

Cabinet

Tuesday, 11th February, 2020
6.00 - 6.55 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), Alex Hegenbarth (Cabinet Member Corporate Services), Peter Jeffries (Cabinet Member Housing) and Andrew McKinlay (Cabinet Member Development and Safety)
Also in attendance:	David Willingham (Chair of Licensing)

Minutes

- 1. APOLOGIES**
There were none.
- 2. DECLARATIONS OF INTEREST**
There were none.
- 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. REALLOCATION OF FUNDS TO SUPPORT HIGH STREET IMPROVEMENT PHASE 2**
The Cabinet Member Finance introduced the report. She reported that in the budget outturn report considered by Council on 22nd July 2019, the council made an in-principle decision to reallocate £400,000 to the High Street fund to support delivery of phase 2 of the High Street improvement plans, subject to the production of this report.

In 2012, the council ring-fenced £600,000 from the proceeds of the Midwinter sale for the provision of new allotments to meet potential future demand. Monitoring of allotment use shows that demand for allotments has been met comfortably by proactive management by the Green Spaces Team, along with upgrading parts of the existing Midwinter site and bringing them back into active cultivation. This leads to the conclusion that since the decision in 2012, the demand for allotments has not led to the need for new allotments to be provided.

In 2014, Cabinet agreed to the spending of up to £50,000 of the ring-fenced money on improvements to the Midwinter allotment site, which included the installation of compost toilets and other site improvements. The total now stands at £561,402.

In the intervening years, Elmfield Playing Field has increased in prominence as a local community green space seeing investment through the 'Big Local' to create a valuable play space, with further projects planned in partnership with the local community. Given these circumstances, it is unlikely that neither the Council nor the wider community would wish to develop all or part of the playing field as allotments in the foreseeable future.

The Midwinter site is the largest of the Council's allotment sites, with over 200 plots, of which about 40 change hands each year. The waiting list is quite short, with a standard wait of six months or less, indicating that the number of plots available is broadly appropriate to meet current demand in the area. Therefore, it is proposed that a sum of £161,402 is allocated to undertake improvements to existing sites; namely path improvements at Midwinter, and modifications to water supplies at all Borough Council sites to ensure compliance with the Water Regulations Act, while £400,000 is reallocated to the Cheltenham High Street fund to support delivery of phase 2 improvement works.

RESOLVED THAT:

- 1. the spending of £161,402 on the allotment improvement works identified in this report be approved, and that the remaining £400,000 be reallocated towards the Cheltenham High Street phase 2 improvements.**

6. PROPOSED COMPULSORY PURCHASE ACTION TO SUPPORT DELIVERY OF THE PROPOSED WEST CHELTENHAM DEVELOPMENT SCHEME

The Leader of the Council clarified that recent portfolio changes meant that he was now responsible for this subject area, though the forward plan still listed the accountable member as the Cabinet Member Development and Safety.

He noted that this report related to what needs to be done next regarding West Cheltenham, which is a significant project for the town. He emphasised that it constituted a small part of the preparatory work for a project of this scale, outlining technical requirements and possibilities. The council seeks to work closely with its partners, and the report takes into account the ongoing planning consultation and discussions with landowners.

He reported that the anticipated costs have been budgeted for (projected to be up to £100k, which will be split equally with Tewkesbury), and that Cabinet would be consulted again should the final figure turn out to be higher.

The Cabinet Member Development and Safety added that he was familiar with the subject, as it had previously been in his portfolio. He emphasised that the vision for West Cheltenham is based on high quality development across the area. Appropriate land assembly is a key issue, and the council must do all the proper preparatory work to ensure that the land is suitable.

RESOLVED THAT:

- 1. Cabinet agree in principle that the councils may need to use compulsory purchase powers to acquire the land shown edged red on the plan, attached at appendix 2 of this report, in order to achieve the following:**
 - (a) Secure the delivery of the West Cheltenham development, its**

housing and job-creation objectives together with contributing to the promotion and improvement of the economic, social and environmental well-being of Cheltenham and Tewkesbury Boroughs in line with the emerging Cyber Central Garden Community Supplementary Planning Document;

(b) Facilitate the development of the site by assembling the land interests within a reasonable timeframe and at a reasonable cost;

- 2. The Director of Planning be authorised to undertake the investigative and preparatory work required for the compulsory purchase process in collaboration with Tewkesbury Borough Council. Cabinet notes that as an outcome of this recommendation, if it is necessary and appropriate, for one or more compulsory purchase orders to be made, that a further report will be brought to Cabinet seeking approval to the making of an Order;**
- 3. Cabinet accept that costs of up to £100,000 may be incurred. This cost is to be split equally between the two authorities (£50,000 contribution from Tewkesbury Borough Council).**

