

## Cabinet

**Tuesday, 14th June, 2016**  
**6.00 - 6.45 pm**

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

## Minutes

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

There were none.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 19 April were signed and approved as a correct record.

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

<b>1.</b>	<b>Question from Tess Beck to Cabinet Member Housing, Councillor Peter Jeffries</b>
	Today's report to Cabinet on HMO survey work seems to suggest that the survey will take 18 months. Allowing for the time needed to recruit the new officer, realistically, when does the Cabinet member for Housing expect the survey to be completed?
	<b>Response from Cabinet Member Housing</b>
	<p>The survey will start in June/July using existing staffing resource while recruitment of the new post takes place.</p> <p>The survey will follow a two staged approach, with officers initially inspecting HMO's in the St Pauls ward. Completion of this stage is likely to take approximately 9 months, however this will depend upon the enforcement activity generated as a result of the survey inspections. The Council has a duty to take action in respect of serious housing conditions and associated enforcement work may extend the survey.</p> <p>The whole survey works could take somewhere in the region of 18</p>

	months, but it is our intention to be thorough and detailed as well as expedient when collecting this evidence, giving any application for an article 4 directive or any selective / additional licensing a robust evidence base.
<b>2.</b>	<b>Question from Tess Beck to Cabinet Member Housing, Councillor Peter Jeffries</b>
	The Pittville Student Village comes into operation at the start of the 2017-18 academic year, reducing the University's need for private student housing. Is it feasible that Additional Licensing (should the council decide to go down that route) could be in place for September 2017?
	<b>Response from Cabinet Member Housing</b>
	<p>Yes it is feasible that Additional Licensing could be in place in St Pauls for September 2017 (or shortly afterwards, depending on the amount of enforcement activity generated by survey work).</p> <p>As to how the new student village will impact existing private rental accommodation in St Pauls or across the town is unclear, equally how the Private sector will react will be one to watch, it is worth noting that not all HMO's are occupied by students.</p>
<b>3.</b>	<b>Question from Daud McDonald to Cabinet Member Housing, Councillor Peter Jeffries</b>
	<p>In January 2013 I met with Cheltenham Borough Council Director, Jane Griffiths to discuss my concern about the number of HMOs in St Paul's and the damage this imbalance was causing to the community. She agreed it was a serious issue and called an urgent meeting. We then had to wait until September 2014 for the proposal for a survey of housing conditions to go on the Forward Plan. It is now June 2016, and this much needed survey is only just being agreed.</p> <p>What does the Cabinet Member for Housing have to say to the residents of St Paul's whose lives and community have been blighted by the ongoing unregulated spread of HMOs and the increasing overcrowding in the area due to the intensity of occupation and development?</p>
	<b>Response from Cabinet Member Housing</b>
	<p>During 2013 to 2014 additional resources were utilised to deal with the direct impact from issues highlighted, such as alleyway fly tipping and refuse collection adjustments. When it comes to carrying out the survey we have been navigating the complexities of quite restrictive legislation.</p> <p>There were other challenging hurdles during the time period you describe in overlapping housing and planning issues, and budgetary constraints to employ suitably qualified consultants to carry out the extensive survey work required and ensuring internal staffing capacity.</p> <p>The expanding numbers of HMO's is a national phenomenon and planning intervention is being carefully considered within the overall planning strategy for the council. This requires statutory procedures to be</p>

	<p>followed, which are all being pursued.</p> <p>As Cabinet Member for Housing I take the effect and impact of the increasing numbers of HMOs on existing residents seriously, we are actively looking to address this issue and will continue to do so vigorously.</p>
<b>4.</b>	<b>Question from Daud McDonald to Cabinet Member Housing, Councillor Peter Jeffries</b>
	<p>Living in St Paul's for several years, I have become aware of several basement bedrooms being rented out, which have been converted cellars, but given a lick of paint instead of proper damp proofing. Some of these basement bedrooms have very little access to daylight or ventilation. Will these be included in the planned HMO survey?</p>
	<b>Response from Cabinet Member Housing</b>
	<p>Any serious housing act contraventions discovered during the survey work inspections will be the subject of enforcement action while the survey is being undertaken. This would include unsuitable basement rooms and statutory overcrowding.</p> <p>If any specific properties are causing you concern, please let me have any information you may have and I will pass this on to the enforcement team, assuming that you haven't already done so.</p>

## **5. AMENDMENTS TO LICENSING POLICY, GUIDANCE AND CONDITIONS FOR PRIVATE HIRE AND TAXIS OPERATING WITHIN THE BOROUGH OF CHELTENHAM**

The Cabinet Member Development and Safety introduced the report and explained that the council had a statutory duty to ensure all of its licensed hackney carriage and private hire drivers and operators were, and remained fit and proper people. The council was committed to keeping its policies under review to ensure they continued to be effective and comply with the latest guidance and national best practice. He reported that consultation with the licensed trade was undertaken with the trade last September proposing minor technical changes to the council's convictions policy and to introduce mandatory safeguarding training for licensed drivers. These changes were highlighted in Appendix 2.

