

Council

Monday, 20th July, 2015
2.30 - 6.05 pm

Attendees	
Councillors:	Duncan Smith (Chairman), Chris Ryder (Vice-Chair), Matt Babbage, Flo Clucas, Adam Lillywhite, Chris Mason, Dan Murch, Chris Nelson, John Payne, Wendy Flynn, Andrew Chard, Paul Baker, Garth Barnes, Nigel Britter, Chris Coleman, Bernard Fisher, Jacky Fletcher, Colin Hay, Tim Harman, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Helena McCloskey, Andrew McKinlay, John Rawson, Anne Regan, Rob Reid, Louis Savage, Diggory Seacome, Malcolm Stennett, Klara Sudbury, Pat Thornton, Jon Walklett, Simon Wheeler and Suzanne Williams

Minutes

1. **APOLOGIES**

Apologies had been received from Councillor Andrew Lansley, Councillor David Prince and Councillor Max Wilkinson and Councillor Klara Sudbury had indicated she would be arriving late and subsequently arrived at 3:30 p.m.

2. **DECLARATIONS OF INTEREST**

Councillor Smith declared an interest in agenda item 10 as a board member of Cheltenham Borough Homes and announced his intention to leave the chamber for that item.

As members had indicated to him that they wished to discuss the exempt information circulated for agenda item 10, he advised that he would take that item as agenda item 16 in exempt session and the deputy Mayor would take the chair.

Councillors Chard and Regan declared an interest in agenda item 15 as members of Leckhampton and Warden Hill Parish council. Councillor Nelson also declared an interest in this item.

3. **MINUTES OF THE LAST MEETING**

The minutes of the last meeting held on 22 June 2015 were signed and approved as a correct record.

4. **COMMUNICATIONS BY THE MAYOR**

The Mayor announced the sad news of the death of Pat Freeman, the wife of the late Les Freeman and an ex Mayoress of the borough and their thoughts were with their family.

He advised that John Rees the manager of parks and gardens was retiring from Ubico and a collection and retirement card was circulating.

The Mayor updated members on his recent Mayoral engagements.

He advised that the Mayor's PA had not heard back from many members on whether they would be attending the VJ day on Saturday 15 August and asked members to confirm their attendance or otherwise. As a general point he urged members to respond promptly to any such invitations from his PA as otherwise this made it very difficult to finalise arrangements for any event. The next event was Battle of Britain on 20 September.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader advised that Councillor Clucas would be stepping down from Planning Committee and would now be a reserve and similarly Councillor Wheeler, currently a reserve on the committee, would become a full member.

He advised that the local plan consultation was ongoing and a consultation on the options for the cemetery and crematorium was now online and in the reception area.

Leadership Gloucestershire had announced their intention to put a bid to central government regarding devolution. At this stage this would take the form of an expression of interest. The original intention had been that this would be a simple letter but this had now been extended to a 15 page brochure, a draft of which had been circulated to members for comment before the meeting. The aim of the motion to be debated later in the meeting was to gauge members support for devolution and to get comments on the document circulated.

6. PUBLIC QUESTIONS

1.	Question from Peter Sayers to the Leader of the Council, Councillor Steve Jordan
	Why, in the rules pertaining to the calling of an Extraordinary Meeting 2015_07_02_CWG_Appendix_5_Committee_Rules , item 11. PDF 52 KB (https://democracy.cheltenham.gov.uk/documents/s16083/2015_07_02_CWG_Appendix_5_Committee_Rules.pdf) are the following not enshrined: the time when information is made available; the methods by which it made public; the time period for consideration; the deadline for responses; a statutory obligation to respond to such comments/questions etc.. ? It may be that there is a document somewhere that covers all this. My question is why is this document not referred to in these rules?
	Response from Cabinet Member
	The Council's Constitution covers the processes for public engagement in decision making by the Authority and the constituent parts of the Constitution should be read together. The Appendix 5 referred to in the question includes the rules for the order of business for an Extraordinary Meeting and these should be read in conjunction with the Access to Information Rules. Rule 5 of those Rules sets out when and how agendas and reports will be made available.

