

## **Cabinet**

**Tuesday, 16th May, 2017**  
**6.00 - 6.30 pm**

<b>Attendees</b>	
<b>Councillors:</b>	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**

Councillor Steve Jordan

In the absence of the Leader Councillor Chris Coleman chaired the meeting in his capacity as Deputy Leader.

### **2. DECLARATIONS OF INTEREST**

Councillor Peter Jeffries declared an interest in Agenda item 6 as an active Member of the proposed forum and would withdraw from the room for this item.

### **3. MINUTES OF THE LAST MEETING**

The minutes of the meetings held on 11 April and 24 April were approved and signed as a correct record.

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

There were none.

### **5. SURRENDER AND RE-GRANT OF LEASE TO CHELTENHAM SARACENS RUGBY FOOTBALL CLUB (AUTHORITY TO DISPOSE OF OPEN SPACE)**

The Cabinet Member Finance introduced the report which outlined the request by the Cheltenham Saracens Rugby Football Club to extend the pavilion building owned by the Borough which the Club occupied by way of lease. The report concerned a change in the proposed area previously agreed by Cabinet. She highlighted that this was a successful, well used club and the only financial implication was that the lease would in effect restart, i.e. the lease would continue for 25 years compared to the 7 years remaining on the current lease.

Members supported the proposal, emphasising that the site was of great value to the community and the club's success was testament to this.

## **RESOLVED THAT**

- 1. the parcel of open space land outlined in red on the attached plan, Appendix 3, be disposed of by way of lease for a term of 25 years to Cheltenham Saracens Rugby Football Club upon terms and conditions negotiated by the Head of Property & Asset Management and at an annual rent he considers to represent the best that can reasonably be obtained.**
- 2. documents be entered into as the Borough Solicitor deems necessary or desirable to reflect the terms negotiated by the Head of Property and Asset Management**

### **6. APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM BY THE SPRINGBANK NEIGHBOURHOOD FORUM**

The Cabinet Member Housing, Councillor Jeffries left the room for this item and therefore did not participate in the debate.

The Cabinet Member Development and Safety introduced the updated report which had been circulated prior to the meeting regarding an application which had been received to designate a neighbourhood plan area for Springbank and designate the Springbank Neighbourhood Forum as the neighbourhood forum for that area. He reported that the application had been assessed against the requirements set out in the legislation and was considered to meet the requirements to enable designation of the neighbourhood area and of the neighbourhood forum. The Council's Neighbourhood Planning Protocol had been used to guide officers in assessing the application.

The Cabinet Member explained that this was the second application the Borough had received to designate a neighbourhood forum in the west of Cheltenham. The first application had been rejected by Cabinet as the submitted forum application had been made for an area which was not considered appropriate as a neighbourhood area. This was because the area cut across ward boundaries and included a number of separate communities, which would reduce community cohesion. Secondly, because the area applied for was not agreed as constituting an appropriate area, the membership of the applied for forum could not be found to comply with Section 61F(5) of the Town and Country Planning Act 1990 part (c); having a membership of "a minimum of 21 individuals each of whom lives in the neighbourhood area concerned"

Given the objections to the current application, the Cabinet Member Development and Safety explained that this application complied with the Regulations as outlined in paragraph 4.3 of the report. He then drew Members' attention to the supplementary documentation which had been circulated in advance of the meeting highlighting paragraphs 4.4 and 4.5 of the report stating that officers had considered the representations received and saw no planning reason to object to the applications.

The Cabinet Member emphasised that the current application differed from the previous application in several key ways. Firstly, it has been submitted by a different organisation (Springbank Neighbourhood Forum). Secondly, the

current application area followed the boundary of the Springbank ward whereas the previous application included Springbank ward as well as Hesters Way ward and the majority of St. Mark's and St. Peter's wards.

