

Cabinet

Tuesday, 10th October, 2017
6.00 - 6.45 pm

Attendees	
Councillors:	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

Councillor Jeffries declared an interest in agenda item 7 as a direct employee of Gloucester Road Primary School.

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

There were none.

5. ABANDONED TROLLEYS

The Cabinet Member Development and Safety introduced the report which was a consequence of the supported Council motion to engage with retailers to discuss informal or contractual solutions to the significant nuisance abandoned trolleys were causing in some parts of the town. The motion requested Cabinet to commence the process necessary to adopt the discretionary powers available to it pursuant to section 99 of the Environmental Protection Act 1990. Given the formal requirements to adopt the discretionary powers and associated timescales, it was proposed that the process to adopt these powers was progressed in parallel to voluntary discussions and negotiations with retailers in town. It was hoped that negotiations would achieve a cost effective solution to the problem, which, if adhered to, would negate the need for the Council to use formal powers.

RESOLVED THAT

- 1. A formal period of consultation be initiated, as required by Section 99 of the Environmental Protection Act 1990, regarding the**

possibility of applying Schedule 4 to control abandoned shopping trolleys in the Cheltenham area.

- 2. As part of this formal consultation, feedback be requested from consultees as to possible alternative solutions to the use of formal legal powers that would be cost neutral to the Council.**
- 3. A further report be prepared detailing the outcome of the consultation and setting out proposals as appropriate. These would include any proposed charging regime and associated financial implications.**

6. APPROVAL FOR AN EASEMENT FOR ELECTRICITY CABLES TO BE CONTAINED UNDERGROUND AND THE TRANSFER OF LAND FOR THE PURPOSES OF A SUBSTATION ON PRIORS FARM TO PROVIDE POWER TO THE NEW CREMATORIUM

The Cabinet Member Finance introduced the report and explained that the proposed crematorium to the rear of the current site at Bouncers Lane required electricity. Wilmot Dixon, Project Manager had worked closely with Western Power and the council to find the best way to facilitate power to the proposed Crematorium. She explained that as a new track would be built to facilitate a one way traffic system for the crematorium on Priors Farm, it was deemed that ducting and power cables could be laid into this track and therefore provide the least disruptive option to the current operation of the Cemetery and Crematorium. She referred Members to the plan showing the proposed Easement for the electricity cable at appendix 2.

The Cabinet Member explained that Priors Farm had areas of scrubland and playing field as well as low grade agricultural land which was all considered Public Open Space. Laying the cables and recording it on the title for the Property, by way of an easement, legally acknowledged the right for the cables to be there and to remain undisrupted. It also provided Western Power with legal rights to access the land to resolve any issues in relation to supply. This would still require notification to the Council if any works were required and any damage to be made good. Transferring a section of land to house a substation to Western Power prevented the substation becoming the Councils responsibility and any future maintenance or disruptions to supply due to faults emanating from the substation remained the responsibility of Western Power. The substation was required to regulate the voltage being provided to the Crematorium, and was highlighted on the plan in appendix 2. Due to the substation being a small above ground structure and to simplify legalities, the land would be transferred to them. The Cabinet Member added that the land was big enough to house the substation, but not large enough to allow other development to occur.

The Cabinet Member went on further to say that as the easement had to be recorded against the property title and as permanent rights were being granted to Western Power, an easement was considered a disposal of public open

space which set in motion Section 123 of the Local Government Act 1979. It had therefore been advertised for two consecutive weeks in a Local Newspaper to allow people to comment or object.

Alternative options considered were set out in section 3 of the report.

The Leader confirmed that there had been no objections.

RESOLVED THAT

- 1. Authority be delegated to the Head of Property in consultation with the Cabinet Member Finance to dispose of the land required by Western Power in consultation with the Project sponsor for the Crematorium Project upon such 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**

7. FACILITATING THE LONG TERM PROVISION OF A SCHOOL PLAYING FIELD FOR GLOUCESTER ROAD PRIMARY SCHOOL.

Having declared an interest in this item Councillor Jeffries left the room and did not participate in the debate.