	<p>The rules for dealing with public and member questions for an Extraordinary Meeting are set out in Council and Committee Procedure Rules. Rules 2.13 (c) and 5.3 (c) state that the questions must relate to the nature of the business for which the Meeting was convened. Responses to any public/member questions will be made available on the day of the meeting and responses will be given at the Meeting with the option to ask a supplementary question if present at the Meeting.</p> <p>The Authority may undertake specific public consultation before a report is brought to Council, Cabinet or Committee and the nature of the consultation and the results will be detailed in that report. In some cases the Authority has a statutory duty to consult on certain matters and more details about these and any other consultations can be found on the council's website: Consultations - Cheltenham Borough Council.</p> <p>In a supplementary question, Mr Sayers considered he had asked a very simple question and had expected a simple yes or no answer. He asked again whether there was a document which makes it clear that there are certain rules of procedure to be followed for an Extraordinary Meeting.</p> <p>The Leader advised that in his response he had directed the questioner to the appropriate part of the Constitution which answered his question. The Constitution was available online on the council's website and Democratic Services would be available to give guidance to any member of the public who contacted them.</p>
2.	Question from Peter Sayers to the Leader of the Council, Councillor Steve Jordan
	<p>Are there other documents that refer to members or citizen communication and response requests that also do not refer to a central document? If so, what is being done to ensure consistency?</p>
	Response from Cabinet Member
	<p>In addition to the Constitutional provisions referenced in the response to Question 1, the Authority is committed to consulting with the public and this will take a variety of forms depending on the nature of the issue. The current consultations are made available on the council's website. Consultations - Cheltenham Borough Council.</p> <p>In a supplementary question Mr Sayers asked, if there were such a document why was it not referred to?</p> <p>In response the Leader clarified that the purpose of the Constitution was to give guidance to cover all situations and as such sits aside individual documentation for a report or consultation. Democratic Services would always be available to give guidance to any member of the public who contacts them.</p>

7. MEMBER QUESTIONS

1. Question from Councillor Tim Harman to Cabinet Member Finance,

	Councillor John Rawson
	During the debate on the Council's budget earlier this year the cabinet member agreed to look at the issues raised by my group in relation to the employment of additional apprentices and the need to enhance enforcement in the fields of planning and Public Safety. Can he please update the Council on progress?
	Response from Cabinet Member
	<p>In respect of apprenticeships, the Council has been employing apprentices for 6 years. We currently employ 7 apprentices in CBC and our partner organisations working in Democratic Services, GOSS and Ubico.</p> <p>In line with the People & Organisational Development strategy, managers are encouraged to consider apprenticeships as part of a process of succession planning and talent management.</p> <p>Since the budget meeting, GOSS have prepared guidance to be issued to managers to reinvigorate the use of apprenticeships across the Council. Managers will be asked to identify if there are any administration or customer service elements in the professional roles that could be undertaken by an apprentice. Ubico and GOSS are currently actively looking to make appointments.</p> <p>In respect of regulatory and enforcement work, the REST programme is designed among its other objectives to create a more seamless, efficient and joined-up enforcement service for the Council. Systems Thinking is being used to reshape the way the service is provided and a number of reforms identified by this process are now being trialled, under the supervision of a member working group. The increased use of technology to increase the efficiency and mobility of staff is also part of a process of making better use of the resources we have.</p> <p>In a supplementary question, Councillor Harman asked the Cabinet Member whether he would agree to taking back these important issues to Cabinet so members could have a full report on both apprentices and enforcement resources. He had raised this at the budget meeting in February and the response appeared to be an obviscation of responsibilities.</p> <p>In response the Cabinet Member reminded members that the recommendations in the budget had been supported by members across the chamber. Considerable progress had been made in the resources now available and it was certainly not a case of obviscation. The issues would be looked at again as part of the budget process for the coming financial year which had already started.</p>
2.	Question from Councillor Louis Savage to Cabinet Member Finance, Councillor John Rawson
	Flying the Union flag allows the Council to show its support for patriotism, civic pride and community cohesion. It also provides the opportunity to officially recognise worthy causes, recently demonstrated by flying the Armed Forces Day flag. Can members be assured that this important

	aspect of our town's civic tradition will continue in our new premises?
	Response from Cabinet Member
	I do not believe that Delta Place has a flagpole but it would be well within the Council's capabilities to erect one in time for the relocation of the council offices. I would also anticipate that arrangements could be made to continue to fly the flag from the Municipal Offices building to mark special occasions, subject to the agreement of any future head lessee.
3.	Question from Councillor Louis Savage to Cabinet Member Corporate Services, Councillor Jon Walklett
	Does the now-abandoned Social Media Policy represent a good use of officers' time and taxpayers' money?
	Response from Cabinet Member
	The draft Social Media Policy arose from a meeting of a cross-party Working Group and was put forward to the Standards Committee for consideration. The Standards Committee decided that such a Protocol was not necessary but that the draft document should be used for Member training purposes. I do not consider the relatively small amount of resource expended to have been wasted. It is entirely appropriate for cross-party working groups to develop protocols for consideration through the democratic process. In a supplementary question, Councillor Savage suggested that inappropriate use of social media was reasonably low on the priorities for his constituents and asked the Cabinet Member whether he considered the time, energy and council resources could have been better directed elsewhere. In response, the Cabinet Member advised that the officer in One Legal had spent approximately 1 day in creating the draft protocol for consideration by the Standards Committee. He considered this was an appropriate investment of resources by the council which could prevent officers having to invest time in the future investigating issues which may arise if members did not receive some guidance in the use of social media.
4.	Question from Councillor Adam Lillywhite to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Cheltenham Transport Plan Given the absence of a model or trial of the traffic restrictions intended to be imposed on Oriel Rd in its current form, and the failure of the Bath Rd scheme which had to be terminated early due to public outrage, even though, <ul style="list-style-type: none"> • the reduction in flow capacity was considerably less; • it had lower traffic volumes; • not responsible for the flow of the A46 Northbound; under what conditions would it be considered the traffic restrictions in Oriel Rd to have failed and be backed out rather than just tweaked?
	Response from Cabinet Member
	GCC is the highways authority responsible for determining the final shape and implementation of the Cheltenham Transport Plan and I suggest that the question is posed to County colleagues.