The Cabinet Member sought the advice from the Head of Law in terms of whether due process had been followed in terms of the Regulations and constitutional requirements. The Head of Law explained that in terms of the Regulations, these were detailed technical requirements which the planning officers would have considered and were clearly satisfied with in bringing the report to Cabinet for decision. With regard to the council's constitution he drew Members' attention to the general principles of decision making which were followed at the council; Members should be satisfied that they had been provided with sufficient facts and information, including the officer advice and report, to enable them to reach a balanced and reasoned decision on the recommendations before them.

In discussing the item Members made the following points:

- West Cheltenham was an important area in terms of the Joint Core Strategy and plans for the Cyber hub
- A Neighbourhood Area and Neighbourhood Forum would ensure that the residents of Springbank had an effective local voice to get the best deal.
- Springbank was a large enough ward for neighbourhood planning to work effectively. If the area was larger it would dilute the ability of Springbank residents to have a voice. This was a good application and Members were satisfied that it had been put forward by those who resided in the area as opposed to those in neighbouring areas and other wards. It was noted that there were 27 members of the group with a direct and personal interest in Springbank.
- Concern was expressed regarding the implications of the future of the JCS particularly with regard to cross borough boundaries with Tewkesbury.

In concluding the debate the Cabinet Member Development and Safety clarified that 42 names had been submitted with the application, i.e. there were more residents involved than previously stated during the cabinet debate. He also stated that the council was looking to establish a working relationship with the neighbouring parishes within Tewkesbury Borough.

With reference to a concern expressed on the ability of the neighbourhood plan to block parts of the JCS he confirmed that this would not be a problem as it would need to conform with both the Cheltenham Plan and the JCS.

In summing up the Chair said that he was happy to support the applications which he believed had been properly made by Springbank residents. He considered that officers had properly applied themselves to the process and that Cabinet had received sufficient information to make a correct and reasoned decision on the applications.

**RESOLVED THAT**

- 1. the designation of the Springbank Neighbourhood Forum area (the current Springbank Ward) be approved for the purpose of preparing a Neighbourhood Development Plan.**
- 2. the designation of the Springbank Neighbourhood Forum be approved as neighbourhood forum as defined by the Localism Act 2011.**

**7. COUNTER FRAUD AND ANTI-CORRUPTION POLICY**

The Cabinet Member Corporate Services introduced the report and explained that the policy had been updated and adopted in April 2016 to reflect the changes to the counter fraud arrangements at the council, with the development of a new Counter Fraud Unit within Internal Audit. The policy had now been revised, very minimally, to reflect the position in relation to the counter fraud provision by the Counter Fraud Unit within the Authority. The Counter Fraud Unit was no longer operating within Internal Audit but was a separate shared support service reporting to the Chief Finance Officer.

The Cabinet Member highlighted that as an authority counter fraud was taken very seriously and the key phrase in the policy was zero tolerance.

**RESOLVED THAT**

- 1. The revised Counter Fraud and Anti-Corruption Policy be approved.**
- 2. The Chief Finance Officer be authorised to approve future minor amendments in consultation with the Counter Fraud Unit and appropriate Officers, Members and One Legal.**

**8. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Corporate Services informed Members that the first board meeting of Publica would take place on Friday 19 May.

**9. CABINET MEMBER DECISIONS SINCE THE LAST MEETING OF CABINET**

Cabinet Member	Decision
<b>Clean and Green Environment</b>	<b>Mechanical Sweeping Trial in Cheltenham</b>
<b>Clean and Green Environment</b>	<b>Cardboard Sacks-Tender Acceptance Report</b>
<b>Finance</b>	<b>Sale of land owned by CBC at Ham Hill to Dunkerton Properties Ltd</b>
<b>Finance</b>	<b>Amendment of contract for new entrance doors to dwellings to allow fluctuation in tendered rates</b>
<b>Housing</b>	<b>Community Sponsorship Scheme -Syrian Refugees</b>

**10. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS**

**11. EXEMPT MINUTES**

The exempt minutes of the meeting held on 24 April 2017 were approved and signed as a correct record.

**Chairman**