The Cabinet Member Finance introduced the report and said that if Members wished to discuss anything in the exempt Background Paper, then Cabinet would need to go in to closed session. She explained that in October 1956 the Council conveyed land to Clifton Diocese. The conveyance imposed a restriction on the Diocese "not to use the land for any building other than for religious worship". On the 21st December 2001 this Council entered into a legally binding agreement with the County Council to provide a school playing field for Gloucester Road primary school. The reason that CBC entered into this agreement was to facilitate and bring forward the Waitrose Development. The main driver for the proposed agreement was for CBC to provide the school with a playing field. The land owned by CBC at Collett's Drive was considered to be unsuitable for the purpose. The Council had still to fulfil its obligations under this agreement. In the meantime Gloucester Road Primary School had been using a sports ground at Alstone Croft on a short term lease, half of Alstone Croft Playing field was owned by Clifton Diocese, and the remaining half owned by Gloucester Diocese.

Clifton Diocese had indicated that it was willing to provide a 125 year lease to the county council, which would be sufficient to meet the playing field requirements under the 2001 Agreement, provided CBC released the restriction set out in paragraph 1.1. The county could then offer Gloucester Road School a playing field at Alstone Lane on a more permanent basis; in return this council would require its obligations under the 2001 Agreement to be deemed satisfied.

The Cabinet Member Finance added that CBC was effectively acting as a

broker between the diocese and the county council. Finally, she wished to put on record her thanks to Abigail Marshall, Estates Surveyor for her considerable work in bringing forward this proposal. The Leader added his thanks and acknowledged that it had been a long and complicated process.

RESOLVED THAT

- 1. The release of the restrictive covenant described in the report on the land owned by Clifton Diocese described in the Background paper be approved in order to secure a long lease of land at Alstone Croft Playing Field for Gloucester Road Primary school as consideration for the release of certain requirements for the provision of a playing field contained in an Agreement dated 21 December 2001 with Gloucestershire County Council**
- 2. Authority be delegated to the Head of Property and Asset Management, in consultation with the Cabinet Member Finance and the Borough Solicitor to negotiate and conclude such documents as may be necessary or advisable to put into effect the transaction described in recommendation 1.**

8. REVISED SAFEGUARDING POLICY

The Cabinet Member Housing introduced the report and explained that the council's current Safeguarding Policy was due for renewal. To ensure consistency and best practice across the districts, the Gloucestershire District Safeguarding Network proposed that a template county-wide safeguarding policy be developed that could then be adapted to meet the council's specific needs

Taking input from lead Cabinet Members, the Senior Leadership Team and service managers, the new policy reflected the aspirations of the Council to effectively embed safeguarding practice across the council. The policy incorporated both safeguarding children and vulnerable adults into the new document. The Cabinet Member highlighted the wide ranging topics covered as outlined on page 1 of the policy. He explained that the aim of the policy was to raise overall awareness of safeguarding, the signs of abuse and information on what to do if any form of abuse was identified or suspected; protect children and vulnerable adults from harm while using services that Council was responsible for by ensuring services have safe working practices in place and to ensure that employees, casual workers, volunteers and elected Members associated with CBC were able to report any safeguarding concerns appropriately. He was pleased how CBC and its partners operated safeguarding which he believed was 'everyone's business'.

A Member requested that the number of the Designated Safeguarding Officer be included on the list of useful numbers on page 16 of the report in order to be easily and readily publicly available. The Cabinet Member Housing agreed to do this.

The Leader highlighted the importance of the document which would embed safeguarding practices across the council giving confidence for staff to raise issues where they arose.

RESOLVED THAT

The new Safeguarding Policy be approved.

9. 2017 CHELTENHAM LOCAL DEVELOPMENT SCHEME

The Leader introduced the report which required the approval by Cabinet of an updated Local Development Scheme due to the updating of the timescales of the Cheltenham Plan following the extended examination of the Joint Core Strategy.

