

## Cabinet

**Tuesday, 10th November, 2015  
6.00 - 7.00 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 Tim Harman, Councillor Roger Whyborn and Councillor Max Wilkinson

## Minutes

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

All Members of Cabinet declared a non prejudicial interest in Agenda item 7- Cakebridge Place proposal as Councillor Paul Baker was Chairman of Cheltenham Town Football Club.

**3. MINUTES OF THE LAST MEETING**

The minutes of the last meeting were approved and signed as a correct record.

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

**Question from Peter Sayers of 48 Clarence St, Cheltenham:**

'I am concerned that only one risk is identified in Appendix ONE of the report. However, on Page TWO, under the heading 'Legal Implications' three clear and significant risks are identified. They have no place in 'Legal Implications'. Why were these not placed into the appropriate risk section and could this oversight be now amended and the items correctly placed into Appendix ONE, and then discussed and evaluated as risks, not implications?'

**Response from Councillor Peter Jeffries, Cabinet Member for Housing:**

The first paragraph in the report legal implications is simply a statement of the council's powers of acquisition and the legal implications of holding housing stock. It is not a risk.

The second paragraph is in support of the proposals to look for properties now, rather than waiting until later. It isn't a risk at this stage because the report has been prepared in ample time to allow the proposal to be carried to its successful conclusion; it is an explanation (for those unfamiliar with the conveyancing process) of the need to be progressing this proposal now rather than later.

The third paragraph does not reference a risk because again there is adequate time. It is a comment that not all properties are necessarily appropriate, and a

reminder to those dealing with the process to check out any title restrictions before spending time and resources going too far down the conveyancing process. The process for obtaining title information is quick and straightforward. In conclusion, the information contained in the report legal implications does not need to be set out as formal risks in appendix one to the report. Nevertheless, the fact that it is contained in the legal implications does not lessen its value to the report.

## **5. RAILWAY SCRUTINY TASK GROUP**

Councillor Whyborn was invited to address Cabinet as Chair of the Scrutiny Task Group (STG). He explained that the group had focussed on the London services which had known problems and issues. He also explained that Cabinet was being asked to be mindful of other relevant issues which had been raised in the report including the north/south route and Worcester services. Of significant concern was the increasing number of services which the station was handling and whilst welcomed in terms of the benefits this brought to economic growth, the ability to terminate additional trains in Cheltenham due to their being only one single siding was questioned.

The Chair of the STG made the following further points in terms of explaining each of the task group recommendations :

- as part of its remit the STG was due to look at the London service franchise but in April 2015 First Great Western (FGW) had been awarded an extension of 3.5 years by the Department for Transport (DfT) so this was no longer necessary.
- following the publication by Network Rail of the Western Route Study in late 2014 it was subsequently announced that there would be an hourly service to Paddington from Cheltenham in 2017/18. He reminded Members that the STG had devised a motion which was considered and passed by Council in December 2014 and submitted as a response to the Western Route study consultation.
- CBC had limited influence on rail services, but as part of a combined authority following devolution it would be in more of a position to help shape transport services. Franchising of integrated transport, as in connecting bus services was however not currently in the bid.
- Members' attention was drawn to the priorities laid down in Phase 1 of the proposals as highlighted in the report in terms of providing full equality access, car parking and forecourt improvements.
- Proactive lobbying to integrate improvements in 1A and 1B

The Leader thanked the Scrutiny Task Group for its report and welcomed the work undertaken. As many issues had been addressed in the report he proposed that Cabinet would note it at this stage and come back in due course with a more detailed response. In response to the point on devolution he explained that it was at its very early stages and whilst it was not currently in the

bid there would be other opportunities to discuss it. The Leader highlighted the importance of proceeding with the work on Phase 1 and then thanked the group for gaining a better understanding of the franchising processes.

## **RESOLVED THAT**

**The scrutiny report be noted and a detailed report be brought back to Cabinet for consideration in due course.**

### **6. CYCLING AND WALKING SCRUTINY TASK GROUP**

The Chair of the Scrutiny Task Group Cycling and Walking, Councillor Max Wilkinson introduced the report of the group. He thanked all those who had participated and in particular Jon Mallows of Cheltenham and Tewkesbury Cycling Campaign (C & TCC), Bronwen Thornton of Walk21 and John Newbury of Living Streets.