5.	Question from Councillor Adam Lillywhite to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Brewery Scheme Can you please outline how the Brewery development has been allowed to narrow the lower High Street? Has a transfer of property rights occurred? If so, by whom, and who has sanctioned this encroachment?
	Response from Cabinet Member
	GCC as the highways authority approved the proposed scheme to which they were formally consulted as statutory consultee. I am not aware that any transfer of property rights has occurred. The public highway remains in the ownership of GCC and my understanding is that GCC were extremely grateful that this development funded such a major uplift in the public realm.

8. RESTRUCTURE OF ENVIRONMENTAL AND REGULATORY SERVICES DIVISION

The Chief Executive introduced the report and explained that the REST (Regulatory and Environmental Services Transformation) project envisaged that a restructuring of the Environmental and Regulatory Services Division would be necessary to achieve its aims of providing more of a customer focus, drive efficiency and create a more commercial focus to drive economic development in the town. Many elements of the restructuring were within the authority delegated to the Chief Executive (as Head of Paid Service), but where director level posts were affected by any proposed changes, the authority to approve these rested with the Appointments and Remuneration Committee. The Chief Executive went on to report that the Committee had now endorsed the Chief Executive's proposals for a new divisional triumvirate structure and Council approval was now requested to approve the structure proposals and agree their financing in view of the fact that the intended structure was initially more expensive than the current one. However he explained that the intention was that any additional cost in 2015/16 and 2016/17 would be funded from other budgets and in subsequent years the aim would be to recoup any additional costs by organisational changes elsewhere in the division as a Phase 2 restructure. The proposal was therefore for one off investment over two financial years with no overall increase in ongoing revenue costs; the objective being to create senior capacity to achieve better, more focussed and more efficient services in the longer term. The Chief Executive explained that the Budget Scrutiny Working Group had also considered the proposals and added value to the report which had changed considerably as a result. It was proposed that BSWG continue to be involved in a monitoring role.

The Chief Executive explained that the current structure of the division was not fit for purpose with the existing Director having nine direct reports. The REST programme was based on continued direct council provision of services commissioned against clear outcomes with customer focus, efficiency and effectiveness of service delivery and financial savings achieved through a systems thinking approach. The other key influence on the proposal was the urgent need to create senior level capacity to improve Cheltenham's economic performance in the light of the Athey Consulting report. It emphasised the need for collaboration with Cheltenham Development Task Force, GFirst LEP,

government agencies and local businesses. He highlighted that Government policy continued to promote economic growth and reward local authorities who were successful in this objective through the business rates retention scheme and via New Homes Bonus. The Chief Executive emphasised that REST was crucial to shaping the council response to the need for economic growth in that it embraced the land use and infrastructure planning functions which were crucial to unlocking growth potential by facilitating the growth in existing business.

In terms of the financial implications of the proposals the Chief Executive reiterated that the cost arising from the structure would for a full year be approx. £157k. The full cost would not fall on this current financial year as it was unlikely the positions would be filled for six months. The actual cost in the next financial year would depend on how quickly the structure would be changed in Phase 2 which would be the responsibility of the newly appointed Managing Director. The Chief Executive emphasised that additional income generation could mitigate the need for reductions in staff numbers as part of Phase 2. In any case the financial implications of the restructure have been covered by one off funding to ensure that budgets were in balance for the 2017/18 financial year.

How the REST project fitted alongside 2020 Vision was then explained by the Chief Executive. He said that whilst REST focussed on the continued direct delivery of services by this council, 2020 Vision was focussed on progressively sharing back office activities. The Chief Executive believed that structural change was vital now in the REST division regardless of 2020 to create additional capacity to the service and progress the economic development objectives.

Finally the Chief Executive outlined the alternative options that had been considered. The “do nothing” approach was in his view not realistic as it was vital to build in additional capacity to address the current inadequacies in the service. He also explained that originally it was felt that the Director post should be out of scope for the restructure but this would have limited the emerging options for the new structure and would fail to address a capacity shortfall. The option of splitting the division into two, and having just 2 directors instead of 2 directors with the overarching MD post was considered but this would not support the REST Project vision of a more joined up, commercial and customer focussed service.

