

## Cabinet

**Tuesday, 4th December, 2018**  
**6.00 - 6.55 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing) and Andrew McKinlay (Cabinet Member Development and Safety)
<b>Also in attendance:</b>	Councillor Matt Babbage, Councillor Dilys Barrell, Councillor Tim Harman and Councillor Klara Sudbury

## Minutes

- 1. APOLOGIES**  
Councillors Clucas and Hegenbarth.
- 2. DECLARATIONS OF INTEREST**  
There were none.
- 3. MINUTES OF THE LAST MEETING**  
The minutes of the meeting held on 6 November were approved and signed as a correct record.
- 4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**  
There were none.
- 5. REPORT OF THE SCRUTINY TASK GROUP -URBAN GULLS**  
Councillor Sudbury and two other Members of the Scrutiny Task Group, Councillors Barrell and Harman were invited to address Cabinet.

They made the following points :

- Thanks were given to those officers who had assisted in the work of the group, namely Mark Nelson, Duncan Turner and Sophie McGough.
- When considered at the recent Overview and Scrutiny meeting the Committee did not take a vote on the report. The committee had questioned why the task group had not considered egg oiling in more detail but the group had closely followed the Terms of Reference agreed by O&S and this had not been specifically raised as an issue and no officers, members of the public or Councillors had raised it as an issue. That said during the review it had become apparent that there was a level of dissatisfaction with the availability of egg oiling treatment as the focus of the £9 100 was on treating eggs in Kingsditch and on the High Street rather than in other areas such as Tivoli or St Lukes which appeared to be areas of concern.

- The increase to the budget of £10k would be spent on new things and she gave the example of the media plan and the potential purchase of a drone. Since publishing the report Members had been aware that Worcestershire were considering commissioning a private operator to undertake training/licensing
- The drafting of a Supplementary Planning Document was in the view of the task group an important consideration and it was hoped that ideas from Gloucester and Bath in this respect could be shared.
- It was highlighted that gull populations in the town was on the increase which coincided the views of residents
- The task group was grateful for the support of the Cabinet Member. Flexibility would be required and officers would have the chance to comment on technical issues.
- Drones were widely used. If acquired it could be potentially be used by other parts of the council.
- It was important that a written strategy of what council already did in terms of gulls was produced

In responding to the report the Cabinet Member Development and Safety thanked the members of the scrutiny task group. It was an excellent report and would have a wider impact. He believed that at this stage it was premature to accept the recommendations as laid out but would request officers to look at the detail and come back with a report. He confirmed that the £10k offered to address the issues remained and he welcomed the potential solutions that the task group had identified although it was not necessary at this stage to allocate the budget for specific actions.

The Leader added that it was therefore proposed for Cabinet to note the report but to produce a formal response in due course.

The Chair of the Scrutiny Task Group thanked Cabinet for their comments and looked forward to receiving the formal Cabinet response.

#### **RESOLVED THAT**

- 1. The report be welcomed**
- 2. A formal Cabinet response to the report be brought back to a future meeting.**

#### **6. GAMBLING ACT POLICY STATEMENT**

**The Cabinet Member Development and Safety introduced the report and explained that the Gambling Act 2005 required that the council produce, consult on and publish a statement of the principles that they proposed to apply when exercising their functions under the Act.**

**The Act also required that the Statement of Principles should be kept under review and must be re-published at least every three years.**

**Cheltenham Borough Council published its existing Statement of Principles in February 2016.**

The Cabinet Member informed that consultation had now been undertaken on a revised policy statement in line with changes to legislation, national policy and best practice guidance. Draft changes of note were as follows :

- **Local Area Profiles** :these allowed the council to draw up a profile of the borough with particular emphasis on the effect of gambling establishments on local communities and then to use this data to inform decision making in relation to the council's functions under the Gambling Act. The policy statement sets out a commitment to engage with the County Council's Public Health Team to develop such a local area profile.
- **Local Risk Assessments**: this provision reflected the Gambling Commission's Social Responsibility (SR) code 10.1.1 which required gambling operators to undertake local risk assessments for their licensed premises. These risk assessments must implement policies, procedures and control measures to mitigate gambling related risks. These must be presented to the council when it makes decisions in relation to new gambling establishments and changes to existing ones.
- **Exchange of Information** :updated to reflect the recent changes to data protection and privacy laws.

