

## Cabinet

**Tuesday, 13th October, 2015  
6.05 - 7.05 pm**

| <b>Attendees</b>           |   |
|----------------------------|---|
| <b>Councillors:</b>        | Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), 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) |
| <b>Also in attendance:</b> | Councillor Matt Babbage and Councillor Tim Harman   |

## Minutes

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 15 September 2015 were approved and signed as a correct record.

**4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**

None.

**5. VISION 2020-VIEW OF OVERVIEW AND SCRUTINY**

Councillor Tim Harman, Chair of Overview and Scrutiny was invited to address Cabinet. He explained that at its meeting on 21 September Overview and Scrutiny had had the opportunity to ask questions, which were particularly focussed on governance, of both the Chief Executive and David Neudegg, Interim Managing Director for 2020 Vision. The committee unanimously agreed that Option 1 would best serve the interests of Cheltenham, its residents and staff.

He made the following points :

- a member of the committee had requested Cabinet to consider that a member of the non ruling party at the council should be represented on the Vision 2020 Joint Committee to ensure that scrutiny had a stake in the process.
- O&S believed that 2020 was a good way to ensure that the success of GOSS could be built on and he gave thanks to all officers who had been involved in the project to date. 2020 represented a good way of delivering value for money and configuring local government services.

- Consideration should be given to the title of “Head of Paid Service”. The one main contact officer of the council should have a title which the public could understand
- When asked what consideration O&S had given to the fact that 2020 would comprise 3 predominantly rural authorities and how could Cheltenham best position itself as an urban authority in that arrangement, the Chair of O&S said that this had not been discussed specifically but in the spirit of cooperation it should be possible for adequate dialogue.

In summing up the Leader thanked the Chair of Overview and Scrutiny and the committee for its comments. He supported the comments relating to cross party membership of the Joint Committee providing this was reciprocated by the other Councils and would explore how this could be taken forward with the other authorities. At its meeting on 19 October Council would appoint a Cabinet and non Cabinet member. In terms of the comment on the title of the Head of Paid Service he stated that legally the authority had to have a post with this responsibility but would ask the Appointments Committee to consider the job title during the recruitment process.

## **RESOLVED**

### **To note the minutes of Overview and Scrutiny**

#### **6. 2020 VISION**

The Leader introduced the report and explained that 2020 Vision had been a challenging and ambitious process and represented an opportunity for the council to make savings without cutting services. He referred to the success the council had experienced with sharing services with GO Shared Services and ICT.

The Leader referred Cabinet to the amended recommendations from the published report as circulated and highlighted the following points :

- Customer services, revenues and benefits and property services had been identified within the project as the next services to be considered for sharing. The amended recommendation 2 stated that Cabinet would receive and have to approve further business case briefings and proposed Service Level Agreements for these services under consideration. He added that this detailed work would begin shortly with a report being brought to Cabinet at some stage in the New Year. He highlighted that members would be involved in this process.
- 2020 would be governed by a Joint Committee with two members represented from each authority. Cabinet would nominate one member and it was proposed that the current Cabinet Member Corporate Services undertake this role. He was the current council representative on the member governance board and the CBC representative on the Joint Monitoring and Liaison Group for GOSS.

- The Joint Committee would be responsible for overall financial policies and potential HR policies. The Leader referred members to the amended recommendation 5 which now included the introduction of a protocol which would require the Joint Committee to defer any item relating to changes to employment terms and conditions where it was unlikely to be passed by unanimous decision in order to seek a resolution to the matter. The Leader added that whilst rationalisation of HR terms and conditions would be useful, to have a mechanism in place to deal with any issues was a sensible approach. He also made reference to the deletion of the last sentence of Section 10.4 in the report.
- The Leader reported that the post of Managing Director of the Partnership had been ringfenced to the Chief Executives of Cheltenham and Cotswolds/West Oxfordshire councils. He explained that the current Chief Executive of Cheltenham had not expressed an interest in being considered for this position. The position of CEX would be deleted at the council but the post of Head of Paid Service was a legal requirement. The recruitment of this post would be a process for the council's Appointments Committee.
- The existing shared service arrangements for GO Shared Services and ICT Shared Services would be undertaken by the Joint Partnership Structure from April 2016.