The Cabinet Member highlighted the fact that from the consultation feedback officers had decided not to move ahead with the third proposal for new style licences.

The Leader added that licensing taxis was an important issue for the town. Further consideration of driver identification was sensible and this would potentially be brought forward for approval in due course.

## **RESOLVED THAT**

1. **The amendments to Appendix J of the council's adopted "Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators" policy as set out in Appendix 2 of this report be approved.**
2. **An amendment to the council's adopted Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham to introduce a new mandatory requirement for all new and licensed drivers to undertake safeguarding training be approved.**
3. **Authority be delegated to the Director of Environment (in consultation with the Cabinet Member for Development & Safety) to take the necessary steps to implement the training and the date when the new mandatory policy requirement is to come into effect.**

#### **6. LICENSING PRE-APPLICATION FEES**

The Cabinet Member Development and Safety introduced the report and explained that in March 2013 the Cabinet adopted a discretionary pre-application advice service for licensing. The scheme was adopted under 'general power of competence' introduced by the Localism Act 2011 that gives local authorities the legal capacity to do anything that an individual can do that is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power. The report sought permission to extend the scope of the scheme and to introduce new charges.

He highlighted that in terms of new charges the Check and Send and Pre-application consultation proposed levels of discretionary service would make the licensing process slicker and save both money and time.

#### **RESOLVED THAT**

**the extension of the current scheme and the new fees as outlined in the Appendix 2, to come into effect immediately, be approved.**

#### **7. FOOD SAFETY SERVICE PLAN**

The Cabinet Member Development and Safety introduced the report and explained that the Council was required to produce a Food Safety Service Plan under the Framework Agreement with the Food Standards Agency

The Food Safety service Plan was the Council's expression of commitment to the delivery of an improving cost effective and efficient regulatory food service. This Food Safety Service Plan was an annual operational plan giving details of how Cheltenham was going to execute its statutory food safety functions within the Public Protection service.

The Cabinet Member highlighted that the recommendation from the recent Food Hygiene Rating Scheme audit by the FSA had been included. He also stated that the inspection rate 15/16 had exceeded the targets set despite staff shortages.

#### **RESOLVED THAT**

**the appended service plan for 2016-17 be approved.**

**8. PEDESTRIAN WAYFINDING PROJECT PHASE 2**

The Cabinet Member Development and Safety introduced the report and explained that Phase 1 of the pedestrian Aayfinding project was now implemented. Wayfinding Phase 2 was identified in the Cheltenham Development Task Force Business Plan. The Borough Council had money from two external funding sources specifically to assist with the implementation of Phase 2 of the project. It was recommended that Cabinet approved the use of funds from these sources to implement Phase 2 of the Pedestrian Wayfinding project as follows :

- £25 700 Section 106 money from the Pittville Campus development (the entirety of this funding source)
- £19, 800 Local Sustainable transport Fund under-spend from Phase 1 of the wayfinding project (the entirety of this residue)

He highlighted that signage would extend further out of the town centre at two strategic locations. It had been a successful initiative so far.

Members welcomed this as a positive step forward.

**RESOLVED THAT**

**the spending on the Phase 2 of the Pedestrian Wayfinding Project be approved as follows:**

- **£25,700 from Pittville Campus S106 funds; and**
- **£19,800 from Local Sustainable Transport Funds**

**9. PRIVATE RENTED SECTOR HMO SURVEY**

The Cabinet Member Housing introduced the report and explained that Cabinet had approved a report in March 2015 which proposed that a house condition and management survey of the private rented stock be carried out by consultant surveyors. This was in response to concerns from residents in St Pauls regarding Houses in Multiple Occupation (HMO). He reported that the survey work was tendered but the tenders received were not of the quality or price to allow officers to recommend acceptance. The Government had since introduced proposals to extend mandatory HMO Licensing. This would require the identification of licensable HMOS and depending on the scope of any extension, the introduction of a discretionary HMO licensing scheme (Additional Licensing) may be appropriate to further control standards and the management of HMO's within targeted wards.

