

COTSWOLD DISTRICT COUNCIL

CABINET

5TH FEBRUARY 2015

Present:

Councillor Lynden Stowe - Chairman
Councillor NJW Parsons - Vice-Chairman

Councillors -

Sue Coakley Mrs. SL Jepson
C Hancock Mrs. CH Topple

Observers:

SG Hirst

CAB.77 DECLARATIONS OF INTEREST

There were no declarations of interest under the Code of Conduct for Members or Section 106 of the Local Government Finance Act 1992.

There were no declarations of interest under the Code of Conduct from Officers.

CAB.78 MINUTES

RESOLVED that:

(a) the Minutes of the Ordinary Meeting of the Cabinet held on 4th December 2014 be approved as a correct record;

Record of Voting - for 6, against 0, abstentions 0, absent 0.

(b) the Minutes of the Special Meeting of the Cabinet held on 4th December 2014 be approved as a correct record.

Record of Voting - for 6, against 0, abstentions 0, absent 0.

CAB.79 PUBLIC QUESTIONS

No public questions had been received.

CAB.80 MEMBER QUESTIONS

No questions had been submitted by Members.

CAB.81 LEADER'S ANNOUNCEMENTS

There were no announcements from the Leader.

CAB.82

DRAFT MEDIUM TERM FINANCIAL STRATEGY 2015/16 TO 2018/19 AND BUDGET 2015/16

The Leader of the Council introduced this item.

The Cabinet was requested to consider the draft Medium Term Financial Strategy 2015/16 - 2018/19 (MTFS), budget proposals for 2015/16 and the Pay Policy Statement 2015/16, and to make recommendations thereon to the Council.

The Leader amplified various aspects of the circulated report, including the Cabinet's previous consideration of the draft MTFS and budget proposals; proposed levels of Government funding for the Council; public consultation undertaken on the draft MTFS and budget proposals, and the responses received; the draft Revenue Budget 2015/16; and the Pay Policy Statement 2015/16. The Leader reminded the Cabinet that the budget proposals included a further reduction, by 3%, of this Council's element of Council Tax for the financial year 2015/16; and he expressed his disappointment with the level of responses received in relation to the consultation exercise.

This report had been considered by the Audit and Scrutiny Committee at its Meeting held on 29th January 2015 and the comments from that Committee had been included in the circulated report.

It was noted that a number of temporary posts funded for one year within the Planning and Building Control Services had been removed but that this did not constitute a reduction in the number of staff dealing with planning applications. It was also noted that the Planning Liaison post, which had commenced in 2014/15, was a two-year appointment, shared with West Oxfordshire District Council.

RECOMMENDED that:

(a) the Medium Term Financial Strategy 2015/16 to 2018/19, the Capital Programme 2015/16 to 2017/18, the Net Budget Requirement for 2015/16 detailed at paragraph 9.1 of the circulated report, and the Pay Policy Statement 2015/16 attached at Appendix 'D' to the circulated report, be approved;

(b) the reserves identified in paragraph 10.6 of the circulated report be closed and the balances held therein transferred to the Council Priorities Fund Reserve.

Record of Voting - for 6, against 0, abstentions 0, absent 0.

CAB.83

RETENTION OF RESOURCE TO INVESTIGATE FRAUD FOLLOWING IMPLEMENTATION OF SINGLE FRAUD INVESTIGATION SERVICE

The Leader of the Council introduced this item.

The Leader explained that confirmation of Government funding in a sum of £403,000 had been received in respect of the establishment of a County-wide Fraud Investigation Unit across Gloucestershire. The Leader expressed the hope that, once established, the Unit would become 'cost neutral' and he thanked Officers for their presentation of a robust case.

The Cabinet considered a report detailing the implications of the introduction of the Single Fraud Investigation Service on the Council's counter-fraud activity, and the options available to the Council.

RESOLVED that the Council shares resource with West Oxfordshire District Council in order to carry out counter-fraud activity in the Council Tax and Business Rates service areas, and to investigate claimant error in the Housing Benefits service, with a review after twelve months.

Record of Voting - for 6, against 0, abstentions 0, absent 0.

CAB.84

BUSINESS RATE RELIEF

The Leader of the Council introduced this item.