The report set out the outcome of the consultation and sought Cabinet approval for the adoption of the policy by Council.

#### **RESOLVED THAT**

1. **the proposed changes to the Statement of Principles and consultation responses be noted;**
2. **Council be recommended to approve the policy statement.**

#### **7. HOUSING SUPPLY :CABINET MEMBER WORKING GROUP**

The Cabinet Member Housing referred to Council's unanimous approval of its Housing Investment Plan on 15th October 2018 Council. This plan set out the potential to provide loan funding of up £100m to Cheltenham Borough Homes in order to bring about a step change in the delivery of affordable housing and private rented accommodation (to be let on a long-term basis) across the Borough. At the Council meeting Cllr Babbage had proposed an amendment which was approved to request the establishment of a cross party Cabinet Member Working Group. This would provide greater oversight and challenge, and would in turn provide greater confidence that the Authority was maximising the opportunities that were available to deliver affordable homes over and above what the market might otherwise provide. The Cabinet Member wished to put on record his thanks to Cllr Babbage for his valued input.

#### **RESOLVED THAT**

**A cross party Cabinet Member Working Group (CMWG) be set up to consider and recommend viability assessments received from Cheltenham Borough Homes. The CMWG will challenge each site proposal to prioritise and maximise the social benefit with an ambition to**

**not only meet but exceed the council's minimum 40% social/affordable housing target.**

**8. TREASURY MID-TERM REPORT 2018/19**

The Cabinet Member Finance introduced the report and explained that treasury had changed significantly over the last few years with movement away from holding deposits in high street banks and diversifying its treasury management into new areas.

The Council's treasury management strategy for 2018/19 was approved in February this year. Central to the strategy was the successful identification, monitoring and control of risk. She informed Members that CIPFA had published new versions of the Prudential Code for Capital Finance in Local Authorities and the Treasury Management Code of Practice but had yet to publish the local authority specific Guidance Notes to the latter. The Ministry for Housing, Communities and Local Government published its revised Investment Guidance which came into effect from April 2018.

The Cabinet Member reported that the updated Prudential Code included a new requirement for local authorities to provide a Capital Strategy, to be approved by Council in February 2019 covering capital expenditure and financing, treasury management and non-treasury investments.

The Cabinet Member highlighted the following :

- The treasury management summary position from April to September showed that the council had net borrowings of £53.569 arising from its revenue and capital income and expenditure, as set out at 3.1
- The council's strategy to fund a number of capital asset purchases has been the use of temporary borrowing and then take long term borrowing from the Public Works Loan Board. At the back end of September the Council took out 38 Maturity loans with the PWLB for £43.083m to fund the purchase of several commercial properties within the Borough. The loans were taken out over 3yrs to 40yrs with the average rate of 2.57%. This had saved £940k in interest over the life of the borrowing when compared to the original business cases.
- During the six month period the council's investment balance ranged between £16.625m and £65.234m due to timing differences between income and expenditure. The investment position was illustrated in table 3 of the report.
- In February 2018 the investment income for 2018/19 was budgeted to be £328,200. The average cash balances representing the council's reserves and working balances, was £25.154m during the period. It anticipated an investment outturn of £477,700 at a rate of return of 2.03% for this financial year. Estimated surplus for investment income was £149.5k for the financial year.
- Net loans and investments were estimated to be £593,500 over the original budget but after aligning budgets with the business cases for the commercial properties purchased the estimated year end would come in on budget.

The Cabinet Member thanked all officers involved in ensuring the council achieved the best from its investments and borrowings. She reminded Members that this report would be considered by Council on 10 December.

## **RESOLVED THAT**

The contents of the summary report of the treasury management activity during the first six months of 2018/19 be noted.