The Chair of the STG explained that when the report was discussed at the recent Overview and Scrutiny Committee the following reservations had been expressed :

1. Cycle Helmets : The STG report had outlined the argument for 'no helmets' which was a view that was held strongly by cycling groups, in an effort to normalise cycling and make it a more attractive proposition to a broader range of people. The task group were not suggesting that cyclists should be advised not to wear helmets but rather that any promotional images should feature cyclists without helmets rather than presenting a stereotypical image of cyclists wearing helmets and hi-vis clothing. Members of Overview and Scrutiny were apprehensive about cyclists being encouraged not to wear a helmet although the Chair of the STG had reminded members that the group was not encouraging cyclists not to wear a helmet, the issue was restricted to presentation of cycling in promotional materials rather than advice.
2. The STG report outlined how evidence suggested that lower speed limits reduced congestion and it was a fact that the impact of a collision at 20mph was far reduced than a collision at 30mph. The recommendation of the task group was that an assessment of the appetite for a 20mph limit across the town should be sought from residents and advice from Officers had been that it was far easier to apply for a Traffic Regulation Order for a default 20mph limit and then exclude main routes from it, rather than to apply for a number of smaller areas. This recommendation was a concern for members of Overview and Scrutiny in terms of the cost associated with the TRO however the committee had acknowledged that there were areas in Cheltenham that would welcome and benefit from a 20mph speed limit.
3. All members of the task group agreed that it was not ideal for cyclists and pedestrians to share footpaths but opinion was split about whether cyclists should be permitted on the Promenade and High Street in Cheltenham. Members of Overview and Scrutiny were uneasy that cycling should be permitted on the Promenade and High Street. These two areas were the main thoroughfare for shoppers and increased footfall was an ambition which seemed in conflict with allowing cycling throughout.

The Chair of the STG said that in terms of walking in the borough guard rails could be removed to encourage the free movement of pedestrians and there had been no evidence that these had health and safety benefits.

In summing up the Chair of the STG felt that the recommendations could potentially improve air quality within the borough and reduce congestion. He referred to the Cheltenham and Tewkesbury Cycle Campaign wishlist of improvements and the Bristol shopping list. Having a wish list of improvements would put the council in a better position in terms of seeking funding and achieving what it aimed to achieve.

The Cabinet Member Development and Safety thanked the group for its report which he believed to be very useful. He would take away the recommendations and discuss with officers on developing a practical list for the council to take forward. This would also involve discussions with partners. He undertook to bring back a report to Cabinet in due course.

#### **RESOLVED THAT**

**The scrutiny report be noted and a detailed report be brought back to Cabinet for consideration in due course.**

#### **7. CAKEBRIDGE PLACE PROPOSAL**

The Cabinet Member Housing introduced the report and explained that the council now owned all 12 properties on the site of Cakebridge Place which were all beyond economic refurbishment. He also reported that initial flooding concerns led to an approach to the football club regarding a land swap to allow residential development off Whaddon Road. The Cabinet Member said that the two options available to the council had been examined by the Asset Management Working Group the previous week which supported the Whaddon Road development option.

The Head of Property and Asset Management was then invited to address Cabinet. He explained that the land swap with the football club would provide the football club with improved commercial opportunities. He also said that this opportunity for offsite provision also supported a more holistic view of the Council's property assets in the immediate locality and would potentially enhance CBC's longer term value of the football club site.

The Cabinet Member Housing said the council was in an enviable position by seeking additional much needed affordable housing on HRA land and at the same time enhancing the value of the site.

The Cabinet Member Finance referred to the detailed discussion held by members of the Asset Management Working Group which supported unanimously the sound advice for the long term to maximise the value of the asset by progressing with the Whaddon Road option. The group also recognised the more immediate benefits of providing modern new homes and alleviating football match traffic for local residents.