A question was raised with regard to staff morale. In response the Chief Executive highlighted that senior staff had been very involved in the co-creation of the triumvirate structure. The trade unions had also been involved in the process and their concerns regarding phase 2 would be addressed. All staff presentations had been held which included REST and 2020 Vision and their concerns would be taken on board. He believed that Phase 2 would be achieved to a large degree by natural wastage.

The following points were raised by Members during the debate :

- Members welcomed the integrated structure and the savings of £157k which had already been achieved as part of the REST process, a result of creating efficiencies through the redistribution of staff and better use of resources

- Members recognised that adding capacity was fundamental to achieving the economic development objectives which included further working with partners such as the LEP, the Cheltenham Business Partnership and the Cheltenham Development Taskforce
- The ongoing involvement of the Budget Scrutiny Working Group was welcomed
- Faced with decreasing resources the council had progressed with commissioning and in 2013 business rates sharing arrangements meant the council had more of a direct influence on economic development in the town. It was recognised that the Athey report highlighted the need to focus more on economic development and the proposed model should achieve this.
- Members recognised the need for leadership to take economic development forward and this structure would fit that purpose
- A member highlighted that students were key to the town's future and the fact that the university was now offering a course on cyber security was welcomed
- Concern was expressed about staff and whether their fears about REST and 2020 were being addressed; meaningful engagement with staff was vital
- It was proposed that the Managing Director's job description should include attracting European funding to the town, including for tourism

The Cabinet Member Development and Safety welcomed the proposals. He believed they would ensure the delivery of the council's key services in the long term in an effective and efficient manner.

RESOLVED (with one absence) THAT

- 1. the restructure and the financial implications arising as set out in this report be approved.**
- 2. the Budget Scrutiny Working Group be requested to monitor the staffing budget for the Division to ensure that cost savings achieved from the Phase 2 restructure are not at the expense of service outcomes, quality or effectiveness**
- 3. the Chief Executive be authorised to make minor amendments to the structure prior to implementation**

9. FINANCIAL OUTTURN 2014/15 AND BUDGET MONITORING TO JUNE 2015

The Cabinet Member Finance introduced the report which highlighted the Council's financial performance for the previous year which set out the General Fund and Housing Revenue Account (HRA) revenue and capital outturn position for 2014/15. The information contained within the report had been used to prepare the Council's Statement of Accounts for 2014/15.

The Cabinet Member said that 2014/15 had been a particularly difficult year for balancing the books. In January 2015 it had been forecast that there would have been a possible overspend of £178,000. There were at that time

particular concerns regarding shortfalls in parking income and crematorium income, although both these items had recovered. He reported however, that another problem had hit the council completely from left field and this related to the impact on the Gloucestershire business rates pool of a successful major re-evaluation appeal by Virgin Media in Tewkesbury Borough. This has led to a far bigger reduction in rateable value than was expected. He explained that this had hit Tewkesbury the worst but because all the councils in the Pool share the risk, it has left the Pool in deficit and the council has had to contribute £285,000 as its share of the deficit. The Cabinet Member stressed however that he did not believe that this problem outweighed the benefit of being in the business rates pool. That said councils across the country were being hit by valuation appeals and the LGA were pressing Government to provide them with a degree of protection of sudden losses against valuation appeals.

The Cabinet Member reported that despite the business rates problem the council finished the financial year within budget, with a very small underspend of just over £9,000. He paid tribute to the very good financial management within the council by officers. He said that across the authority officers and its partner organisations worked hard to find savings, cut costs and generate income wherever they could. He welcomed the fact that Ubico had delivered an overall net surplus of £370,000 for the Council.

The Cabinet Member then went on to explain that as always a certain amount of revenue expenditure had been carried forward subject to Council approval. This included £23 000 to commission a new tourism and marketing strategy for the town, £40,000 to the planning appeals reserve and £40 000 for costs related to the JCS which would be matched by Tewkesbury and Gloucester councils.

The Cabinet Member also referred to major proposals in the report regarding accelerating capital investment in ICT. It involved reshaping the existing five-year ICT investment programme, switching some expenditure within the ICT capital budget, bringing some investment forward into 2015 to 2016, and adding a further allocation from unapplied capital resources. He explained that the effect of this accelerated investment would be to make CBS's ICT fully fit for purpose and aligned with other councils in the 2020 Vision programme. It would give the council among other things better data recovery in the event of a disaster, better storage arrangements and processing performance, a cluster of high speed servers to support shared working arrangements and reduce licensing costs, and better video conferencing facilities.

The Cabinet Member Finance informed Members that the General Reserve currently stood at £1.6 million. Although this was within the £1.5 to £2 million range that is regarded as adequate, it was not as high as desired due to the business rates impact. However he reported that there was a possibility that Ubico may want to distribute a further amount of money to its shareholders, subject to the views of its auditors. Should this happen it would bring the General Reserve up to about £1.75, which would be more satisfactory.

