

Cabinet

**Tuesday, 7th February, 2012
6.05 - 8.00 pm**

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Built Environment), Klara Sudbury (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Sport and Culture), John Webster (Cabinet Member Finance and Community Development), Roger Whyborn (Cabinet Member Sustainability) and Colin Hay (Cabinet Member Corporate Services)

Minutes

1. APOLOGIES

No apologies had been received.

2. DECLARATIONS OF INTEREST

Councillor Colin Hay declared a prejudicial interest in agenda items 9 (Housing Revenue Account - Revised Budget 2011/12 and Final Budget Proposals 2012/13 for Consultation) and 10 (Housing Revenue Account Business Plan) as a director on Cheltenham Borough Homes Board.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting had been circulated with the agenda.

Cabinet Member Sport and Culture tabled an amendment to the resolution for agenda item 5 (Leisure and Culture Review Consultation). He explained that it had been agreed at Cabinet that a secondary outcome should be added to the Art Gallery and Museum and the Leisure@ and Sorts, Play and Healthy Lifestyles service regarding income and whilst this had been recorded in the minutes, it had not been recorded as part of the resolve and therefore the resolution should read;

RESOLVED that the outcomes for leisure and culture review as outlined in section 6 are adopted with the inclusion of the secondary outcome "the council generates the greatest return (financially, economically and socially) from it's investment in the buildings" being added to the Art Gallery and Museum and the Leisure@ and Sorts, Play and Healthy Lifestyles service areas.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 13 December 2011, as amended, be agreed and signed as an accurate record.

4. PUBLIC QUESTIONS AND PETITIONS

No public questions or petitions were received.

5. RECOMMENDATION FROM SOCIAL & COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE REGARDING YOUTH AND ANTI-SOCIAL BEHAVIOUR

The Chair of the Social & Community Overview and Scrutiny Committee, Councillor Regan, was invited to speak in support of the recommendations.

She explained that at the meeting of the Social & Community Overview and Scrutiny Committee held on the 9 January 2012 the Committee had discussed 'Anti-Social Behaviour Update – Focus on impact of youth centre closures in the Borough'. Members of the Committee had been concerned by the lack of available figures from the Police regarding the link between the closure of youth facilities to any rise in antisocial behaviour (ASB) committed by young people and the suggestion that it would be another 12 months before the figures could be obtained and compiled. Youth facilities had closed in April 2011 and a further 12 month wait for the formulation of statistics identifying ASB linked to the closures was unacceptable to Members.

Members were also concerned that the safeguarding of young people previously carried out by the youth service was no longer being undertaken. CCP were attempting to capture and record social issues but with many youth centres now being run by volunteers rather than individuals with appropriate training, there was a risk that issues wouldn't be identified. Without having access to meaningful figures there was no way of knowing whether issues were worsening.

Councillor Regan urged Cabinet to accept the recommendations and attain some answers.

The Leader recognised the concerns of the Social & Community Overview and Scrutiny Committee and invited the relevant portfolio holder, Cabinet Member Housing & Safety, to comment.

Cabinet Member Housing & Safety thanked the Committee for the recommendations, which she welcomed. Cabinet shared the concerns relating to youth centre closures in the town and had set aside £50k in the budget to address some of the gaps.

Members should be assured that the newly formed Positive Life Partnership was also taking this issue seriously. Whilst it was early days for the Partnership following a recent restructure, work was in progress to develop action cards, two of which were 'ASB' and 'Youth'. CCP would lead on the Youth action card to ensure that it was populated with the relevant information, but the process was at such an early stage that the Cabinet Member was not in a position to provide any further details.

She had raised the issue of ASB data informally with the Police representative on the Partnership. It has been explained that the information was being recorded but having recently changed the way in which ASB was reported, it was not yet possible to draw comparisons and this was the likely reason for having been told that the data would not be available for another 12 months.

Cabinet Member Housing & Safety confirmed that she was happy to accept the recommendations and was equally happy to discuss the matter further outside of the meeting and take forward actions where possible.

Cabinet Member Corporate Services explained that the somewhat abrupt closure of the youth centre in Oakley, his ward, paired with the loss of the Police Station had caused anxiety but experience at this stage was that there had been no increase in ASB. This was not to say however, that there would not be issues in the future, ASB had reduced to such a low level because of years of work with communities. He reminded Members that information relating to incidences of self harming, drug and alcohol abuse, etc, were available in Maiden, a resource available to all Members.