Members of Cabinet welcomed the prospect of high quality new affordable home for local benefit and the protection of an important asset as well as improving facilities and enhancing commercial opportunities for the football club. It provided an important message that the council was committed to developing housing for rent and social purposes which was a key part of the council's function.

#### **RESOLVED THAT**

- 1. the "Whaddon Road " option set out in paragraph 1.7.2 of the report be adopted and that appropriate steps be taken to clear and redevelop both the Cakebridge Place and the Whaddon Road sites to reflect the proposed development, and making an application to the appropriate authority to stop up Cakebridge Place in whole or part**
- 2. the Head of Property and Asset Management (in consultation with the section 151 Officer and the Borough Solicitor) be authorised to proceed with negotiations with Cheltenham Town Football Club to enable the land shown in Plan B to return to the Council's possession and for the land shown in Plan A to be included within the area leased to the Club substantially upon the terms (including expiry) of the existing lease and such other terms as the Head of Property and Asset Management deems necessary or advisable to protect the Council's interests**
- 3. the Borough Solicitor be authorised to conclude such documents as she deems appropriate to reflect the terms negotiated under paragraph 2 of this Resolution, whether by surrender of part and lease of substitute land, or surrender of the whole and grant of a new lease of the varied area**
- 4. at the relevant time, the land returned to the Council's possession under resolution 2 above be appropriated to Housing (HRA) land**
- 5. that the Right to Buy receipts be used as far as possible to fund the project**

#### **8. USE OF RIGHT TO BUY RECEIPTS**

The Cabinet Member Housing introduced the report as circulated with the agenda. He explained that the council's preferred approach to increasing the provision of new affordable housing in Cheltenham was to build affordable homes on council owned brownfield sites. He said however that building new homes in this way could however be complex and time consuming and it was therefore prudent for the council to consider other ways of using its Right to Buy Receipts including acquiring new homes from the open market. He emphasised that Right to Buy Receipts had to be spent within strict deadlines and if these were not met the receipts must be repaid to the government with interest.

The Leader welcomed the proposal and said this was a good way to ensure that repayments of receipts to the government could be avoided.

#### **RESOLVED THAT**

- 1. the Head of Property and Asset Management ( in consultation with the section 151 Officer), be authorised to purchase dwellings that are considered to be suitable for use as affordable housing (in accordance with the parameters as set out within Section 4.5 of this report), subject to a total cap on the consideration paid for the entire portfolio of £1 million .**
- 2. the Borough Solicitor be authorised to negotiate and complete such documents as she deems necessary or desirable to conclude the transactions negotiated by the Head of Property and Asset Management under Resolution 1 above**
- 3. the section 151 Officer be authorised to use the Right to Buy receipts where necessary to fund the acquisition of the properties purchased under Resolution 1 above**

#### **9. GROWING PLACES-ALLOTMENT STRATEGY 2015**

The Cabinet Member Clean and Green Environment introduced the report and explained that the Allotment Strategy 2015 was an updated strategy document that explored the demand and supply issues for allotments in Cheltenham and proposed actions in key areas of allotment management, infrastructure, protection and provision, promotion and health and safety, with a view to ensuring the effective provision and management of allotments now and in the future.

The Cabinet Member Clean and Green Environment felt that allotments provided a significant public service to residents across the town as well as representing great value. He highlighted the benefits in terms of produce, friendship and sense of community and exercise and it was estimated that between 6000 and 10 000 residents benefited as a direct result of allotments. He reiterated the council's commitment to allotments and believed it had a robust and ambitious plan for the future with the action plan setting out proposed activities for five key areas: allotment management; infrastructure, protection, provision and health & safety. The Cabinet Member also highlighted that there were increasing plot numbers on existing sites and officers were interacting with developers in terms of provision on new developments. Restricting rent increases to inflation was key. He wished to put on record his thanks to the allotment officer for her hard work

Members supported the strategy and the action plan; allotments did have an extended benefit and were invaluable to whole families.

The Leader recognised the invaluable work on allotments and noted that rationalisation of allotment space had meant that the allotment waiting list had been reduced.