7. ADOPTION OF REVISED SEXUAL ENTERTAINMENT VENUE POLICY

The Cabinet Member Development and Safety reported that the last Sexual Entertainment Venue (SEV) policy was adopted in 2014, and it has been reviewed, taking into account recent consultation. He stressed that the council takes no moral position on the nature of this entertainment, but as the entertainment is permitted in law, it is felt more appropriate to take an active regulatory approach using the licensing legislation than imposing a borough-wide policy of zero SEVs, which would not address the concerns of those opposed to them.

He outlined the wider context, noting that section 27 of the Policing and Crime Act 2009 introduced a new designation of sexual entertainment establishment, requiring Sexual Entertainment Licence. It was noted that under this legislation, premises can provide 'infrequent' entertainment without the need for a licence, but any venue wishing to have sexual entertainment on a regular basis would require a licence,

He emphasised that apart from changes to some descriptions of what constitutes a high-risk area and other more specific things, the actual policy is much the same as before.

The Cabinet Member Development and Safety invited the Chair of the Licensing Committee to speak further about the policy, having been a key statutory consultee in the process. He thanked the Leader and the Cabinet Member Development and Safety for their help, and stressed that it is better to operate under 40 enforceable conditions rather than under statutory exemptions, with less control. Any venue licensed during race week will be visited daily by a Licensing Officer and police licensing officer to ensure compliance. The welfare of performers is a key concern, and changes to the policy include a requirement to have information about trafficking, sexual assault etc. displayed in changing rooms, to ensure that support networks are clear to all those involved. The protection of children is also strengthened by increasing the Challenge 21 policy

to Challenge 25. He urged Cabinet to accept the policy, which the Cabinet Member Development and Safety echoed.

The Cabinet Member Healthy Lifestyles asked about a specific matter in the policy relating to the limit on the number of SEVs and the reasons why venues may be refused a licence. She outlined her concern that SEVs in the town centre might cause a nuisance to residents. The Cabinet Member Development and Safety responded that the new policy is more flexible in allowing Licensing Officers to determine what is and isn't acceptable, and added that living in the town centre always means late-night disruptions are possible, not just due to race week and not just due to SEVs.

The Cabinet Member Healthy Lifestyles reiterated her concern about a lack of specificity in some areas of the report. She noted that it refers to 'properties with sensitive users or in sensitive locations', including religious buildings, residential areas and shops, and asked whether all of these will be taken into account. The Cabinet Member Development and Safety responded that the changes make the policy more user-friendly in terms of being able to respond to issues, but does not make it more likely that an SEV would be located near the types of areas in questions. There are a whole range of reasons why an SEV would not be opened in those types of areas, and they are hardly an issue outside of race week anyway. The new policy is broader, but it does not mean that the things on that list cannot be protected.

The Leader agreed that it was an interesting and often discussed issue. He noted that the report essentially comes to the same conclusion as the previous policy, last discussed in October 2014 – that an active regulatory approach is most appropriate course of action.

RESOLVED THAT:

- 1. The consultation feedback be noted;**
- 2. The revised policy document attached at Appendix 5 be noted, and;**
- 3. Council be recommended to adopt the revised policy document attached at Appendix 5.**

8. ADOPTION OF REVISED STREET TRADING POLICY

The Cabinet Member Development and Safety presented the policy. The draft policy was previously approved pending consultation, which has now been completed. The feedback from this consultation was attached as an appendix. When the previous policy was approved in 2016, it included a procedure to propose revisions if necessary.

He summarised that while the previous policy adopted the right approach for 2016, this is not necessarily the case now. The authority and broader context has changed since then, and so the revised policy adopts a more flexible approach regarding licensing zones, trading locations and goods to be sold there. Minor changes have also been made in line with the need for modernisation.

The Chair of the Licensing Committee was again invited to speak about the policy. He added that as the public realm works continue on the High Street, it is important to proactively adapt to a new reality with a more flexible policy and

invest in the town centre. The Leader agreed that the adjustments are sensible, bringing the policy up to date for 2020.

