

Cabinet

**Tuesday, 25th September, 2012
6.00 - 7.00 pm**

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Sport and Culture), Peter Jeffries (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Built Environment), Jon Walklett (Cabinet Member Corporate Services) and Roger Whyborn (Cabinet Member Sustainability)

Minutes

16. APOLOGIES

There were no apologies.

17. DECLARATIONS OF INTEREST

Councillor Jordan declared a personal and prejudicial interest in agenda item 10 as he had submitted a bid for Westdown Gardens community green.

18. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 17 July be approved and signed as a correct record.

19. PUBLIC QUESTIONS AND PETITIONS

The following response was provided to the question received from Mr Gary Dawson:

Public Question to the Cabinet Member for Finance (Cllr John Rawson) from Mr Gary Dawson:

What is Cheltenham Borough Council's policy in relation to its own long term vacant domestic property, and why has no reference been made within the Housing Renewal Policy 2012 - 2017 with regard to this policy?

Response from Cllr Rawson:

The Council's policy regarding its own long-term vacant domestic property is not mentioned in the Housing Renewal Policy 2012-17 because that document is concerned specifically with private sector housing.

Cheltenham Borough Council (CBC) and Cheltenham Borough Homes (CBH) have a policy of making the most effective use of their housing stock, which naturally means filling properties with new tenants as quickly as possible when

they become vacant. In average it takes 17 days between one tenant leaving and another moving in, which is one of the fastest turnarounds of any social landlord in the country.

However there will occasionally be properties that are deliberately being held empty pending redevelopment. There will also sometimes be properties that are no longer economic for CBC to retain, as it will be too expensive to bring them back to an acceptable condition. In this case CBC will review the future of these properties and usually put them on the market to get the best return for the asset.

There are currently seven properties in this latter category which have been held for a very specific and carefully considered reason. In past years, when councils disposed of Housing Revenue Account properties to people who wanted to live in the properties rather than rent them out, the council was allowed to retain only 25 per cent of the capital receipt for reinvestment.

To get round this restriction, CBC tried to sell the properties to buy-to-let investors. However in the economic downturn either the offers were not acceptable or there was no interest. We therefore decided to follow an alternative course of action.

Some time ago, the Government announced that it intended to change the rules to allow councils to retain a higher percentage. In these circumstances, CBC felt that it was wise to wait for this change in the law, so that it would have more of the proceeds of sale to reinvest.

The change has taken longer than expected to come, and in fact the Government did not introduce it until April this year. However, our legal team have looked into the implications of the change, and have confirmed that we will be able to retain 100% of the proceeds of sale when selling HRA properties to owner-occupiers, provided we reinvest the money in affordable housing. This is a very welcome turn of events which is worth many thousands of pounds to us and I believe it justifies the delay.

In the new, changed circumstances, I have asked officers to review the future of these properties and report back to me. Regardless of the change in the law, CBC is still under an obligation to obtain "best consideration" for any asset it disposes of, which means I will need to take professional advice from officers about the best way of marketing the properties and the best time to do so.

20. RESTORATION OF PITTVILLE GATES

The Cabinet Member Finance introduced the report and explained that whilst the Borough Council had limited resources in terms of finance for the project, it had provided officer time and allocated funds via the Environmental Improvement Fund. He paid tribute to the efforts of the Friends' of Pittville in raising funds and recognised the importance of the Gates to the town's history and heritage.

The Cabinet member explained that implementation would be in two phases in order to achieve improvement to the site as soon as possible. It was proposed that the Council take on the role of partner to the project to procure and deliver

the improvements. He clarified that Council approval was required to allocate the funding.

RESOLVED to :

1. enter into an agreement with The Friends' of Pittville for the restoration of the Pittville Gates.
2. authorise the Head of Property and Asset Management to carry out the procurement to appoint the contractor to carry out the works to Pittville Gates and a project manager to manage the construction project, subject to sufficient funding for each phase being in place.

RESOLVED that Council be recommended to :

3. allocate the funding for this project.

21. LICENSING OF RICKSHAWS IN CHELTENHAM

Prior to the report being introduced the Leader of the Council explained that he would be using his discretion by inviting Mr Meyer of Rickshaw Revolution to address Cabinet.

Mr Meyer expressed his extreme dissatisfaction with the length of time it had taken for a proposal to be laid before Cabinet on the licensing of rickshaws. It had taken 7 months to date and he had intended his company to be operating in Cheltenham in the summer as originally he was advised the process would take 3 months. The proposed policy laid in the report before Cabinet was in his view wholly unsatisfactory and he regretted that he had not been involved in the process.