RESOLVED THAT

the updated Local Development Scheme for Cheltenham Borough, attached to the report at Appendix 2, be ADOPTED and take effect immediately.

10. BUDGET STRATEGY AND PROCESS 2018/19

The Cabinet Member Finance introduced the report which proposed a broad strategy and outlined a process for setting the budget and council tax for 2018/19. It also outlined a number of principles that needed to be established at this stage to enable budget preparation to commence.

The Cabinet Member said that between 2009 and the present Government core funding for the council had been reduced from £8.8 million to £2.4 million a year. The proposed settlement for 18/19 was indicating a further reduction of just under 11.5 % or £0.364 million. Radical changes in the way services were organised had already been embraced to cope with these reductions.

There was still huge uncertainty around future funding settlements. By not including the Local Government Finance Bill in the Queen's Speech, the Government had given a very strong indication that it would not be proceeding with 100% business rates retention yet. In addition Members were reminded of the late changes to the New Homes Bonus calculation, through the introduction of a 0.4% baseline target, which had significant financial consequences for the council.

The Cabinet Member informed that a consultation paper on the 2018/19 settlement had been launched which suggested proposals for further reforms to the New Homes Bonus calculation which may include further increases to the baseline target. It was assumed that the consultation would feed into the Autumn Statement announcements on 22nd November 2017.

The Cabinet Member expressed concern that decisions relating to New Homes Bonus continued to be made only a few months before the start of the new financial year impacting on the ability for district councils to understand the impact on their budgets. This was contrary to the stated aim of 4 year settlements which was to reduce this uncertainty.

The Cabinet Member referred to the Medium Term Financial Plan for 2017 –

2020, approved in February this year which projected a funding gap of £3.961m. The projections had now been updated to reflect the best estimates of the financial pressures impacting on the Council, including an updated view on business rates income and the potential funding cuts after the Autumn Statement was announced. The updated estimate of the funding gap for 2018/19 was now £1.079m.

She explained that given the current uncertainty surrounding business rates retention, new homes bonus and pay awards for the public sector, it was prudent to defer the full publication of the MTFS to the Cabinet meeting in December 2017 as part of the interim budget proposals. This would enable the Cabinet to react positively to any changes announced in the Autumn Statement and to ensure that the MTFS was robust and fit for purpose.

In terms of closing the projected funding gap of £1.079m a proactive approach in identifying budget savings, had identified potential savings and additional income of £635k, leaving £444k to find, assuming a £5 council tax increase.

The Cabinet Member Finance believed the longer term approach closing the funding gap was fundamentally through economic growth and investment and the efficient utilisation of assets. Cabinet was continuing to work closely with the Executive Management team. A commercial strategy which would sit alongside the MTFS would be reported to Cabinet in December 2017. In addition, resources would be focussing on supporting and delivering the growth agenda including major developments in North West and West Cheltenham.

The Cabinet Member Finance stated that in order to deliver a balanced budget in 2018/19 the shortfall in funding would be met by the budget strategy (support) reserve. This would give the Council more time to deliver its long-term strategy for delivering the substantial savings required. The work of identifying budget savings would however continue up to the publication of the draft budget proposals and beyond.

She informed Cabinet that the anticipated level of business rates due to the Council in 2018/19, taking into account the re-developments at the Brewery, John Lewis and Jessops Avenue, was above the baseline funding target which would result in Cheltenham still being liable to a 'levy'. It was the advice of the Section 151 Officer therefore that the Council would benefit from remaining in the pool in 2018/19 as it would result in a reduction in the levy payment due to Government.

She reported that the Government had decided to proceed with expansion of the pilot programme for 100% business rates retention for 2018/19. These would run alongside the five current 100% pilots which had been in operation since 1st April 2017. The Gloucestershire Chief Financial Officers had met and discussed the modelling of how a pilot scheme may work across Gloucestershire. Whilst it suggested there were potential financial gains from becoming a pilot, the gains needed to be measured against the risks. The 2018/19 pilots programme was seeking to remove the 'no detriment' clause which meant that Gloucestershire authorities would need to 'forego' guaranteed Revenue Support Grant and Rural Services Delivery Grant for an uplift in its baseline funding targets. In return it would take on all of the risk on business rates appeals which was currently shared with Central Government.