RESOLVED THAT:

- 1. The amendments to the current policy be noted;**
- 2. The consultation feedback and officer comments be noted;**
- 3. The revised policy be adopted for implementation.**

9. REGULATION OF INVESTIGATORY POWERS ACT 2000 DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE POLICY/INVESTIGATORY POWERS ACT 2016 ACQUISITION OF COMMUNICATIONS DATA POLICY

The Cabinet Member Corporate Services presented the report. He emphasised that in the fight against fraud, local authorities may require certain investigatory functions in order to carry out surveillance of individuals and to make use of undercover officers and informants. As such actions may intrude on an individual's privacy; investigations should not be undertaken without full and proper consideration.

The Regulation of Investigatory Powers Act (RIPA) was introduced in 2000 to ensure that public authorities' actions are consistent with the 1999 Human Rights Act. The council's current policy is based on the legislative requirements of RIPA, the Investigatory Powers Act (IPA) of 2016 and the Code of Practice relating to applications of use, directed surveillance, the use of covert human intelligence sources and the acquisition of communication data.

As the IPA now covers data communication requests, all applications are made online via the National Anti-Fraud Network (NAFN) which acts as a single point of contact for local authorities once their request for information has been ratified by the Office for Communication Data Authorisations. This is covered in the new Investigatory Powers Act 2016 Acquisition of Communications Data Policy, which is attached as an appendix.

As RIPA applications are still subject to the same application process as outlined in the previous policy (in that the offence must meet the serious crime criteria), the council must have a Senior Responsible Officer and Authorising Officers to approve the application before the Court is approached. The updated policy reflects the recent changes in staffing, with the Senior Responsible Officer being the Managing Director Place and Economic Development, Tim Atkins and the Authorising Officers being the Executive Director People and Change, Darren Knight and the Director of Environment, Mike Redman. The refreshed Policy also introduces a mandatory requirement for staff to complete a non-RIPA Application Form where surveillance is being undertaken but the offence does not meet the serious crime criteria.

RESOLVED THAT:

- 1. The Policies attached to this report be formally adopted;**
- 2. The Chief Executive be authorised to approve future minor amendments to the Policies in consultation with the Cabinet**

member for Corporate Services, One Legal and the Counter Fraud Manager.

10. APPROVAL TO CONSULT ON REVISED HOMESEAKER PLUS POLICY

The Cabinet Member Housing presented the report, explaining that it relates to the Homeseaker Plus Partnership, which includes the local partner districts plus West Oxfordshire, and that the report came about as part of the 2017 Homelessness Reduction Act. He stressed that the policy is of great importance, to which the Leader agreed.

RESOLVED THAT:

- 1. This Authority be authorised to consult on the proposed changes to the Homeseaker Plus Allocations Policy;**
- 2. Authority be delegated to the Managing Director Place & Growth, in consultation with the Cabinet Member Housing, to approve the new policy after the consultation period has ended; provided that there are no further material changes other than those that have already been identified within this report.**

11. QUARTERLY BUDGET MONITORING REPORT OCTOBER 2019 - DECEMBER 2020

The Cabinet Member Finance presented the report, which provides the third monitoring position statement for the financial year 2019/20. She explained that the purpose of the report was to notify members of any known significant variations to budgets for 2019/20 and highlight key issues.

Looking at the net revenue position, the table at 2.1 summarises the net impact of the variances identified at this stage in the financial year, projecting the position to the end of the financial year for all budget variances in excess of £50,000 and areas with volatile income trends, details of which you can see in paragraphs 2.3 to 3.1.

She reported that Treasury Management borrowing costs are in line with the revised budget. This includes short term (temporary borrowing), long term and brokerage costs. Based on performance so far as of December 31st, investments are forecast to come in on budget, and there are no significant variances against any current capital programmes or projects.

A detailed exercise has been carried out to ensure that programme maintenance work is being delivered as planned within the allocated budgets. Some programme maintenance expenditure is not expected to be utilised in the current year and will be transferred back into the Property Maintenance reserve. However, there is a requirement for additional budget to meet higher than expected reactive repairs in the year, which will be funded from this reserve. Any slippages in schemes or underspend against budget at the end of the year will be transferred to the Programme Maintenance reserve to fund future programme maintenance expenditure.

Significant variations to HRA revenue and capital budgets identified to 31st December 2019 are detailed in parts 6.1 to 6.3., while Council Tax and Business Rates income is shown at Appendix 2. The continued impact of changes in government funding arrangements and the economic climate

present particular concerns for the council. It is important to ensure that budgets continue to be closely monitored over the coming months, with a view to taking action at a future date if necessary in order to ensure that the council delivers services within budget.