The Cabinet Member Finance also highlighted that the Housing Revenue Account faced big challenges in the future. He explained that the Government's decision that rents should be reduced by one per cent year on year for the next few years would mean that £6.8 million would need to be cut from HRA

spending plans between now and March 2020. The rent cut would test the ability to cut spending without negatively impacting either existing tenants or people in housing need.

Finally the Cabinet Member Finance referred to the Tour of Britain cycle race which was referenced in section 14 of the report. Cheltenham and some other local councils were in discussion with the organisers of the 2016 Tour of Britain Cycle Race about the possibility that one of the eight stages of the event might begin and end in Gloucestershire.

He emphasised that this was still at the discussion stage; it would be a huge boost to the economy and would raise Cheltenham's profile nationally and internationally as a festival town and tourist destination. If it went ahead, with a major stage of the race taking place in Cheltenham, the council would be asked to underwrite £75,000 of the cost. Officers were working hard with the Cheltenham Trust to cover that cost through sponsorship by local businesses and other organisations.

The following responses were given to questions raised by Members :

- The increase in the outstanding balance of section 106 receipts from £573,321 in 2013/14 to £1 801, 684 was due to the development at Thirlestaine Hall by Berkeley homes. Officers were currently working on this.
- Asked how the decrease or lower increase in Council rents would impact the business model of ALMOs such as CBH, the Cabinet Member Finance explained that whilst it was a benefit that tenants would have to pay lower rents the drawback was that the HRA would decrease by £6.8 million which meant there would be a reduction in investment in the current housing stock and in building new houses. He informed that CBH was looking at reshaping its business plan and the intention was to preserve the most high priority schemes. He would take on board the suggestion to write to Government seeking it to fund the cost.
- When asked why the increase in the Art Gallery and Museum utilities bill had not been anticipated the Cabinet Member Finance acknowledged that this was a matter of concern and one which property services were investigating. He highlighted that the AGM now comprised a larger floor area and was more intensively used for more hours than previously. There appeared to be more complex problems associated with the controlled environment equipment which was unbalanced and consultants had been engaged to assist with this. Work was also ongoing with regard to monitoring energy consumption and training the Wilson staff to have a greater ownership of energy consumption. He acknowledged that this issue had not figured in earlier budget monitoring reports but highlighted that the budget scrutiny working group would be monitoring this further.
- Tourism strategy-£22k would be allocated to this and it would dovetail into the response to the economic development strategy. Now there was a need for an organisational structure to carry through the recommendations. The potential to attract external funding and work with partnership organisations was highlighted by the Cabinet Member.

- Funding Planning appeals-the £40k allocated may not be sufficient which is why the Cabinet Member Finance was anxious to maintain sufficient money in the General Reserve.

The following points were made during the debate :

- Business rates-Concern was expressed at the level of loss. In response the Leader expressed his concern that Government had delegated its historic valuation appeals locally which in the Virgin media case had effectively wiped out 3 years' worth of surplus for the whole of Gloucestershire. He emphasised that concerns had been expressed to the Secretary of State and there was an ongoing conversation at Gloucestershire level. Despite this issue the Leader welcomed the fact that the council's finances were still on track.
- Members supported the Tour of Britain coming to Cheltenham and acknowledged the need to underwrite this event.

RESOLVED THAT

- 1. the financial outturn performance position for the General Fund, summarised at Appendix 2 be received, and that it be noted that services have been delivered within the revised budget for 2014/15 resulting in a saving (after carry forward requests) of £9,021 which will be returned to general balances.**
- 2. £380,700 of carry forward requests (requiring member approval) at Appendix 5 be approved.**
- 3. the annual treasury management report at Appendix 7 be noted and the actual 2014/15 prudential and treasury indicators be approved.**
- 4. the additional ICT requirements (section 6) to be funded from capital resources unapplied be approved.**
- 5. the additional capital programme in respect of affordable housing (section 7) be approved.**
- 6. the capital programme outturn position as detailed in Appendix 8 be approved and the carry forward of unspent budgets into 2015/16 (section 8) be approved.**
- 7. the position in respect of Section 106 agreements and partnership funding agreements at Appendix 9 be noted(section 10).**
- 8. the outturn position in respect of collection rates for council tax and non-domestic rates for 2014/15 in Appendix 10 be noted (section 11).**
- 9. the outturn position in respect of collection rates for sundry debts for 2014/15 in Appendix 11 be noted (section 12).**
- 10. Receive the financial outturn performance position for the Housing Revenue Account for 2014/15 in Appendices 12 to 13 be received**

and the carry forward of unspent budgets into 2015/16 be approved (section 13).

11. the guarantee any shortfall in the funding of the Gloucestershire leg of the Tour of Britain up to a value of £75,000 be agreed, to be funded from General Balances as outlined in section 14.
12. the budget monitoring position to the end of June 2015 (section 15) be noted and the budget virement of £65,000 be approved.

10. CONSTITUTION

The chair of the Constitution Working Group, Councillor Colin Hay, introduced the review of the Constitution report which detailed the recent work of the group and set out their recommendations.