The Cabinet Member Finance referred to the fact that existing shared services with Ubico and GOSS made the council an annual saving of £2.7 m annually. With Government core funding reduced from £8.8 m to £4.6 m between 2009 and 2015 and likely to be further cut between 25 % and 40 % over the next 4 years, further radical efficiency savings needed to be made without cutting services. With evidence that the four councils concerned were already making shared services work so well 2020 Vision represented further new ways of working which had been supported by Government via the £3.8 m Transformation Challenge Fund. He reported that Vision 2020 would generate £581 000 of savings annually increasing to £800 000 per annum if a Teckal company was established and these figures had been endorsed by CIPFA. The Cabinet Member paid tribute to the hard work invested in the 2020 project by all officers involved but in particular the Deputy Chief Executive, Director Resources and the Head of Finance. The Leader reinforced his thanks to all concerned.

Some Members still had the same concerns they had expressed when discussing 2020 at the December 2014 meeting of Cabinet. They did not share the optimism for 2020 Vision that had been expressed at the meeting thus far although they supported the inevitability of having to further generate efficiency savings. They believed that the 'devil was in the detail'. They said that whilst it seemed sensible for the existing GOSS and ICT Shared Services to be transferred to the Partnership, the transfer of other 'back office' council services should be subject to very detailed scrutiny and that they should not be simply considered as a "fait accompli"; each service must be looked at on a case by case basis. They believed that a Plan B for those services was still an option. What was essential was that residents received the best possible services but they feared that the essence of what was Cheltenham could be lost in a 2020

partnership. In their view it was imperative that REST services remained with the council and Cheltenham focussed as they had little in common with the three rural authorities involved. These members also supported the Chair of Overview and Scrutiny's request that an opposition member should be nominated as the second Borough Councillor on the Joint Committee whilst recognising that this approach would have to be adopted by the other 3 authorities. It was suggested that the Chair of Overview and Scrutiny discuss this with his counterparts in the three authorities. They firmly believed that this approach would provide valuable added scrutiny protection of that joint committee.

A member also suggested that the appointment of the Head of Paid Service be undertaken quickly as in his view the council could not afford to be left with a power vacuum. This would also enable early resolution of any potential conflict between that role and the role of the current Head of Paid Service.

The Leader of the Council, in response to a comment regarding the financial figures in the business case (appendix 3), explained that these figures were those which had been presented in the bid to Government for Transformation Challenge Award funding. The absolute 2020 figures were now available in terms of what contribution 2020 would have to the council's budget going forward as detailed in section 16 of the report.

Members requested that all members receive a rapid turnaround of tonight's decisions by Cabinet.

#### **RESOLVED THAT**

- 1. the Authority enter into the shared services partnership structure described in Appendix 2.**
- 2. the consequential revised senior management structure for this Authority be endorsed as set out in section 7.**
- 3. the 2020 Vision Business Case at Appendix 3 be approved.**
- 4. the Commissioning Strategy at Appendix 5 be adopted.**
- 5. the 2020 Vision Joint Committee be established in accordance with Sections 101 and 102 of the Local Government Act 1972, and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 made under Section 9EA, 9EB and 105 of the Local Government Act 2000, with draft Constitution at Appendix 6 including a protocol which requires the Joint Committee to defer any item relating to changes to employment terms and conditions where it is unlikely to be passed by unanimous decision in order to seek a resolution to the matter.**
- 6. authority be delegated to the Chief Executive in consultation with the Leader, the Section 151 Officer and the Borough Solicitor to finalise and complete the Inter Authority Agreement (including the Constitution) and other documentation on terms to be approved by**

**the Borough Solicitor and to take all necessary steps to create the 2020 Vision Joint Committee by April 2016.**

- 7. it be agreed that the existing 2020 Vision Member Governance Board arrangements will continue until the 2020 Vision Joint Committee is created.**
- 8. Upon establishment of the 2020 Vision Joint Committee**
  - 8.1 To authorise the delegation to the 2020 Vision Joint Committee those functions of the Authority as described in the draft Constitution for the 2020 Vision Joint Committee, subject to retained decisions as set out in section 10 of this report**
  - 8.2 To agree to appoint Forest of Dean District Council as Administering Authority to provide administration support to the Joint Committee**
  - 8.3 To agree to appoint Cotswold District Council as the Accountable Body to provide financial support to the Joint Committee and enter into any contracts required on behalf of the Joint Committee**
  - 8.4 To agree to appoint the following councils to provide the following functions of the Joint Committee;**  
  