It will be for Cabinet and Council to decide how to apply any potential savings in June this year, when the financial outturn is finalised. However it is recommended that any underspend identified on outturn be transferred firstly to the Budget Deficit (Support) Reserve and secondly to support general balances, bearing in mind the need to keep the level of reserves robust and the uncertainty surrounding future budget funding gaps, as outlined in the Medium Term Financial Strategy.

The Leader clarified that Cabinet is noting the report and recommending it to Council.

RESOLVED THAT:

- 1. Cabinet note the contents of this report including the key projected variances to the 2019/20 budget and the expected delivery of services within budget;**
- 2. Council be recommended to approve the budget virements to the 2019/20 budget, as part of the revised budget 2019/20, as detailed in Appendix 4.**

12. FINAL GENERAL FUND REVENUE AND CAPITAL BUDGET PROPOSALS 2021

The Cabinet Member Finance presented the report, noting that in previous years, budgets had been prepared under a general philosophy of no growth in services unless there is a statutory requirement or a compelling business case for an 'invest to save' scheme. However, the Council's aspirations to modernise its offer, become financially sustainable and be carbon neutral by 2030 require realignment of resources.

An allocation was agreed by the Council in April 2015 to facilitate the redevelopment of the Town Hall. A briefing paper, which is attached as an appendix, outlined the progress made to date but essentially concluded that all of the options identified are currently outside the financial envelope of affordability available for the Council to progress. Of the original allocation, £1.6m is still available, for which she recommended the following reallocation:

- Invest a sum of £1m to pump prime the commercial opportunities identified by The Cheltenham Trust including investment which both sustains and grows income at the Town Hall);
- Allocate £50k to fund two full-time documentation officers to ensure the collection receives accreditation status,
- Allocate £200k in a contingency fund to fund the associated costs of the investment in leisure@ in respect of the splash-pad;
- Allocate £350k to a climate emergency fund to help facilitate the Council's ambition to become carbon neutral by 2030.

In February 2019, Council unanimously called on the Cabinet to declare a Climate Emergency, which was duly announced in July 2019. As part of the motion, Council requested that a report be presented within six months outlining the local actions the Council could take to help address this emergency. A report was presented to Council in October 2019 outlining the actions needed and an indicative timetable, as well as recommending the initial resources required for the authority to effectively gear up to delivering the scale of actions required by 2030. There is widespread public support for addressing climate change issues, with more than four in five Cheltenham residents agreeing that the Council should play a role in tackling air quality issues (83%), enabling people to walk/cycle more (82%) and enabling public transport use (81%).

The report recommended initial 'seed funding' of £150,000 per year to fund additional staffing resources, in order to create the capacity and capability to develop the business cases for the initiatives outlined in the roadmap and to identify and secure external funding to enable climate emergency projects to progress. It is proposed that £350k be reallocated from the original Town Hall allocation to address the resources required. In addition, it is proposed that £75k be allocated from the planned maintenance reserve (originally allocated to the restoration of Pilley Bridge) on the grounds that the council needs to prioritise its resources towards the delivery of corporate plan priorities.

Whilst telematics technology is now being fitted to council vehicles operated by Ubico in order to ensure that they are being used effectively and efficiently, including reducing fuel consumption, there is a need to ensure that the technology is in place and can integrate with other business systems as necessary, including any Customer Relationship Management (CRM) system CBC may purchase going forward.

The report therefore proposes allocating £200k, subject to a business case, for the purchase of an 'In Cab' technology system. It is anticipated that the implementation of this system would offer a number of financial, service related and carbon reduction benefits to the council and its residents. She suggested that this system would reduce the mileage required, because it would guide the crew around their collection route and reduce mistakes. This would have a direct benefit in reducing the fuel used and associated carbon usage. In addition, it is likely that the council would see fewer missed collections, meaning that return journeys to collection areas would not need to be made, again contributing to lowering the fuel and carbon usage. This investment would also support wider process improvements for waste collections.

She added that a report relating to the future provision of public conveniences was presented to Cabinet on 5th November 2019. Within that report, recognition for redeveloping the toilets at Sandford Park was identified, with a recommendation to set aside funding for a new facility within the 2020/21 budget proposals, to be considered by Council in February 2020. In order to satisfy that commitment, the budget proposals include a sum of £143,500 in the proposed capital programme for 2020/21.

The Cabinet Member Finance placed on record her thanks to the members of staff involved in pulling the report together. She also acknowledged an email received from the Leader of the House of Commons on the day of the meeting (11th February), which clarified that the

budget debate will not happen on the date originally planned. It is delayed due to the government's prioritisation of different legislation, and is likely to take place during the week beginning on the 24th February instead. The budget settlement is therefore not yet finalised, though the authority already needs to set its budget. No major changes are expected, but she stressed that the situation is not yet finalised.