Cabinet Member Housing & Safety felt that the Cheltenham Safeguarding Board should be made aware of the concerns raised by the Committee. She proposed that CCP should be invited to make a presentation to the new Overview and Scrutiny Committee once the new arrangements were in place or alternatively, a working group could be convened to consider the matter further.

Upon a vote it was unanimously

RESOLVED that the recommendations of the Social & Community Overview and Scrutiny Committee regarding the lack of data on the impact of the reduction in funding for general/universal youth provision in the town with a particular focus on incidences of antisocial behaviour be approved, including;

- 1. The issue be raised directly with Gloucestershire Police;**
- 2. To work with the CSP Positive Lives Partnership to address the wider issue of lack of youth provision in the town, particularly in terms of coordinating new youth projects being undertaken.**

6. RECOMMENDATION FROM ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE REGARDING PLASTIC BAGS

The Chair of the Environment Overview and Scrutiny Committee, Councillor Hall, was invited to speak in support of the recommendations.

Councillor Hall thanked Members for inviting her to present the recommendations of the Environment Overview and Scrutiny Committee and offered some background to the issue. In 2007 a motion was taken before Council to reduce the use of plastic bags in the Borough and the matter had been raised again by Councillor Fletcher. Before the matter was debated by the Committee at their meeting on the 9 January 2012, Cabinet Member Sustainability had felt duty bound to stress that whilst Cabinet welcomed suggestions that would raise awareness of the consequences of plastic bags and/or result in a reduction of those being used, there were no Council funds available.

The Finance and Operations Manager, Jenny Hall, from Marks and Spencer Cheltenham, had given a very interesting and encouraging presentation on various company initiatives and successes and the Town Centre Manager had highlighted a scheme run by the Regent Arcade, whereby plastic bags were

exchanged for bags for life. All Members were involved in what proved to be an excellent debate and which resulted in a collection of innovative ideas, which were now being recommended to Cabinet. She welcomed any comments.

Cabinet Member Sustainability reiterated his comments from the meeting of the Environment Overview and Scrutiny Committee. Cabinet were very sympathetic to the issue but there were no funds available. Having reviewed the suggestions of the Committee he considered that some could be undertaken at very little cost, though some would require a tangible amount of Officer time and were therefore not necessarily practical in the current climate. He could commit to arranging a meeting with representatives of the Gloucestershire Echo to explore some of the suggestions together. He was also happy to discuss with Planning Officers whether there was any scope to consider an organisations plastic bag policy as part of future planning applications, though, as rightly stated by the Committee, this would not form part of the decision making process. On this basis he was happy to accept the recommendations.

The Leader proposed that a bid of this nature, to the Promoting Cheltenham Fund, if properly developed, could be a very exciting one and the Cabinet Member Sustainability agreed.

Upon a vote it was unanimously

RESOLVED that the recommendations of the Environment Overview and Scrutiny Committee regarding initiatives to reduce the number of plastic bags being issued in the town be approved, including;

- 1. Consideration be given to working with local press and/or Schools on a promotional campaign of some description (based on the suggestions of the Environment Overview and Scrutiny Committee);**
- 2. The issue of whether there is any provision for reviewing a Retailers plastic bag policy as part of future planning applications (for information purposes only) be raised with Planning Officers.**

7. GENERAL FUND REVENUE AND CAPITAL - REVISED BUDGET 2011/12 AND FINAL BUDGET PROPOSALS 2012/13

Cabinet Member Finance & Community Development highlighted a minor amendment, the deletion of the word 'consultation' from the Executive Summary in the report as the consultation had been concluded. There had not been a large number of responses and he considered that this was due, in part, to the Council Tax freeze and the fact that no substantial cuts were being proposed. Responses had included questions around why the Governments council tax freeze grant had been accepted. Consideration had been given to not accepting this grant, but the difference between a 2.5% increase and a 3.5% increase to Council Tax equated to only £80k and a referendum triggered by an increase above 3.5% would cost more than £80k. Other concerns raised during the consultation related to the proposal to build £250k of the New Homes Bonus (NHB) into the 2012/13 base budget. It was important to note that the NHB had been based on previous levels, the funding was not ring-fenced and all authorities across Gloucestershire, including the County Council, had done this as a result of current circumstances. Green Waste had also been a common

area of concern and he suggested that a working group should consider the matter further.