**RESOLVED THAT**

**the Allotment Strategy and the action plan be approved.**

**10. BUDGET MONITORING REPORT 2015/16 - POSITION AS AT SEPTEMBER 2015**

The Cabinet Member Finance introduced the report which updated Members on the Council's current financial position for 2015/16 based on the monitoring exercise at the end of September 2015. The report covered the Council's revenue, capital and treasury management position. The report identified any known significant variations (minimum £50 000) to the 2015/16 original budget and areas with volatile income trends.

The Cabinet Member Finance reported that the total projected under spend for the year amounted to £66 600. He believed this showed strength in budget management and this was a good outcome for the council. In terms of variances he reported that recycling income had reduced due to the drop in the price of crude oil and the slowdown in the Chinese economy. Some costs had been offset by cost efficiencies made by Ubico. The Cabinet Member reported that car parking income was in a healthy income position. A more detailed monitoring would take place over the next few weeks in the run up to the budget next year.

The Cabinet Member Finance was grateful to all officers across the authority who had contributed to the budget position but in particular wished to thank the Finance Team for their dedicated and skilful leadership in budget management.

**RESOLVED THAT**

**the contents of this report including the key projected variances to the 2015/16 budget and the expected delivery of services within budget be noted.**

**11. PROPOSAL TO UPDATE AND ADOPT ANIMAL LICENCING CONDITIONS**

The Cabinet Member Development and Safety introduced the report as circulated with the agenda. He explained that under the Council's Constitution Cabinet could approve the adoption of animal licensing conditions to raise animal welfare standards for licenced animal premises including pet vending, animal boarding establishments and dog breeding.

He reported that an eight week consultation on five new sets of standard licence conditions was undertaken between 14 August and 9 October 2015. These new licence conditions were extracted from model conditions published by the Chartered Institute of Environmental Health and Local Authority Co-ordinators of Regulatory Services. Requests for alterations from consultees and the reporting officer had been highlighted in the report with the recommendations for adoption. He explained that adoption of the proposed conditions would bring the authority up to date with the Animal Welfare Act 2006.

The Cabinet Member reported that within the consultation feedback a conflict in

the appropriate wording of two sections of the Dog Home Boarding conditions (conditions 5.5.7 and 5.83) had arisen. Cabinet were asked to decide which wording to adopt. He explained that the two alternative wordings suggested for 5.5.7 were outlined at 2.19 and 2.20 of the report. Of these two alternatives he recommended to Cabinet that the following wording was adopted :

“Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites”.

The two alternative wordings suggested for condition 5.83 were outlined at 2.30 and 2.31 of the report. Of the two alternatives he recommended to Cabinet that the following wording was adopted :

“No current licenced home boarders have children under 7 in their household”.

In summing up the Cabinet Member said it was important that the Council maintained the highest standards of animal welfare within the borough and the adoption of these up to date conditions would contribute to ensuring that this happened. Once approved it was proposed that the newly adopted conditions were included in an overarching animal welfare policy with the objective of simplifying the council's policies for the general public.

#### **RESOLVED THAT**

- 1. the conditions set out in ‘Model conditions for Pet Vending Licencing 2013’ published by the Chartered Institute of Environmental Health, September 2013 (see Appendix 4 for original and Appendix 7 for proposed) be adopted as the Authority’s licensing conditions in respect of pet vendors and shops selling companion animals as amended by the requested proposed conditions.**
- 2. the conditions set out in ‘CIEH Model Licence Conditions and Guidance for Dog Breeding Establishments’ published by the Chartered Institute of Environmental Health, January 2014 (see Appendix 4 for original and Appendix 8 for proposed), be adopted as the Authority’s licensing conditions in respect of dog breeders who require a licence as amended by the requested proposed conditions.**
- 3. the conditions set out in ‘CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments 2013’ published by the Chartered Institute of Environmental Health, November 2013 (see Appendix 4 for original and Appendix 9 for proposed) be adopted as the Authority’s licensing conditions in respect of cat boarding establishments as amended by the requested proposed conditions.**
- 4. the conditions set out in ‘CIEH Model Licence Conditions and Guidance for Dog Boarding Establishments’ published by the Chartered Institute of Environmental Health, October 1995 (see**



Appendix 4 for original and Appendix 10 for proposed) be adopted as the Authority's licensing conditions in respect of dog boarding establishment using external kennels as amended by the requested proposed conditions.