### **9. COUNCIL TAX PREMIUM ON EMPTY PROPERTIES**

The Cabinet Member Finance reminded Members that council had discretionary powers to set the level of council tax discount on empty properties and CBC had already used its discretionary powers to set discount levels in respect of empty properties and second homes as detailed in appendix 2. In December 2017 the Council agreed to charge the 50% empty homes premium in respect of properties which have been empty and unfurnished for more than 2 years from April 2018. She reported that new legislation had now come in to force extending discretionary powers to increase the level of premium from April 2019. The rating allowed the following :

- From 1st April 2019 - 100% premium, 200% council tax liability, for properties which have been empty for 2 years or more
- From 1 April 2020 - 200% premium, 300% council tax liability, for those properties which have been empty for 5 years or more
- From 1 April 2021 300% premium, 400% council tax liability, for those properties which have been empty for 10 or more

The Cabinet Member informed that in October this year, 119 properties in Cheltenham had been empty for more than 2 years and were subject to the premium. In October 2017 the number of properties which had been empty for more than 2 years was 80.

She explained that based on the 119 properties and the council tax level for 2018/19 increasing the premium to 100% in 2019/20 would increase council tax income by approximately £12,000 for this Council. Although the number had increased in Cheltenham over the past year the Government had reported that nationally, where councils had been charging the premium consistently year on year, there had been a significant reduction in the number of homes being charged the premium.

The Cabinet Member highlighted the importance of encouraging empty homes being brought back into use, more so than the generation of additional council tax income. She then made reference to two letters of representation from investors at Honeybourne Gate and one from the management company requesting that in their particular circumstances consideration be given to exempting them from the scheme. Whilst appreciating the particular difficulties they found themselves in, the potential reward needed to be considered against any risks. She therefore believed it would be difficult to make an exception in this case and invited Cabinet to share their views.

Members felt strongly that whilst recognizing the important role the private rented sector played locally, in view of the housing crisis it was unacceptable

that significant sums of money were being invested in properties in the town and then were being left empty. Introducing a maximum premium on empty properties would be a significant incentive for those investors anticipating an increase in market value. Members supported the view that the additional income, albeit small, was to be welcomed but more so was the opportunity it now had to bring empty properties back into use.

The Leader supported the proposals and welcomed this serious tool it now had at its disposal .

The Cabinet Member thanked Members for their comments. She would respond to the letters received. They had after all invested in what was deemed at the time a much needed facility in the town but having marketed them were now unable to sell. This report would be considered for decision at Council on 10 December.

## **RESOLVED THAT**

### **Council be recommended to :**

- a) Increase the Council Tax Empty Homes Premium to 100% from 1st April 2019 in respect of properties which have been unoccupied and unfurnished for more than 2 years
- b) Increase the Premium for those properties which have been empty for 5 years or more to 200% from April 2020**
- c) Increase the Premium for those properties which have been empty for 10 years or more to 300% from April 2021**

## **10. CHELTENHAM BOROUGH COUNCIL RESPONSE TO TEWKESBURY BOROUGH PLAN PREFERRED OPTIONS CONSULTATION**

The Cabinet Member Development and Safety introduced the report and explained that Tewkesbury Borough Council had notified us of the publication of their Preferred Options Consultation Document which formed part of the preliminary stages of plan making for their Borough Plan. The public consultation ran for a period of approximately six weeks between Wednesday 10<sup>th</sup> October 2018 and 5pm on Friday 30<sup>th</sup> November 2018. A short extension for Cheltenham Borough Council had been arranged to allow this report to be considered by Cabinet.

The Tewkesbury Borough Plan would form part of the statutory local development plan for Tewkesbury, along with the Joint Core Strategy and Neighbourhood Plans. The Preferred Options document identified additional (to those identified in the Joint Core Strategy) specific locations for smaller scale development, including allocations for housing and employment. Further policies had been included to guide development within Tewkesbury Borough up to 2031.

The Cabinet Member informed that generally the document was welcomed but it was felt that a number of policies would benefit from additional wording or further work. Specifically policies which allocated land for development within Shurdington, being in close proximity to the Borough boundary; Gloucestershire

Airport and the approach being taken to Local Green Space designation, ensuring that approaches are consistent on any cross boundary sites. The Cabinet Member explained that this was an early stage of plan making and carried limited planning weight at this time. At least one further round of consultation would be expected before the plan would be submitted to the Secretary of State for independent examination.

The Cabinet Member referred Members to the draft letter at Appendix 2 of the report which made representations on policies RES1, RES12, CIL, GRB1 and on Gloucestershire Airport.