As a direct result of the consultation, the following changes had been made. In response to a number of concerns, there would be a one off transitional support payment of £5k to the Arts Council. The Citizens Advice Bureau had lost the Single Advice Contract in October 2011 and as a consequence this threatened its future in Cheltenham. In acknowledgement of the wide ranging advice offered by the Citizens Advice Bureau, in times when more people sought such advice, it was agreed that two £30k payments of transitional support would be made, but this would be subject to development of a suitable business case.

Cabinet Member Built Environment felt that the 2012/13 budget was an interesting one. On the face of it the proposals were inoffensive, a Council Tax freeze, a freeze on off road parking charges, etc, but it was in fact the result of a large number of efficiency savings and it should be considered a success story. As Members were aware, there would be no grant from the Government next year and it would be an effort to keep Council Tax down, but Members acknowledged that people were struggling and therefore efforts would be doubled. He expressed his disappointment that over the last 2 years the County Council had chosen to increase the cost of resident permits by 29% and business parking charges by 140%.

Planned maintenance had been a cause for concern for the Environment Overview & Scrutiny Committee and he was hopeful that Members would be reassured upon seeing the programme for next year, with a budget of £1,000,050, which compared favourably to a time before the national financial crisis. He felt strongly that maintenance and reinvestment into Council assets was crucial and importantly, what the public expected.

Cabinet Member Corporate Services felt the approach to the 2012/13 budget had been forward looking one, achieving longer term savings. He recognised the efforts of staff who had changed the way they worked but this was not to underestimate the extra work and commitment this had required. Trade Unions recognised the position of the Council and worked to help bring about the best solution.

The Leader endorsed what had been said by his Cabinet colleagues. The Council had been in the advantageous position of knowing what the 2012/13 settlement would be last year but it was as yet unknown what this would be next year. Representations had been made urging that the final settlement notice be provided as soon as possible, given that next year the process would be more complicated.

Upon a vote it was unanimously

RESOLVED that it be recommended to Council that;

- 1. The revised budget for 2011/12 be noted;**
- 2. The final budget proposals including a proposed council tax for the services provided by Cheltenham Borough Council of £187.12 for**

the year 2012/13 (a 0% increase based on a Band D property) be approved.

3. The growth proposals, including one off initiatives at Appendix 3 be approved.
4. The savings / additional income at Appendix 4 be approved.
5. The reserve re-alignments at Appendix 5, as outlined in section 9 be approved.
6. The proposed capital programme at Appendix 6, as outlined in Section 10 be approved.
7. The updated Medium Term Financial Strategy at Appendix 7 including the impact of the 'bridging the gap' programme on the forecast budget gap be noted.
8. The proposed Property Maintenance programme at Appendix 8, as outlined in Section 11 be approved.
9. A level of supplementary estimate of £100,000 for 2011/12 as outlined in section 14 be approved.

8. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2012/13

The Head of Financial Services confirmed that the strategy had been scrutinised in detail, by the Treasury Management Panel, who had fully endorsed the document for approval by Cabinet and Council.

He explained that following print and circulation of the documents, DCLG had revised the HRA self-financing figure from £27.881 million to £27.414 million, resulting in a reduction in debt of £467k. Figures had been changed throughout the document accordingly and whilst this had not been reprinted, it had been republished on the website.

Cabinet Member Finance & Community Development stressed that the focus had been a positive one, security of assets rather than maximising returns.

Upon a vote it was unanimously

RESOLVED that it be recommended to Council that the Treasury Management Strategy Statement and Annual Investment Strategy for 2012/13 at Appendix 2 be approved including;

1. The general policy objective 'that Council should invest prudently the surplus funds held on behalf of the community giving priority to security and liquidity'.
2. The Prudential Indicators for 2012/13 including the authorised limit as the statutory affordable borrowing limit determined under Section 3 (1) Local Government Act 2003.