The Cabinet Member reported that it had been decided to use internal resources to undertake the survey work and a recruitment process for a fixed

term post for 18 months was underway. In the meantime existing staff had commenced the survey work. He said that the public questions addressed to Cabinet earlier on in the agenda reflected the increasing significance of this issue for residents and therefore it was imperative that this work progressed. He reported that Councillors Hobley and Walklett, ward members for St Pauls, supported this work.

The Leader added that this was an issue, albeit to a lesser degree, in his ward of All Saints and therefore this would also be subject to the survey work. He acknowledged that it was difficult to address the significant number of complaints against private landlords in the absence of targeted legislation. Other members agreed that this was a real issue and highlighted that the concentration of HMOs in one area could considerably change the character of that area in terms of its cohesiveness.

## **RESOLVED THAT**

**re-prioritisation of areas of private sector housing work as highlighted in paragraphs 1.7 and 1.8 be approved, to enable the recruitment of a permanent member of staff to carry out HMO survey work and support enforcement officers in carrying out HMO Licensing duties following completion of the survey.**

### **10. CEMETERY LODGE**

The Cabinet Member Finance introduced the report and explained that Cemetery Lodge had remained empty for nearly seven years, during which time the structural and internal condition of the building had deteriorated. She said that the building was surplus to operational requirements and the Asset Management Working Group had agreed to the disposal of the property at its meeting in June 2015. A Cabinet Member decision was then taken in November 2015 to effect appropriation to general use. Local estate agents had been instructed to sell the property by informal tender and subsequently instructed to market the property by private treaty at a guide price of £300 000. She reported that offers have been received for the property. The Cabinet Member believed that given the significant interest in the new and improved cemetery and crematorium it seemed appropriate to use the capital receipt to offset that cost. She therefore proposed a third recommendation that Cabinet agree to “ring-fence the sale proceeds from the cemetery lodge which will be used to finance the new build facility within the agreed budget allocated by Council.”

The Cabinet Member Clean and Green Environment emphasised the value of the cemetery and crematorium to the town. He acknowledged that having considered all the options there was no particular use for Cemetery Lodge going forward and therefore it was appropriate to dispose of it although the council would ensure it could control its future use. He welcomed the proposal to ring-fence the sale proceeds to finance the new build.

## **RESOLVED THAT**

### **1. Authority be delegated to the Head of Property and Asset**

**Management in consultation with the Cabinet Member Finance to accept an offer which, in his opinion and following advice from the marketing agents, represents best consideration in respect of the property, and upon such other terms as he considers necessary or desirable to protect the council's interests;**

- 2. The Borough Solicitor be authorised to conclude such documents reflecting the agreement reached by the Head of Property and Asset Management as she considers appropriate;**
- 3. The sale proceeds from the cemetery lodge be ring-fenced to finance the building of the new crematorium within the agreed budget allocated by Council.**

#### **11. CABINET APPOINTMENT TO OUTSIDE BODIES**

The Leader introduced the report and explained that he had the powers to make appointments to outside bodies where they related to an Executive function provided there was Group Leader agreement to the appointments. He had already taken decisions on the appointments where the nomination was normally the Cabinet Member with the appropriate portfolio and had chosen to bring the other appointments to Cabinet. The opportunity was also taken to appoint persons to other bodies such as joint committees and internal and external advisory/consultative groups. He reminded Members that any appointments to formal outside bodies which were still contested would be submitted to Council for decision.

The Leader explained that all Members had been invited to consider the list of appointments and Group Leaders had provided nominations which were now in the current list which had been circulated prior to the meeting. He made the following further points :

- Cheltenham Development Task Force-Councillor McKinlay had been appointed to this group as portfolio holder and the proposal was to add Councillor Baker due to his business experience and knowledge of the town. This nomination was supported by Cabinet.
- Cheltenham Pensioners Forum-this was contested and therefore a final decision would be required by Council
- Cleeve Common Board of Conservators-one vacancy remained on this outside body
- Hesters Way Partnership-there was some concern with regard to its operation and the Leader was minded to change the Council's representation on this body to Councillor Flynn and Councillor Jeffries but proposed that a decision was taken in due course in order to ensure due process was followed
- Oakley Neighbourhood Project-it was noted that Councillor Colin Hay was the only council representative on this body