The Leader added that at the recent Gloucestershire Airport Company AGM the response relating to the airport was fully supported by the Company.

#### **RESOLVED THAT**

**the representations on the Tewkesbury Borough Plan Preferred Options Consultation contained in the letter at appendix 2 be agreed.**

#### **11. TOWN CENTRE SECURITY**

**The Cabinet Member Development and Safety introduced the report and provided an overview of security issues affecting Cheltenham town centre, the safety and functioning of which was critical to the well-being of the local economy and the population which it served.**

**The Council recognised that it had a key leadership role as well as operational responsibilities in relation to the town's security, but that its strategic objectives could only be realised through working together with a wide range of statutory and voluntary agencies and the wider public, to plan and secure the long term sustainability of the local environment and economy.**

He informed that the authority had recently secured an offer of £15k per annum for two years from the Cheltenham Business Improvement District (BID) to support more intensive work in the town centre to target security related issues.

The Cabinet Member referred to the key outcomes associated with joint investment through this project as outlined in the appendix.

Members welcomed the much needed resource and strategy which could provide additional benefits to the wider town. The Leader welcomed the lead the council was taking on this by working in partnership which facilitated more resource being invested in the area. He hoped it would be a success. He informed that as he was the council's representative on the BID he had declared an interest when the BID was discussing the request for funding.

#### **RESOLVED THAT**

1. the strategic priorities for town centre security as set out in section 2.1 of this report be endorsed;
2. the offer of £15k per annum grant funding from the Cheltenham Business Improvement District (BID) be accepted to support a more

intensive programme of security-related activities in the town centre over the next two years;

3. the use of an additional £50k per annum in each of the next two years be approved from resources secured from efficiencies generated within the enforcement team, as an indirect result of additional HMO licensing fee income in 2018-19, to underpin additional staffing for town centre support activities as set out in Appendix 2.

## **12. GARDEN WASTE CHARGES**

The Cabinet Member Clean and Green Environment introduced the report and informed that since the introduction of the Garden Waste Collection Service in 2011 the charge had increased on only three occasions. Through the consultation on the service redesign it was viewed as a well regarded service and had an excellent customer retention rate with current subscription rates of 17,498. He reported that the costs of provision of the service, such as diesel and the living wage, had increased however and in order to meet these additional costs it was proposed to increase the charge from £42-£45. The prompt payment discount would however be retained at £3 reduction. He also informed that it was proposed to suspend the service during the Christmas and New Year break as from Christmas 2019 so 2 collections in total would be dropped. The decision had been taken that it was preferable to advise customers in advance during the time of year when there was limited garden waste collected. Other authorities were also considering reducing the number of collections and he added that the CBC charge in comparison to them remained competitive.

### **RESOLVED THAT**

- 1. An increase in the garden waste collection charge from £42/year to £45/year per bin be approved**
- 2. The prompt payment discount be retained at £3 per bin for households renewing their subscription ahead of their annual renewal date;**
- 3. The spring offer discount be retained at £3 per bin for new customers who subscribe to the garden waste collection service during the period 1st February 2019 to 31st May 2019**
- 4. appropriate consultation be undertaken with regard to:**
  - An increase in the garden waste collection charge from £42/year to £45/year per bin;**
  - The prompt payment discount being retained at £3 per bin for households renewing their subscription ahead of their annual renewal date;**
  - The spring offer discount being retained at £3 per bin for new customers who subscribe to the garden waste collection service during the period 1st February 2019 to 31st May 2019;**
  - reducing the number of garden waste collections over the Christmas/New Year period by 2 collections each year commencing 23 December 2019**

**5. Authority be delegated to the Managing Director – Place and Growth, in consultation with the Cabinet Member for Clean and Green Environment, to decide whether or not to implement the above mentioned proposals after careful consideration of representations made and to take any steps as necessary to implement the decision.**

**13. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Clean and Green Environment informed that he had attended the Joint Waste Committee the previous week which gave him the opportunity to advise that the council had formally taken the decision to leave the committee. A letter had been submitted to the Joint Waste Team from legal to start the notice period.

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

Leader	UBICO Board Composition	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1163">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1163</a>
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**Chairman**

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