3. **Revisions to the Council's lending list and parameters as shown in Appendix 2 11.2 and 11.4 are proposed in order to provide some further capacity. These proposals have been put forward after taking advice from the Council's treasury management advisers Arlingclose and are prudent enough to ensure the credit quality of the Council's investment portfolio remains high.**
4. **For 2012/13 in calculating the Minimum Revenue Provision (MRP), the Council will apply Option 1 in respect of supported capital expenditure and Option 3 in respect of unsupported capital expenditure as per section 21 in Appendix 3.**

9. HOUSING REVENUE ACCOUNT - REVISED BUDGET 2011/12 AND FINAL BUDGET PROPOSALS 2012/13

Having declared a prejudicial interest in this item, Councillor Colin Hay excused himself from the meeting.

The Cabinet Member Finance & Community Development confirmed that this too had been out for consultation. This was already considered to be a good news story, which had only improved since the announcement by the Head of Financial Services that the Council was £468k better off, resulting in more money being available locally. This would result in an estimated £13.8 million to spend over the next 10 years, invested in new build, improving existing stock and service improvements.

He highlighted the increase of £68k to the CBH budget which would enhance the role of Safer Estates and allow for the creation of a new post for an Arrears Officer. CBH had done fantastically well achieving 3 stars, completing the Decent Homes programme ahead of schedule and the Senior Leadership Team needed to be commended for these achievements. It was stressed that rents were calculated in line with a national formula, not set by the authority and whilst this would mean rent rises in Cheltenham, the good news was that this would be spent locally.

Before moving the resolutions the Cabinet Member Finance & Community Development proposed an amendment to recommendation 3, namely that it should read;

'The 2012/13 management fees and charges for Cheltenham Borough Homes as detailed in Section 4 be approved subject to any changes relating to the current reorganisation being acceptable to Cabinet.'

The Cabinet Member Housing & Safety supported the amendment as proposed. The senior leadership team at CBH had made great efforts to take advantage of self financing and she appreciated the work that had been undertaken.

Upon a vote it was unanimously

RESOLVED that it be recommended to Council that;

1. **The revised HRA budget and capital programme for 2011/12 be noted;**

2. **The 2012/13 HRA budget including a proposed average rent increase of 6.43% (applied in accordance with rent restructuring guidelines) and increases in other rents and charges as detailed at Appendix 5 be approved;**
3. **The 2012/13 management fees and charges for Cheltenham Borough Homes as detailed in Section 4 be approved subject to any changes relating to the current reorganisation being acceptable to Cabinet;**
4. **The 2012/13 HRA capital programme at Appendix 6 be approved**

The Chief Executive advised that a formal process in relation to recommendation 3 and any changes relating to the current reorganisation being acceptable to Cabinet needed to be agreed. Members agreed that the matter would be reported back formally to Cabinet by the Cabinet Member Housing and Safety.

10. HOUSING REVENUE ACCOUNT BUSINESS PLAN

Contrary to the report circulated with the agenda, the Accountable Member was in fact the Cabinet Member Housing & Safety. Members were advised of a minor change to item 1.2.1 of the Business Plan, in which the second reference to scrutiny had been removed.

The Business Plan had been developed to take account of the national policies that would impact social housing, namely, increases in rents and welfare reforms which would see a reduction in benefits, however, the plan included provisions for greater levels of bad debt. CBH had developed a pro-active Asset Management Strategy which would ensure that stock decisions would be made through business planning protocols, though there was the possibility that this could be complicated by an initiative by the Government to stimulate the RTB market by offering increased reductions. The strategy would use the additional resources arising from self financing in three ways:

New Build – with the aim of establishing a continuous programme of new build.

Existing stock – improvements including measures to reduce fuel poverty and the continuation of the neighbourhood works programme.

Services – increased support for tenants including further investment in community development to address ASB, financial and social exclusion and unemployment.

The Assistant Chief Executive – Resources (CBH) amplified the RTB comments made by the Cabinet Member Housing & Safety. The current plan did not attempt to address the issue of RTB as at present the proposals by the Government included a wide range of initiatives to stimulate the market. A formal response to the Government consultation on this issue had been submitted and made the point that redistribution of the RTB funds was a shortcoming of the previous HRA. The Government were currently proposing the final initiative would be introduced by July 2012 and it was suggested that they would be raising the cap on the level of reductions available. There were

questions as to whether there would be demand given the current restrictions on lending by Banks.

The Leader felt that the Business Plan signified positive progress for Cheltenham as a whole and thanked CBH for their hard work.

Upon a vote it was unanimously

RESOLVED that it be recommended to Council that the strategy as outlined in the business plan at Appendix 2, be approved as part of the budget setting process.

11. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Corporate Services returned to the meeting.

The Cabinet Member Sustainability was unable to provide a specific date but assured Members that the Garden Bag Scheme, which would be offered to streets where brown bins couldn't reasonably be provided would be launched within the coming weeks.

The Cabinet Member Sport & Culture reminded Members that it was the 16th Cheltenham Folk Festival this week and he hoped to see Members in attendance.

The Cabinet Member Housing & Safety advised that there had been a number of enquiries regarding Licensing Fees for events organised in honour of the Jubilee and Olympics. The Licensing Team were developing a protocol for charges in respect of community groups and charities and at present the suggestion was that there would be no charge.

The Leader urged any Members who had not yet responded to the JCS consultation to do so by the 12 February when the consultation would conclude.

12. WORKFORCE CHANGE PROTOCOL

The Cabinet Member Corporate Services referred to the new arrangements (Shared Services, Local Authority Company, etc) which the protocol covered and set out how the Trade Unions (TUs) would be involved. TUs were happy with and had agreed the protocol and this way of working had paid dividends in respect of how the Council operated.

The Director People, Organisation Development and Change felt that one of the main strengths of the Council was how it managed change as an organisation, but this involved a great deal of work and the TUs played a significant role in this. Whilst it was no different to what had always been done in relation to how workforce change was approached, it was considered useful to have it set out on paper. She considered that the relationship between the Council and the TUs was a mature one and where it wasn't always possible to agree, but always possible to move forward.

The Leader, as a Member of the Joint Consultative Committee felt able to suggest that the TUs welcomed the way in which the Council dealt with change.

No formal decision was required and the Protocol was noted.

13. DECISIONS OF CABINET MEMBERS AND OFFICERS

The Cabinet Member Corporate Services detailed a consequential decision to a decision taken by Council to hand over the administration and management of the 4 Charitable Trusts, namely Hay Trust Fund, the Caroline Strickland Homes, the Turner Long Fund and the Walker Memorial Trust to CFWA. The decision had been duly published.

14. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS

The Head of Legal Services suggested that in addition to paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, the information to be discussed was also exempt for the reasons defined in paragraph 2 Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 2; Information which is likely to reveal the identity of an individual.

Upon a vote it was unanimously

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 paragraphs 2, 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 2; Information which is likely to reveal the identity of an individual

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. EXEMPT MINUTES

The exempt minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the exempt minutes of the meeting held on the 13 December 2011 be agreed and signed as an accurate record.

16. DISPOSAL OF LAND

As a preliminary matter, the Chairman agreed that, Councillor Flynn, as a local ward member, could remain in the room for the exempt item but would not participate in the debate.

Cabinet considered a confidential report from the Head of Property & Asset Management and the Cabinet Member Built Environment regarding the disposal of land at Fiddlers Green Lane Cheltenham.

The report included Officer advice on legal, financial and risk implications and a written submission from Solicitors acting for the highest bidder in the marketing exercise carried out in Summer 2011. Members' attention was drawn to the other parties who had already expressed an interest, and of those who may be interested in any future marketing exercise. Members were reminded of their duties to act transparently and fairly to all interested parties, and reference was made to Article 13 of the Constitution.

Cabinet considered whether to dispose of the land to the existing highest bidder or to re-market the land in accordance with its previous decision in November 2011. Having had regard to the Council's principles for decision making, the interests of prospective purchasers and the Council's statutory duty to obtain best consideration, together with the officer advice and risk assessment, Cabinet decided to proceed with a disposal of the land to the existing highest bidder and not to re-market the land.

Upon a vote it was unanimously

RESOLVED that the Head of Property and Asset Management be authorised to dispose of the land at Fiddlers Green Lane to the existing highest bidder.

17. AN ITEM THE LEADER DETERMINED AS URGENT AND WHICH REQUIRED A DECISION

Having earlier declared a prejudicial interest in relation to CBH, the Cabinet Member Corporate Services excused himself from the meeting.

Cabinet considered an urgent item regarding Cheltenham Borough Homes and the Chief Executive was asked to undertake a number of matters as instructed by Cabinet..

Officers offered their advice and upon a vote it was unanimously

RESOLVED that the Chief Executive undertake the instructions of Cabinet with regard to Cheltenham Borough Homes and report back formally to Cabinet.

Councillor Jordan
Chairman