Councillor Harman welcomed the recommendations on behalf of his group and suggested that consideration should be given to combining the Annual Council meeting with the inauguration of the Mayor ceremony, although he acknowledged that Annual Council was combined with Selection Council in election years. Councillor Hay suggested it was a matter for Group Leaders to discuss.

A member asked about the cost of drafting the social media protocol. In response Councillor Hay advised members that there were a number of councillors in other councils who had had to resign because of their inappropriate use of social media and therefore he considered it perfectly reasonable for this council to invest a limited amount of time to produce some short guidance for its members.

Upon a unanimous vote it was

RESOLVED THAT

1. The following be approved
 - Access to Information Rules – Appendix 2**
 - Employment Rules – Appendix 3**
 - Rule 2.13 Council Procedure Rules – Appendix 4**
 - Rules 5.3 and 15.3 Committee Procedure Rules and Overview & Scrutiny Rules – Appendix 5**
2. The two independent persons on Standards Committee be appointed to the Disciplinary Committee for such term as is necessary for the purpose of making recommendations to Council on disciplinary action against a statutory officer and, in the event of one or both of those persons not being available, to authorise Disciplinary Committee to appoint for the same term and purpose

an independent person or persons from another local authority's Standards Committee

- 3. The Committee Procedure Rule 3 (Substitute Members) be amended as proposed in paragraph 5 of this report**
- 4. The miscellaneous changes set out in Appendix 6 be approved**
- 5. The inclusion as appendices to the Constitution of the documents in Appendix 7-9 be agreed**
- 6. Authority be delegated to the Borough Solicitor to make any textual or other amendments which are necessary to ensure accuracy, consistency and legality of the Constitution when incorporating the revisions authorised by Council.**

The chair of the Standards Committee, Councillor Fisher, introduced the report on the Planning Code of Conduct. The report explained that the Planning Code of Conduct which was adopted by the Council in October 2006 had been reviewed and amended by a Working Group of Members and approved by the Standards Committee for adoption by the Council. The draft revised Planning Code of Conduct reflected changes to legislation, the Code of Members' Conduct and best practice which had taken place since 2006. The Council was asked to adopt the revised Planning Code of Conduct for inclusion as Part 5D of the Constitution.

A member asked for an explanation of the apparent anomaly that a member of the Planning Committee could declare an interest in an item and be required to leave the room once public speaking had been completed but a ward member who was not a member of the committee could stay even though they too have an interest.

The Head of Law, advised that there was an important difference between members participating in the decision-making process and those not participating. He would be happy to look at the relevant parts of the Code again to ensure consistency. A Member stated that the same issue had been raised at Standards Committee and the Committee had decided to remove the requirement for a ward member to remove themselves from the chamber after taking advice from the Monitoring Officer.

Councillor Coleman spoke as a former chair of the Planning Committee who had initiated the need for a simple reference guide for members on planning issues. He commended the work of officers and members in producing this valuable guide.

Upon a unanimous vote it was

RESOLVED THAT the revised Planning Code of Conduct attached at Appendix 1 be adopted and be included as Part 5D of the Council's Constitution.

11. ANNUAL PERFORMANCE REPORT

The Chief Executive indicated that a number of members had questioned why this document was coming to Council as it had already been discussed at a meeting of Overview and Scrutiny Committee and subsequently endorsed by Cabinet at its meeting on 14 July 2015. He explained that previously the annual performance report had been a regular item for the Cabinet and the Council agenda but it had been acknowledged that Council would have little to add given that it had been through the scrutiny process. This year the item had been recorded on the forward plan for both Cabinet and Council and this had not been picked up when the forward plan had been published or when the draft agenda for Council had been circulated. As the item had been included on the published agenda, it had been necessary to include it for debate today.

The Cabinet Member Corporate Services introduced the performance report for the end of the financial year 2014-15. He explained that the covering report summarised how the council had performed in regard to milestones and measures set out in the 2014-15 action plan. 84 milestones had been identified in the 2014-15 action plan and of these 67 (80%) were complete. The 2014-15 action plan identified 59 key indicators which were used to track progress; of which the council was directly accountable for 42 and 7 of which were community-based indicators, where no targets had been set. Of the 42 CBC indicators, 11 targets had been missed.

Overall he considered the report represented a commendable level of achievement in difficult financial circumstances. He highlighted that the figures in the report represented the position as at the end of March 2015 and he invited the Strategy and Engagement Manager to update members on the position as at the end of June 2015.

The Strategy and Engagement Manager, Richard Gibson, updated members on the latest situation with regard to the Red and Amber milestones and the Red Indicators. This indicated a good progress was being made on all these milestones. In particular he referred to the car parking strategy, the production of which was included in this year's corporate strategy and it would be reported to Cabinet in March 2016. He also updated members on a recent clear out week where staff had attempted to reduce the documentation held by their service area. Progress would continue to be monitored by the information management group.