In introducing the report the Cabinet Member Housing and Safety explained that this was a unique situation and there were outstanding safety concerns which needed to be resolved. The Business Support and Licensing Team Leader was called upon to explain the length of time it had taken for this proposal to be considered. He explained that a formal complaint had been received from the rickshaw operator and a response to the complaint had been forwarded in writing. The proposal had been delayed due to the local government elections in May 2012, the change in Cabinet member, the summer recess and constitutional changes.

The Cabinet Member Housing and Safety added that there were ongoing concerns regarding the safety of rickshaws and to that end it was proposed that the report be deferred to a future meeting of Cabinet.

Members supported this approach due to incomplete information surrounding safety issues. Whilst they welcomed the concept of the operation it was important that the policy was properly considered to ensure that it worked and could be enforced for the benefit of those affected by the policy and for those operating the service. The Cabinet Member Housing and Safety agreed to meet with Mr Meyer directly to discuss his concerns.

The Leader of the Council explained that the Government may legislate specifically for this activity in the future but in the meantime arrangements to license rickshaws would be necessary in the interest of public safety and protection.

RESOLVED unanimously

To defer the item to a future meeting of Cabinet

22. CORPORATE RISK REGISTER

The Cabinet Member Corporate Services introduced the report and explained that effective risk management was a key component of the council's governance arrangements which included the Senior Leadership Team reviewing the Corporate Risk Register on a monthly basis. There had been an increase in the number of risks this summer due to the Cheltenham Development Task Force asking for risks relating to individual projects to be identified and treated in the same way as divisional risks. There were currently 19 active risks on the register, 2 with a low score, 10 with a medium score and 7 with a high score.

The Cabinet Member made particular reference to Risk CR3 regarding bridging the gap as an excellent example of how risks are mitigated in the council.

RESOLVED that:

Having considered the corporate risks and the progress being made to manage them and the format of the reports provided the Corporate Risk Register be approved.

23. ANNUAL REVIEW OF HACKNEY CARRIAGE FARES

The Cabinet Member Housing and Safety introduced the report which proposed that Cabinet approve the fare increase of 5% for Hackney Carriage fares in accordance with the Hackney Carriage fare formula.

RESOLVED that :

1. An increase of 5% for Hackney Carriage fares be approved, and
2. That authority be delegated to the Director of Wellbeing & Culture to carry out the necessary advertising requirements to comply with section 65 of the Local Government (Miscellaneous Provisions) Act 1976, and
3. Subject to there being no substantive amendments being made following consultation, that the proposed fares be adopted by the Director of Wellbeing & Culture under delegated authority.

24. GATING ORDERS-A CRITERIA FOR ADOPTION

The Cabinet Member Housing and Safety introduced the report and explained that central government had put in place legislation to enable closure of back and side alley ways which can become a source of crime in built up areas. The report outlined a criteria and process for the assessment and making of gating orders at the Council to ensure a consistent and transparent approach around the borough.

He emphasised that gating orders would be implemented as a last resort with other measures outlined in paragraph 3.1 of the report to be considered first.

RESOLVED that

1. the criteria and process for assessing requests and where appropriate making gating orders detailed in Appendix 2 be adopted for application throughout the borough.
2. delegated authority be granted to:
 - The Community Protection Manager to initiate the initial assessment in response to a request for a gating order.
 - The Director for Wellbeing and Culture in consultation with the Cabinet portfolio holder to ensure that the right criteria and conditions are in place and where appropriate authorise formal consultation to be carried out.
 - The Director of Wellbeing and Culture in consultation with the Cabinet portfolio holder to authorise the making of a gating order where there are no unresolved written representations received during the formal consultation period,

25. NEW HOMES BONUS- ENVIRONMENTAL IMPROVEMENTS PROGRAMME

Having declared a personal and prejudicial interest in this item Councillor Jordan left the room and did not participate in the debate.

The Cabinet Member Sustainability introduced the report and explained that £160 000 of the New Homes Bonus had been allocated to the Cheltenham Environmental Improvements Fund. A scoring system had been devised and a member panel comprising the Cabinet Members Built Environment and Sustainability and a Cabinet appointed Advisory Group considered the bids. He highlighted the bids which had been received as outlined in paragraph 1.7 of the report.

The Cabinet Member Built Environment explained that due to the limited amount in the fund the focus was on awarding funding to those schemes which would have most impact for people in the town.

The Cabinet Member Finance paid tribute to the officers and the panel for their work in awarding projects to schemes which would play a role in preserving the local heritage and biodiversity of the town.

RESOLVED that

the prioritised list of bids attached at Appendix C be supported, having had regard to the available budget of £160,000

26. AMENDMENTS TO CHELTENHAM CIVIC PRIDE URBAN DESIGN FRAMEWORK - TECHNICAL APPENDIX ROYAL WELL DEVELOPMENT BRIEF

The Cabinet Member Built Environment introduced the report and explained that revisions were sought to the technical appendix to the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document (SPD). These arise from the need to correct inconsistencies between the Brief and the parent SPD in order to clarify the planning position prior to the site progressing to market. More specifically the Cabinet Member referred to paragraph 1.3 of the report and the reasons behind the changes which would provide more flexibility as things progress.