The deadline for submitting a bid to become a pilot was 27th October 2017 and officers were undertaking further modelling and sensitivity analysis around appeals exposure and risk in order to determine whether Gloucestershire should put itself forward. Given the volatility and numbers involved, it was anticipated that a further Full Council meeting would be required to ensure appropriate permissions were in place. However, should Gloucestershire determine to submit a bid with a 'no detriment' clause, it was proposed that the existing delegations outlined in 6.2 of the report would stand on the basis that Cheltenham would be no worse off in proceeding with a bid to become a pilot for 100% business rates retention in 2018/19.

The Budget Scrutiny cross party working group would continue to support the budget process as outlined in section seven of the report. The proposed key stages in the process for setting the budget for 2018/19 were summarised in the timetable at Appendix 2.

The Cabinet Member then highlighted that in terms of pay awards in local government for interim budget modelling purposes 1% had been assumed with a contingency held in general balances for an amount equivalent to a further 1%. Reports were suggesting that Government was proposing to scrap the 1% cap on pay rises for public sector workers as part of the Autumn Statement.

Finally, the Cabinet Member stated that Cabinet was determined to ensure that Government funding cuts did not feed through into large council tax increases or service cuts. This was a huge challenge, but was one to be embraced if Cheltenham was to be a town with good services and a strong economy.

The Leader reiterated the uncertainty surrounding business rates and questioned the participation in the pilot when there was no real idea of what was coming next.

RESOLVED THAT

- 1. The budget setting timetable at Appendix 2 be approved.**
- 2. The budget strategy outlined in section 5 be approved**
- 3. The expected cut in government baseline funding of £364k for 2018/19, the estimated funding gap of £1.079m and the large amount of work done so far to close this gap be noted.**
- 4. The intention for this Council to remain in the Gloucestershire Business Rates Pool in 2018/19 as outlined in section 6 be noted and to consider the merits of applying to the Government to pilot 100% Business Rates Retention in 2018/19.**

5. 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 2018/19 as outlined in section 7.

**11. FINANCING ARRANGEMENTS FOR IMPROVEMENTS TO LEISURE-AT-CHELTENHAM
ITEM WITHDRAWN**

12. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Clean and Green Environment informed Members that she had been working closely with the Cheltenham Trust over recent weeks and would bring a report to Cabinet on financing arrangement for improvements to Leisure At Cheltenham shortly. She also informed that work was underway to host a mini festival for International Womens Day next year which would have the active involvement of the council, schools and the community.

The Cabinet Member Development and Safety reminded Members that the consultation on the new taxi licensing policy had gone live and was open until 21 December. The proposals focussed on improving safety and compliance with the law.

The Cabinet Member Clean and Green Environment informed Cabinet that work had started on site at the crematorium last Monday and had received good press coverage. Local residents would have received a newsletter and the Bereavement Services Manager had also visited some local residents.

The Cabinet Member Clean and Green Environment also reminded Members that the waste and recycling service would be launched on 16 October. Residents should be aware of the changes, particularly with regard to collection dates and Members should be prepared to receive queries from their constituents..

13. CABINET MEMBER DECISIONS TAKEN SINCE THE LAST MEETING

Cabinet Member Finance	Appointment of Vision Accendo Ltd for emergency lighting and electrical infrastructure contract
Leader	Nomination of Cllr Willingham to fill current vacancy on Board of Trustees of Cleeve Conservators

**14. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS
RESOLVED 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 and 5, 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)

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

15. A PROPERTY MATTER

The Cabinet Member Finance introduced the exempt report and explained the background to the issue. Members were asked to consider the recommendations as amended and

RESOLVED THAT

The recommendations be approved.

Chairman