The Cabinet considered a report by the Joint Head of Revenues and Housing Support providing an update on the impact of the Business Rate Retail Relief scheme and suggesting the introduction of new schemes relating to Business Rate Re-Occupation Relief and New Build Relief.

The Leader commented that the Council had introduced a number of initiatives in support of local retailers, including recent changes to parking charges and tariffs. It was noted that the recommendations were aligned with those made to the Cabinet of West Oxfordshire District Council and it was considered that the alignment of reliefs would help to make Business Rate administration marginally more straightforward.

RESOLVED that:

(a) the schemes for Re-occupation Relief and New Build Relief be approved, in line with the principles detailed at Appendix 'A' to the circulated report;

(b) the Joint Head of Revenues and Housing Support be authorised to determine the award of such Reliefs;

(c) the update and take-up approach relating to the Business Rate Retail Relief scheme be noted.

Record of Voting - for 6, against 0, abstentions 0, absent 0.

CAB.85

EMPTY PROPERTY STRATEGY

The Deputy Leader of the Council introduced this item.

The Deputy Leader referred to previous discussions relating to the formulation of an Empty Property Strategy and drew attention to the financial and other benefits that could accrue to the Council through the management of empty homes across the District.

RESOLVED that the proposed Empty Property Strategy be adopted.

Record of Voting - for 6, against 0, abstentions 0, absent 0.

Note:

It was AGREED that statistics relating to the number of empty properties across the District should be published on a quarterly basis.

CAB.86

HEALTH AND FITNESS EQUIPMENT REPLACEMENT

The Cabinet Member for Health and Leisure introduced this item.

The Cabinet Member explained that the Council had been aware of its responsibilities in relation to the replacement of health and fitness equipment at the time the contract for the management of the Leisure Centres had been let. The proposed procurement accorded with EU regulations. The Cabinet Member stated that an independent consultant, commissioned to carry out a sport and recreation study at Cotswold Leisure, Cirencester, had commented that it was one of the best Leisure Centres he had been to. The Cabinet Member concluded by explaining that the contracts at Bourton-on-the-Water and Cirencester Leisure Centres were progressing satisfactorily.

It was noted that, while the cost of replacing the equipment had been included in the draft Budget considered earlier in the Meeting (Minute CAB.82 above referred), there was a need to ensure that future, similar financial liabilities were addressed as part of the Council's longer-term financial planning considerations. The Leader of the Council welcomed the increased usage of the Leisure Centres, particularly the gyms, which was an indication that people were becoming more health conscious and could lead to a reduction in the subsidy for the service.

RESOLVED that:

(a) a procurement exercise be undertaken in accordance with OEJU regulations to replace health and fitness equipment in the Council's Leisure Centres at Bourton-on-the-Water, Chipping Campden and Cirencester;

(b) the appropriate Strategic Director, in consultation with the Cabinet Member for Health and Leisure, be authorised to award the contract.

RECOMMENDED that a sum of £380,000 be included in the Council's 2015/16 Capital Programme to fund the replacement of health and fitness equipment at these Leisure Centres.

Record of Voting - for 6, against 0, abstentions 0, absent 0.

CAB.87

ASSETS OF COMMUNITY VALUE - LOCALISM ACT 2011 (COMMUNITY RIGHT TO BID)

The Cabinet Member for Environment and Communities introduced this item.

It was reported that the process and procedures put in place by the Council to deal with community rights to bid had been reviewed following a challenge. The review had concluded that the process and procedures were not the most effective or compliant and, as a result, the Cabinet was requested to consider the introduction of a revised process and procedures. The Cabinet Member

explained that the revised process and procedures were the same as those operated by West Oxfordshire District Council, and were considered to be effective and compliant. The Cabinet Member also explained that it was a statutory requirement for the process to be Officer-led and that it applied even if the owner of a nominated asset was a Member of the Council.

In response to questions from a Member, it was reported that the current process and procedures for dealing with community rights to bid had been considered to be 'appropriate' as the determination of bids was through the Member process; the consultation of Ward Members formed part of the process; and that decisions on community rights to bid would be published on the Council's Committee Management Information System (CMIS).