The Cabinet Member Sustainability highlighted bus transport and explained that a holistic approach was being taken within the Civic Pride agenda. A bus map would be produced to ensure the public were well aware of any changes and that bus transport remained easily accessible from the town centre.

RESOLVED that

- (i) the schedule of revisions to the Royal Well Development Brief part of the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document as set out at Appendix 2 to this report for public consultation be approved; and
- (ii) arrangements for public consultation be delegated to the Director Built Environment in consultation with the Cabinet Member Built Environment.

27. BUSINESS RATES RETENTION POOLING

The Cabinet Member Finance introduced the report which explained the Government's proposals for Business Rates Pooling from April 2013. It also sought approval in principle to enter into a Pooling Agreement with all Gloucestershire district councils and the County Council subject to agreement on satisfactory governance arrangements and a full assessment of the risks and rewards.

The Cabinet Member highlighted that the impact of business rate pooling may not be fully known until late November/early December 2012 due to the timing of the draft Local Government finance settlement. The advantages of a pooling system would mean reduced risk to the council as it would be less vulnerable to fluctuations in business rate income and there would be benefits of sharing economic growth and business development across the county. However there would be uncertainty and impact on income streams resulting from the loss of major business and the constrained ability to increase the business rates in the town.

The Leader of the Council explained that Leadership Gloucestershire had added value in taking this issue forward and cross county working seemed a sensible approach.

RESOLVED that Council be recommended to:

1. Agree in principle to be part of a Gloucestershire Business Rates Pool, subject to a thorough assessment of risks/rewards and agreement on satisfactory governance arrangements
2. Subject to a) above, to approve the submission of a proposal to the Government for a Gloucestershire Pool by the 19th October deadline

3. Delegate authority to the Section 151 Officer and Chief Executive to assess the risks/rewards and agree the business case for joining a Gloucestershire Business Rates Pool
4. Delegate authority to the Section 151 Officer and Chief Executive, in consultation with the Borough Solicitor, Leader of the Council and the Cabinet Member for Finance, to agree the governance arrangements for the operation of a Gloucestershire Business Rates Pool.

28. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Sport and Culture updated Cabinet on the progress of the Leisure and Culture review process and referred to the briefing note which had been circulated with the agenda. She reported that following the stakeholder consultation events a set of outcomes were drawn up which formed an important part of the options appraisal process. Work had been progressing and 4 options were taken to the full option appraisal stage.

The financial assessment was proving challenging and complex. In terms of next steps the importance of keeping Cheltenham as a cultural destination and maintaining its artistic and cultural excellence was key in order to generate the greatest return financially, economically and socially to the town. A new trust had the potential to do this and strengthen the brand for physical and cultural wellbeing.

The Cabinet member reported that any options being considered should show how it would be superior in delivering the desired outcomes through services. The briefing note would be sent to key stakeholders and their feedback was eagerly awaited.

The Cabinet Member Sport and Culture also circulated a booklet to members on "The Day the Torch came to Cheltenham". This was created as a permanent archive of the event by Paul McKee, Arts Development Officer. Various artists were commissioned including a writer, poet, photographer and film maker to contribute to the booklet. The Cabinet member would be investigating ways on how this could be made available to the public.

**29. 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 item 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, 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)

**30. EXEMPT MINUTES OF THE MEETING HELD ON 17 JULY 2012
RESOLVED that the exempt minutes of the meeting held on 17 July be approved and signed as a correct record.**

31. ICT SUPPORT TO CHELTENHAM FESTIVALS LTD

The Cabinet Member Finance introduced the report which had been submitted to Cabinet as an urgent item due to financial lead in times. He explained that whilst Cheltenham Festivals was a separate organisation Cheltenham Borough Council provided in kind support for ICT networking and telephony. Increasingly as the festivals grew the demands on the ICT team were becoming more difficult to fulfil and were impacting on the core ICT service. The proposal to award a grant to Cheltenham Festivals would create scope for savings in the ICT commissioning review and avoid the potential cost of meeting the increasing service requirements of Cheltenham Festivals. The grant, which would be funded from the General Reserve, would cover the infrastructure set up and one year's maintenance cost.

Members supported the objectives of the report and paid tribute to the good working relationship between CBC and Cheltenham Festivals.

RESOLVED that Council be recommended to:

Make available a grant of £139k to Cheltenham Festivals to fund the establishment of independent ICT infrastructure and financing of the first year of independent maintenance support, to be met from the Council's General Fund Reserve.

Chairman