A member asked about the reference to document management and why this was relevant to the move to Delta House when this could be at least eight years away. Was it 8 years or 3 years?

In response the Chief Executive said that the organisation currently had lots of paper and although retention strategies were in place, there was a real need to start managing the organisations paper storage. The ultimate aim was not to move lots of paper when the council occupies its new offices but this would take some time to achieve. With regard to the timescales for the move, the council would continue to monitor the opportunities.

Another member highlighted the importance of a car parking strategy and felt different reasons for the delay were given every time this was discussed. The outturn report presented to council today had also highlighted the lack of income from North Place car park, an underspend on CCTV and equipment for

the Regent Arcade car park and a problem with cleanliness. He asked for reasons for these delays and why the council was not finding resources to progress this very important strategy for the council. Another member suggested that many members had similar concerns and suggested a Cabinet member working party be set up to seek members' views at an early stage.

The Cabinet Member Finance advised that the car park cleaning issue had now been resolved through a fixed-price contract with Ubico. He acknowledged that there had been a slippage in the capital programme regarding CCTV and equipment however this was not down to a lack of car parking strategy and the funding was not lost. He acknowledged the need for a car parking strategy which could encompass the feasibility of acquiring new sites and he hoped would join up with the county council in producing a combined strategy for both on and off street car parking that would work for Cheltenham.

The Cabinet Member Built Environment advised that CCTV for the Regent Arcade car park had now been commissioned and a tendering process was under way for new equipment. He agreed to set up a Cabinet Member working group and the scope of the strategy would be to look at all car parks in the town and not just those owned by the local authority. He would review the timetable with officers and then ask members for nominations for the group.

Resolved (unanimously) that the report be noted.

12. NOTICES OF MOTION

The Leader proposed the following motion which was seconded by Councillor Fisher.

This Council:-

- believes that decisions taken locally are likely to be better informed than those taken centrally and so welcomes discussion with government about further devolved powers
- believes that funding must follow any devolved powers giving the opportunity to redesign services locally to make them more efficient and effective for local people
- any process of devolution must also involve discussion on how decisions already taken within Gloucestershire can be made more effective (e.g. road schemes in Cheltenham)
- recognises the important role of District and Parish Councils in democratic government and the immediate recourse that Parish and District Councils give to citizens
- comments on the draft document to be sent to the Secretary of State on behalf of Leadership Gloucestershire.

In proposing the motion, the Leader said this was an opportunity for the council to debate devolution and on balance he believed that decisions taken locally would achieve better results for local people.

Councillor Harman, as leader of the Conservative group, indicated their support for the expression of interest although he personally favoured a unitary

approach. He welcomed the reference to Parish Councils and the potential opportunity to review responsibilities for issues such as road schemes and car parking.

A member referred to the recent members' seminar where a target date of the end of July had been given for submission of an expression of interest and asked whether this bid was too late.

Other members felt it was important that once the letter of interest had been sent, all members participated fully in the debates that would need to follow in what would be a major political reform. This would include discussions on governance issues and appropriate arrangements for scrutiny of any joint boards and committees. This would ensure the right structure for Cheltenham as well as the county council. Another member thought that Gloucestershire should be putting forward a comprehensive proposal for the offer that they wanted rather than wait for central government to advise what they would be prepared to give. The local authorities in Gloucestershire needed to work together to make it happen. It would be essential that any devolved powers from government were supported by the appropriate level of funding.

A member expressed concern that there were previous examples of signing up to county council initiatives with words that promised joint delivery but in reality retained funding at county level with decisions being made by the county council Cabinet. They questioned how this council could sign up to this document without firm agreements with the county council regarding governance and funding.

A member asked how the proposals for devolution fitted in with the 2020 vision programme.

The Chief Executive advised that the fundamental principle of 2020 Vision was that the council should remain autonomous and retain decision-making on what services should be provided in Cheltenham. How those services are delivered is then an issue which would be resolved in partnership. It is vital therefore that we have the capacity within the Council to negotiate strategies and contracts to meet Cheltenham's needs.

As the seconder of the motion, Councillor Fisher stressed the need for decisions affecting Cheltenham to be taken within Cheltenham and cited Boots Corner as an example where clearly this was not happening. Local decision-making must be supported by appropriate funding and would allow Cheltenham to preserve its uniqueness.

The Leader emphasised that this was not a bid for a unitary approach as this would have to be agreed unanimously across the county council and the district councils in Gloucestershire. With regard to devolution it was important to agree what outcomes were important for Gloucestershire. He confirmed that there was no set timetable for submission of bids however if there were a number of proposals nationally, it may be preferable for Gloucestershire to get in early. He acknowledged that the October date indicated in the brochure for submitting a proposal to government would be challenging and there would need to be much debate with members before then culminating in a report to Council in October. He acknowledged the point that funding must follow devolved powers at all

levels. In conclusion he invited members to contact him with any further comments on the document which he would then feed back to Leadership Gloucestershire.