RESOLVED THAT:

Council be recommended to approve the following:

- 1. The revised budget for 2019/20 be approved;**
- 2. The budget assessment be considered by the Section 151 Officer at Appendix 2 in agreeing the following recommendations;**
- 3. The final budget proposals including a proposed council tax for the services provided by Cheltenham Borough Council of £214.08 for the year 2020/21 based on a Band D property (an increase of 2.39% or £5.00 a year for a Band D property), as detailed in paragraphs 4.11 to 4.16, be approved;**
- 4. The growth proposals be approved, including one off initiatives at Appendix 4;**
- 5. A lending (overdraft) facility of up to £100,000 to the Cheltenham BID be approved, to facilitate the delivery of an ice rink as detailed in Section 7;**
- 6. The Executive Director Finance and Assets (in consultation with the Borough Solicitor) be authorised to take such actions and make such arrangements as are necessary for the implementation of the above lending facility to Cheltenham BID;**
- 7. The savings / additional income totalling £826,000 and the budget strategy at Appendix 5 be approved;**
- 8. The use of reserves and general balances be approved, and the projected level of reserves, as detailed at Appendix 6, be noted;**
- 9. The capital programme at Appendix 7 be approved;**
- 10. The programmed maintenance programme at Appendix 8 be approved;**
- 11. Cabinet note that the Council will remain in the Gloucestershire business rates pool for 2020/21 (paragraphs 4.4 to 4.10);**
- 12. The Pay Policy Statement for 2020/21 be approved, including the continued payment of a living wage supplement at Appendix 9;**
- 13. The Medium Term Financial Strategy (MTFS) detailed in Section 5 and Appendix 10 be approved;**
- 14. A level of supplementary estimate of £100,000 for 2020/21 be**

approved, as outlined in Section 13.

13. FINAL HOUSING REVENUE ACCOUNT (HRA) 2021 - REVISED BUDGET 2020

The Cabinet Member Finance presented the report, and highlighted a number of key points. The council has pledged to build 500 new affordable homes by 2023, to sustainable standards. The report also refers to the installation of showers, new windows and boilers in all CBH properties. The Cabinet Member Finance noted that this should help to deliver some of the council's key climate change aspirations.

She anticipated that significant investment will be required in existing stocks, but this is yet to be quantified. Rents have been frozen for a period of years, but this is no longer the case, as they will all increase by 2.7% in April 2020. Business rates have also increased by 3%, and communal charges by 20% to reflect the new tariff. The end of rent reduction is key, as it strengthens the viability of the HRA and adds additional capacity to invest in existing stock.

The Cabinet Member Healthy Lifestyles asked about the retrofitting of properties, noting that the European Union has a specific budget for keeping properties windproof, watertight and warm. She asked whether it might be worth asking the European office in London if any of that remains unspent, as it can be applied for until December 2020. The Cabinet Member Finance noted this.

This report will go to Council next for full debate.

RESOLVED THAT:

Council be recommended to approve the following:

- 1. The revised HRA forecast for 2019/20 be noted;**
- 2. The HRA budget proposals for 2020/21 (shown at Appendix 2) be approved, including a proposed rent increase of 2.7% and changes to other rents and charges as detailed within the report;**
- 3. The HRA capital programme for 2020/21, as shown at Appendix 3, be approved.**

14. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Healthy Lifestyles reported that the No Child Left Behind awards had gone very well, garnering support from local businesses and significant positive media coverage. She emphasised that the job now is to sustain the positive impact of NCLB.

The Cabinet Member Healthy Lifestyles also reported that she had recently spoken at a meeting of the Citizen's Jury about Cheltenham Hospital. These meetings consider contributions from medics and the Jury itself, and she emphasised that the goal is for Cheltenham to be a 24-hour, Grade 1 A&E with reinforced rather than reduced resources.

15. CABINET MEMBER DECISIONS SINCE THE LAST MEETING

The Cabinet Member Finance reported that she had taken the decision to appoint British Gas Social Housing (which operates under the name PH Jones) to provide the council's domestic gas servicing, repairs and new installation service for a 5 year period with the option to extend for a further 3 years. The service will be awarded under the JCT Measured Term Form of contract prepared and issued by One Legal. The council received and analysed a number of tenders, and this was deemed to be the most economically advantageous.

Chairman