**Forest of Dean District Council – Monitoring Officer**  
  
**Cotswold District Council – S151 Finance Officer**  
  
**Forest of Dean District Council – Clerk to the Joint Committee**
- 9. to confirm the appointment of David Neudegg as Partnership Managing Director.**
- 10. to agree to make available such of this Authority’s staff as are necessary for the 2020 Vision Joint Committee to fulfil the functions which the Authority delegates to it**
- 11. Council be recommended to appoint Councillor Walklett as the Cabinet Member representative on the 2020 Vision Joint Committee.**
- 12. further business case briefings and proposed Service Level Agreements be received and approved providing reassurance on the benefits, costs and savings to the Authority of the services outlined in section 14.4 of this report, and demonstrating that other sharing options have been considered, prior to delegation of those services to the 2020 Vision Joint Committee**
- 13. a report and business case be received during 2016 on the establishment of a local authority company for the delivery of the functions of the 2020 Vision Partnership, or alternatively the continuation of the 2020 Vision Joint Committee, and makes an onwards recommendation to Council as necessary.**

**7. REQUEST FOR RENT SUBSIDY FROM BROADLANDS PRE SCHOOL & APPROVAL TO DISPOSE OF PUBLIC OPEN SPACE**

The Cabinet Member Finance introduced the report which considered a rent subsidy request by Broadlands Pre School for the premise at Burrows Playing Field. He reported that the 3<sup>rd</sup> Sector Policy Board had considered the application and agreed that it could receive an 80 % discount due to its contributions to the local economy and local economy and the welfare of children and families.

The Leader added that this was positive news and the policy added value to the community.

**RESOLVED THAT**

**1. the recommendations of the 3rd Sector Panel be accepted and that a rent reduction of 80% be authorised against the lease between Cheltenham Borough Council and Broadlands Pre School.**

**2. it be agreed that the land and buildings that are currently let to Broadlands Pre School be declared surplus for a further term of 15 years**

**3. authority be delegated to the Head of Property and Asset Management, in consultation with the Borough Solicitor, to agree the terms of the lease.**

**8. BUDGET STRATEGY AND PROCESS 2016/17**

The Cabinet Member Finance introduced the report which proposed a broad strategy and outlined a process for setting the budget, housing rents and council tax for 2016/17. It outlined a number of principles that needed to be established at this stage to enable budget preparation to commence.

He explained that the council was experiencing unprecedented financial squeeze with Government core funding having halved since 2009 and with it likely to reduce further by 25%-40% over the next four years. He referred to the savings that were being achieved from embracing radical change in the way that the council had organised its services or from sharing services. He made reference the £231 000 new saving which the Cheltenham Trust would deliver next year and the £100 000 from the accommodation strategy next year.

The Cabinet Member added that it was still necessary to think creatively and explained that the focus was on sharing services at a new level via 2020 Vision which would deliver £800 k of savings per annum by 2019-2020 and the drive for further business growth in the town in order to attract an increase in its share of business rates. The council's direct financial interest in business rates would grow between now and 2020 as the Government devolved more to local councils. He referred to the role of the Cheltenham Development Task Force in promoting growth in terms of attracting John Lewis to the Beechwood Arcade.

He also added that the council was strengthening its economic development work by appointing a senior director to drive this forward shortly.

The Cabinet Member Finance said that for the first time a target had been set in the MTFS to increase income as a result of economic development and expansion. This represented a huge opportunity for council as it faced substantial risk as Government was talking about removing core funding to councils.

He emphasised that Cabinet was endeavouring to ensure that Government funding cuts would not mean an increase in Council tax and fees and charges. Car parking income had been frozen for 5 years and the MTFS anticipated no increase between 2010-2020. He added that Council tax had been frozen since 2011 which may be difficult to do for a sixth year.

The Cabinet Member Finance wished to put on record his thanks to the S151 Officer for his work in these extremely difficult circumstances. He added that reserves were tight with little room for manoeuvre. It was important that the strategy worked and was a success.

The Leader added the importance of the role of the Managing Director REST in boosting extra income for the council.

