment in the cemetery and crematorium project which was a necessity both in terms of recent problems with the cremators but also the opportunity to provide a more customer friendly service. Reference was also made to Boots corner improvements to which the Council was committed although the current proposals needed to be rethought if the County Council modified the Cheltenham Transport Plan. Finally, the Cabinet Member referred to the proposal for £300k to be allocated to a new and improved children's play area in Pittville Park.

The Cabinet Member Finance believed that the vision and implementation of the capital programme would make a lasting difference to the quality of life in the town.

The Leader added that this was an exciting package of potential investment in the town and he looked forward to the debate at the Council meeting.

RESOLVED THAT

- 1. the Asset Management Policy (forming part of the Asset Management Plan) at Appendix 2 be approved.**
- 2. the revised Terms of Reference for the Asset Management Working Group at Appendix 3 be approved.**

Council be recommended to :

- 3. Approve the Planned Maintenance Programme for 2015/16 at Appendix 5.**
- 4. Approve the provisional allocation of the receipt of North Place /**

Portland Street car parks to support key property investment aspirations at Appendix 4.

13. ACCOMMODATION STRATEGY

The Cabinet Member Finance introduced the report on the Accommodation Strategy which had been circulated with the agenda.

The report explained that the council had had a long-term aspiration to relocate to modern, more flexible office accommodation which would meet both existing and future needs, improve the customer experience and provide better value for money to the taxpayers of Cheltenham. This had been restated at the Council meeting of 31 March 2014 and the report and the supporting business case now outlined the case for relocation and considered how each option met the Council's desired outcomes. An amended cost benefit analysis for option 2 including inflation had been circulated in Members' places at the start of the meeting together with corresponding amendments to the summary. This had been done at the request of members. He highlighted that this information did not relate to the figures for the proposed acquisition nor the recommendations in the report.

In his introduction the Cabinet Member highlighted that the Municipal Offices were unsuitable for modern office accommodation but he was passionate to secure the building's long-term survival. The accommodation strategy was also a critical part of the ongoing process to achieve budget savings without the need to cut critical services. He acknowledged that it was a huge decision but it was the opportunity of a lifetime for the town. The council had a successful history of purchasing property for investment and the Regent Arcade was a good example where the council had secured a long term income through this joint-venture. A recent review from Cipfa had also urged the council to invest in property to secure future income. In acquiring the property, the council would be purchasing grade A office accommodation in the centre of the town which was fully accessible, provided modern office accommodation, underground car parking and would attract prospective tenants. CBH had indicated they were keen to relocate with the council. The council had been conservative in the rental estimates but the rental income stream in the next 8 years would cover 71% of the purchase price and stamp duty. Acquiring the building would also give the council flexibility for the future in terms of accommodating its future workforce. In conclusion he thanked officers, in particular the Director Resources, the Head of Property and Asset Management, the Managing Director of Cheltenham Development Task Force and the Head of Finance for all their hard work. He also thanked Members who had engaged and influenced the way that the information had been presented.

Finally the Leader paid tribute to the huge amount of work which had been undertaken in looking at all the options for future accommodation. He thanked officers and in particular the Cabinet Member Finance for his valuable contributions. He believed this was the right time and the right decision.

RESOLVED THAT

1. **It be acknowledged that remaining in the Municipal Offices is not a viable option for the future.**
2. **The freehold interest in the property described in Appendix 3 be acquired, at a price not exceeding the budgets set out in Appendix 3, and subject thereto the Head of Property and Asset Management be authorised to negotiate terms for the acquisition and the Borough Solicitor prepares such documents as she considers necessary or appropriate to conclude the acquisition.**
3. **Officers be authorised to investigate options for the future of the Municipal Offices, including the process for securing a partner to enter into a joint venture for the redevelopment of the Municipal Offices as per section 5 of the report.**

Council be recommended to :

4. **Allocate the budgets for financing the acquisition and refurbishment as detailed in Appendix 2 and 3.**

14. BRIEFING FROM CABINET MEMBERS

The Leader announced that the Community Pride Fund would be launched on 20 April with bids to be submitted by 22 June. £50k would be available, with smaller events eligible for £4k. The scheme was similar to previous years. A cross party panel would assess the bids which would be considered at the July meeting of Cabinet.

15. CABINET MEMBER DECISIONS MADE SINCE THE LAST MEETING OF CABINET

The Cabinet Member Housing informed the meeting that he had taken a decision to approve a one year Grant to the value of £7 500 to County Community Projects for the provision of homelessness prevention services.

The Leader informed the meeting that he had taken two decisions relating to Ubico. The first concerned the Special Resolution to adopt revised Articles of Association, an Ordinary Resolution to approve a revised Shareholder Agreement and an Ordinary Resolution to approve the Terms of Appointment for Non-Executive Directors. The second concerned the requirement of a new executive director post in Ubico. Both decisions related to the expansion of Ubico.

Chairman

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