RESOLVED that:

- (a) an appropriate Head of Service, in consultation with the Cabinet Member for Environment and Communities, be authorised to make listing decisions in respect of nominations of assets of community value, in accordance with the relevant Statute and Government guidance;**
- (b) a Strategic Director be authorised to conduct any reviews of listing decisions, in the role as 'an Officer of the authority of appropriate seniority who did not take part in making the decision to be reviewed' (as directed in Regulation 10 and Paragraph 4 of Schedule 2 to The Assets of Community Value (England) Regulations 2012: Statutory Instrument No.2421);**
- (c) the Strategic Director (Resources), in consultation with the Leader of the Council, be authorised to agree a Scheme of Compensation and to make revisions to that scheme from time-to-time, as necessary;**
- (d) the Head of GO Shared Services, in consultation with the relevant Head of Service, be authorised to consider and determine claims for compensation from asset owners for losses and expenses that arise as a result of assets being listed;**
- (e) the Strategic Director (Resources), in consultation with the Leader of the Council, be authorised to consider and determine requests for the review of compensation determinations (the Strategic Director (Resources) being 'an Officer of the authority of appropriate seniority who did not take any part in the making the decision to be reviewed' as directed in Regulation 16 and Paragraph 4 of Schedule 2 to The Assets of Community Value (England) Regulations 2012: Statutory Instrument No.2421);**
- (f) the Council's Corporate Team (the Chief Executive and Strategic Directors) be authorised to further develop the Council's Community Right to Bid procedures to cover all areas involved in administering this Community Right, and in response to experience in implementing the provisions, new regulations and emerging Case Law.**

Record of Voting - for 6, against 0, abstentions 0, absent 0.

CAB.88 SCHEDULE OF DECISIONS TAKEN BY THE LEADER OF THE COUNCIL AND/OR INDIVIDUAL CABINET MEMBERS

The Cabinet noted a Schedule detailing decisions taken by the Leader of the Council, the Deputy Leader of the Council and the Cabinet Member for Enterprise and Partnerships.

CAB.89 ISSUE(S) ARISING FROM AUDIT AND SCRUTINY

There were no issues arising from Audit and Scrutiny, apart from that Committee's comments on the draft Medium Term Financial Strategy 2015/16 and Budget 2015/16.

CAB.90 OTHER BUSINESS

There was no other business that was urgent.

CAB.91 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 the public and Press be excluded from the Meeting for the following item of business on the grounds that it involves likely disclosure of exempt information as defined in paragraph (3) of Part I of Schedule 12A to the said Act (Information relating to financial or business affairs) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Record of Voting - for 6, against 0, abstentions 0, absent 0.

CAB.92 CIRENCESTER PROPERTY

The Deputy Leader of the Council introduced this item.

The Cabinet considered a report detailing proposals for the disposal of a property owned by the Council in Cirencester.

The Deputy Leader amplified various aspects relating to the proposed disposal, including the various constraints on the site and the options to achieve additional car parking as part of any future redevelopment of the site.

It was noted that, if the proposals were approved, the capital sum included in the MTFs and Budget papers would be updated to reflect the full and final settlement figure agreed with the Secretary of State.

RECOMMENDED that:

(a) the open market disposal of the whole of the site identified at paragraph 1 of the circulated report, or any part of that site, be approved;

(b) offers for the whole site, or any part of that site, be considered and evaluated in terms of both financial and non-financial benefits, including car parking;

- (c) if car parking is lost from the site under the most advantageous offer, all or part of the capital receipt received from its disposal be allocated for the provision of additional car parking within Cirencester;**
- (d) an allocation be made within the Capital Programme for the payment of the supplementary purchase price for the site;**
- (e) further to recommendation (d) above, payment of the sum be agreed in full and final settlement with the Secretary of State under the Supplementary Purchase Price Agreement, and Officers be instructed to complete the necessary legal agreements;**
- (f) the Strategic Director (Resources), in consultation with the Leader of the Council, the Deputy Leader of the Council, the Cabinet Member for Enterprise and Partnerships, the Head of Legal and Property Services, and the Chief Finance Officer, be authorised to agree the final terms for any disposal, legal agreements and allocation of capital receipt for future car parking if required.**

Record of Voting - for 6, against 0, abstentions 0, absent 0.

The Meeting commenced at 4.00 p.m. and closed at 4.46 p.m.

Chairman

(END)