5. the conditions set out in 'LACORS Model Licence Conditions for Home Boarding (Dogs), Animal Boarding Establishments Act 1963' published by LACORS in November 2005 along with the 'LACORS model home boarding conditions - Update and clarification, 14<sup>th</sup> October 2009' (see Appendix 5 for original and Appendix 11 for proposed) be adopted as the Authority's licensing conditions in respect of the home boarding of dogs as amended by the requested proposed conditions and Cabinet's support for conditions 5.5.7 and 5.8.3.
6. the conditions be applied from the 1<sup>st</sup> January 2016.
7. It be approved that officers may deviate from the detail of these conditions on a case by case basis, provided the proprietor can prove that the same or higher animal welfare standards are achieved by an alternative approach.

## 12. REVISED STREET TRADING POLICY

The Cabinet Member Development and Safety introduced the report and explained that the Council's current street trading policy was approved by Council on 22 February 2013 and came into effect on 1 April 2013. A review of the policy had been undertaken by officers and Cabinet was now asked to consider the consultation feedback as laid down in Appendix 3 of the draft policy and to recommend to Council the adoption of the revised policy.

The Cabinet Member explained that the policy aimed to regulate :

- 1) The location of street traders
- 2) The number of street traders
- 3) The types of goods to be sold or offered for sale

The scheme also aimed to :

- a) Prevent the obstruction of the streets by street trading activities
- b) Sustain established shopkeepers in the town
- c) Maintain the quality of the townscape and add value to the town
- d) Encourage inward investment
- e) Promote quality markets
- f) Promote more consistent decision making

A full list of trading locations and the permitted activities were laid down in Annex 1.

Finally, the Cabinet Member said that this policy did not fetter the council's discretion and applications for street trading consent for locations not approved can still be made and must still be determined. In these cases officers would

refer applications to the Licensing Committee in accordance with the scheme of delegation.

The Cabinet Member informed Members that the new policy sought to define appropriate locations for street trading mainly in the town centre. These locations were associated with a range of permitted goods that can be sold or offered for sales. The locations and permitted goods would be kept under regular review to ensure that street trading activity did not conflict with the retail offer and investment but also to ensure it did not detract from the investment and improvement to the town centre.

The Leader welcomed the revised policy which would provide clarity to applicants on what type of activity was likely to be approved. The Licensing Committee would decide each application on its own merits.

**RESOLVED THAT**

- 1. the amendments to the current policy be noted**
- 2. the consultation feedback and officer comments be noted**
- 3. the draft amended policy be noted**
- 4. Council be recommended to adopt the revised policy.**

**13. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Clean and Green Environment reported that the planning application for the Pittville Park play area had now been submitted. He wished to thank both the Echo and Radio Gloucestershire for promoting the proposed plans which had generated significant interest.

The Cabinet Member Finance reported that the Council was about to submit a listed building application for the War Memorial having now established how to proceed with the renovation and restoration of the monument. He emphasised that in addition to the physical renovation of the monument it would be the focus of community activity as well. He explained that part of the application to the Heritage Lottery Fund early next year was to invite community organisations to come forward with projects they would like to see and expressions of interest were sought by the deadline of 18 December. In addition the project was likely to potentially involve schools.

**14. CABINET MEMBER DECISIONS**

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

<b>CABINET MEMBER</b>	<b>DATE</b>	<b>DECISION</b>
Cabinet Member Finance	20 October	Freehold disposal of derelict site at Vineyards Lane
Leader	20 October	Nomination of Cllr Tim Harman as CBC's

		representative on the Victory Trust Committee
Leader	23 October	Written Resolution in respect of Ubico- Revised Remuneration for Managing Director
		Written Resolution in respect of Ubico-Approval of the Business Plan 2015/16

**Chairman**

This page is intentionally left blank