#### **RESOLVED THAT**

- 1. the budget setting timetable at Appendix 2 be approved.**
- 2. the budget strategy and MTFS outlined in section 5 and Appendix 3 be approved.**
- 3. the reserve realignments outlined in section 7 and the level of reserves projected at Appendix 4 be approved.**
- 4. the expected cut in government baseline funding of £277k for 2016/17, the estimated funding gap of £1.825m and the large amount of work done so far to bridge this gap be noted.**
- 5. the intention for this Council to remain in the Gloucestershire Business Rates Pool in 2016/17 as outlined in section 6 be noted.**
- 6. the Section 151 Officer and the Cabinet Member for Finance be requested to consider suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2016/17 as outlined in section 8.**

#### **9. LICENSING ACT 2003 LICENSING POLICY STATEMENT**

The Cabinet Member Development and Safety introduced the report and explained that sections of the Licensing Act 2000 required the council to review, determine and publish its Licensing Act 2003 Policy statement every three years. The current Policy statement was adopted by council on 10 February 2012. He reported that whilst it was not technically necessary to review the adopted policy statement until 2016, an early review had been undertaken to

reflect various changes in law, good practice and changes to the local licensing landscape. He explained that consultation had been undertaken and the report was asking Cabinet to consider the consultation feedback and adopt the revised policy.

The Cabinet Member went on to explain that the Licensing Act 2003 was the primary legislation that dealt with the licensing requirements relating to :

- a) The sale of alcohol
- b) The supply of alcohol by a club
- c) The provision of regulated entertainment
- d) The provision of late night refreshment

These activities were authorised through the issue of :

- a) A premises license
- b) A club premises certificate
- c) A temporary events notice

He explained that the council was obligated to promote the four licensing objectives when discharging its functions under the 2003 Act including setting policy. He reminded members that the licensing objectives were :

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

The draft proposed policy statement was attached at appendix 2 of the report. The policy statement set out the principles the council would apply when determining applications under the 2003 Act for up to the next 5 years.

The amended policy statement set out a proposed policy vision to make Cheltenham a safe and clean town that offered a greater diversity in the night time economy that is not solely focused on alcohol and that protected the quality of life for residents. In order for the council to achieve this vision, it must become more proactive in shaping the licensing landscape of the town. The Cabinet Member explained that the specific measures proposed included :

- a) Designating the town centre as an “area of concern” to allow the council to review the impact of licensed premises in this area
- b) Introducing core hours for licensable activities
- c) Introducing “latest admission times” strategy
- d) Restrict the sale of alcohol at take away food premises
- e) Restrict the use of external areas to 23:00 to reduce nuisance to local residents.
- f) Promote a code of good practice for drinks promotions
- g) Film Classifications-introduces a formal classification process for films not classified by the British Board of film control (regulated entertainment)
- h) Introduce a pool of model conditions-to promote the use of clear, proportionate and enforceable conditions



The Cabinet Member reported that the feedback to the consultation exercise was attached at appendix 3. 4 responses were received and all had received responses from licensing officers.

**RESOLVED THAT**

1. the consultation feedback and officer comments be noted; and
2. the revised policy attached at Appendix 2 be approved.

**10. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Development and Safety wished to acknowledge the achievement of the Cheltenham Taskforce in attracting the retailer John Lewis to the town. This would be a positive enhancement to the town and regenerate the retail sector in that part of the town.

The Cabinet Member Healthy Lifestyles congratulated the Cheltenham Poetry Festival on their appointment of Cheltenham’s Poet in Residence, Angela France. She wished to also thank Anna Saunders, the festival founder and director for inviting her to formally announce this at an open mic event held on National Poetry Day.

**11. CABINET MEMBER DECISIONS**

Members reported the following decisions which had been taken since the September meeting of Cabinet :

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| <p>Cabinet Member Clean and Green Environment</p> | <ol style="list-style-type: none"> <li>1. To accept the tenders as set out in the Tender Acceptance Report to enable the Authority to sell its recycling material to the re-processors referred to in paragraph 4.4 of the report when the current contract with P W Commercial Ltd (Printwaste) expires on 16th October 2015</li> <li>2. Noted that the a decision on the disposal of wood will be taken by the Deputy Chief Executive or Cabinet Member Clean and Green Environment as appropriate once the Joint Waste Team has concluded further investigations.</li> </ol> |
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| Cabinet Member Healthy Lifestyles     | Allocation of Positive Activities Funding. There had been £109k worth of bids for a £50k pot. 24 applications had been received and 14 had been successful totalling £49 014. 3 projects had been successful in being awarded funds from the health inequalities grant. |
| Cabinet Member Development and Safety | To approve the proposed charging structure for private hire vehicle operator licences.  |
| Cabinet Member Finance                | Freehold Disposal of 6 Colombia Street  |
| Cabinet Member Finance                | Freehold Disposal of 9 Princes Street   |

The Cabinet Member Healthy Lifestyles also referred to a recent decision she had taken. There had been £109k worth of bids for a £50k pot. 24 applications had been received, 14 had been successful. 3 HE

**Chairman**