Upon a vote the motion was agreed unanimously.

13. TO RECEIVE PETITIONS

None.

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

The Mayor had determined that this late report, which had been circulated the previous week, should be considered to ensure that the Authority processed the matter in a timely manner and in the public interest.

The Leader introduced the report which asked Council to publicise and publish the application for designation of a neighbourhood area for the parished area of Leckhampton with Warden Hill for a period of four weeks.

The Town and Country Planning Neighbourhood Plan (General) Regulations 2012 (as amended) requires local authorities to publicise and publish a neighbourhood area application for public consultation, prior to formal designation. It is only following the successful completion of this stage that the parish council can formally progress with the preparation of their neighbourhood plan. The report sets out an outline of the required steps to designate a neighbourhood area and details the next stages in the process for the parish council.

Given that the next meeting of Council is 19th October 2015, it also recommended that Council authorises Cabinet to determine the area application so as to comply with regulations that require Cheltenham Borough Council to determine the application within eight weeks of the application being publicised

In response to a question, the Leader said that he hoped that the final plan would come back to Council at a later date for approval.

The Head of Law advised that Council was responsible for the policy framework and as such approval of this neighbourhood plan was a Council responsibility. In this case Council was being asked to authorise Cabinet to undertake the next stages in the process. As to whether the final plan could be referred to Council advice was needed from planning officers on how this might affect timescales. He therefore suggested that Council could request Cabinet to, subject to not prejudicing timescales for progression of the plan, bring back the final plan to Council for approval.

Upon a vote (with one abstention from a member who was absent for the debate) it was

RESOLVED THAT

1. That the commencement of the consultation process on the application for the neighbourhood area be arranged by immediate publication of the application on the website and other forms of communication deemed appropriate for the minimum period of four weeks.
2. That Cabinet be authorised to determine the area application and to determine all subsequent stages in the processing of the Leckhampton and Warden Local Development Plan.
3. That, provided it will not prejudice timely progression of the Plan, Cabinet be requested to bring back the final Plan to Council for approval.

15. LOCAL GOVERNMENT ACT 1972

The Mayor left the chamber at this point and handed over the chair to the Deputy Mayor, Councillor Ryder. Councillor Williams also left the room and did not participate in the debate.

Upon a vote it was

RESOLVED (unanimously)

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 3, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

16. HOUSING REVENUE ACCOUNT NEW BUILD

The Cabinet Member Housing introduced the report and explained that in March 2015 Cabinet resolved that the Authority should seek bids from contractors to build new homes across Cheltenham on a number of garage sites. He stated that following a recent procurement exercise this report sought approval to enter into a JCT Design and Build Contract with J Harper and Sons with Total Scheme Costs not to exceed £1,684,800. He reported that the scheme would deliver up to ten new homes on four HRA garage sites, representing the first Council owned stock built since the late 1980's. The Cabinet Member wished to put on record his thanks to officers both at the council and CBH for their hard work. These were complex redevelopments and Cheltenham was now leading the south west in the provision of affordable homes.

The Cabinet Member drew Members' attention to section 6 of the report. He explained that the majority of the dwellings CBC proposed to build would be at 80% of market rent, however there was a risk that if the proposed 4 bedroom dwelling was set at the 80% level, then this would be unaffordable for larger households on low incomes. It was therefore proposed that this be set at 70 % of market rent.

Members supported the proposals. They congratulated CBH in what they had achieved to date and it was hoped that there would be more new build going forward as this was desperately needed in the town. Some Members commented on the high standard of the developments to date. It was suggested that in the future CBH should look at its own in house team to develop “shared equity”. A member also mentioned “sweat equity” whereby tenants or part owners provided labour for their share of the housing equity. CBH should also be encouraged to look at ever greener houses and showcase what they are able to achieve and push harder to be even better and more innovative in its approach. CBH was commended for its record for taking on apprentices in the repairs team.

The Cabinet Member Housing informed Council that CBH was envied across ALMOs for its achievements in the regeneration of St Pauls. He reported that in the light of the recent budget announcement there would be a refresh of the HRA business plan later in the year in order to determine innovative ways to progress.

RESOLVED (unanimously) THAT

- 1. the allocation of up to £1,684,000 be authorised for the construction of up to ten new dwellings on the garage sites listed in section 2 of this report.**
- 2. It be noted that the total scheme costs of £1,684,800 (broken down in further detail in exempt appendix 3) will be funded by circa £500k of RTB receipts with the balance funded by the most appropriate combination of the other funding streams noted within the report – this decision being delegated to the Section 151 Officer in accordance with Financial Rules B7 and B8.**
- 3. the Authority be approved to source loan finance of up to £1.0m from the Public Works Loan Board to be used for the construction of up to ten new dwellings on the garage sites listed in section 2 of this report.**

Duncan Smith
Chairman

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