#### **RESOLVED THAT**

- 1. Cabinet make nominations/appointments to the bodies in Appendix A respectively in accordance with the following principles:**

- **all nominations are made on the basis that the nominee/appointee is a representative of Cheltenham Borough Council (insofar as that is compatible with any overriding legal duty to an outside body); and**
  - **the appointor reserves the right at any time to withdraw/terminate a nomination/appointment which it has made**
- 2. The nominations/appointments for Cheltenham Pensioners Forum be referred to Council for determination as consensus cannot be achieved between all the political groups on the Council;**
  - 3. The appointments to Hester's Way Partnership be taken by the Leader in due course.**

## **12. COMMISSIONING OF SUPPORT FOR CHELTENHAM'S VCS ORGANISATIONS**

The Cabinet Member Healthy Lifestyles introduced the report and explained that Cheltenham Borough Council has had a long standing relationship with Gloucestershire Association for Voluntary and Community Action (GAVCA). Over the past five years, the council had allocated a £34 000 grant per annum into GAVCA through a Community Investment Grant so that it was able to provide support for Voluntary and Community Sector (VCS) organisations in Cheltenham. She reported that a delegated decision had been taken in May to award a 4 month grant amounting to £9942 to Gloucestershire Rural Community council. This report brought forward the decision to allocate the remaining funds.

The Leader highlighted the crucial importance of the voluntary sector in the town and therefore it was vital that the council ensured it supported them. He believed this was a sensible way forward in difficult circumstances. Members welcomed the proposals and believed there was added value from allocating funds to a larger organisation.

Finally, the Cabinet Member Healthy Lifestyles explained that she had been meeting many community and voluntary organisations and was focussing on how the role of community development could be extended in terms of voluntary and community organisations and that there may be some support available on a national basis.

### **RESOLVED THAT**

**A grant of £24,058 be allocated to Gloucestershire Rural Community Council in order that it can provide support to Cheltenham's VCS organisations.**

## **13. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Healthy Lifestyles reported that as the new portfolio holder she was in the process of meeting the relevant voluntary and community organisations in the town and had requested meetings with officials in the Trust,



Cheltenham Festivals and shopmobility etc. She was keen to ensure that partnerships worked for citizens across the town.

The Cabinet Member Development and Safety referred to the briefing note on the Health and Safety Service annual performance which had been included in the agenda pack. He reminded Members that in July 2015 Cabinet approved the Health and Safety Service plan for the next three years and agreed that an annual performance and work plan refresh should be communicated to Members and Senior Leadership Team via a Briefing Note each year. A full report would be submitted to Cabinet in 2018 for approval of the next 3 year plan.

The Cabinet Member Clean and Green Environment informed Members that much work was being undertaken behind the scenes relating to the cemetery and crematorium project. Wilmot Dixon had provided a cost estimate for the work required and were in the process of preparing a programme design and equipment and project management. He confirmed that the project was very much on track.

The Cabinet Member Clean and Green Environment reported on the successful opening of the Pittville Play Area which had some positive comments from the public. He wished to put on record his thanks to all involved.

The Leader referred to the publication of the interim findings by the JCS Inspector. Whilst there were some positive findings there were also some areas of concern. He reminded Members that an extraordinary meeting of council had been convened for 30 June to prepare the Council's response to this. A further examination in public would take place in July. It was hoped that a member seminar would be scheduled for the following week.

#### **14. DECISIONS TAKEN SINCE THE LAST MEETING OF CABINET**

<b>Cabinet Member</b>	<b>Nature of Decision</b>
Former Cabinet Member Finance	Virement of £32k from war memorial & WW1 Commemoration project to general reserve to support underwriting of potential costs incurred should council's bid to host Weeping Window poppy sculpture be successful
Cabinet Member Housing	To agree a local Lettings Plan, giving priority to veterans of the Armed Forces on the new Swindon Road housing scheme, which is due to provide 10 new CBC owned affordable homes
Leader	Ubico- expansion of partnership to include GCC
Leader	Ubico-approval of the Ubico Business Plan 2016/17
Former Cabinet Member Healthy Lifestyles	Commissioning of support for Cheltenham's VCS organisations
Leader	Icelandic bank deposits in Glitnir bank (KEY DECISION)
Leader	North Place –contractual arrangements (KEY DECISION)

**Chairman**