

**COUNCIL**

26 July 2010

(2:30 – 4.30 p.m.)

<b>Present:</b>	The Mayor (Councillor Anne Regan), Garth Barnes, Ian Bickerton, Nigel Britter, Tim Cooper, Barbara Driver, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Les Godwin, Penny Hall, Colin Hay, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Robin MacDonald, Andrew McKinlay, Paul Massey, Paul McLain, John Morris, John Rawson, Diggory Seacome, Duncan Smith, Malcolm Stennett, Klara Sudbury, Lloyd Surgenor, Josephine Teakle, Jon Walklett, Andy Wall, John Webster, Paul Wheeldon Simon Wheeler and Roger Whyborn.
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Minutes

<b>1.</b>	<b>Prayers</b>
	Father Tom Smith opened the meeting with a prayer.
<b>2.</b>	<b>Apologies</b>
	Councillors Rob Garnham, Helena McCloskey, Heather McLain, Charles Stewart, and Pat Thornton.
<b>3.</b>	<b>Declarations of Interest</b>
	Councillors Hibbert, Paul McLain, Wheeler, Sudbury and Smith declared a personal interest in motion B relating to Starvehill Farm as they are all members of Gloucestershire County Council.
	In response to a question from a member, the Borough Solicitor and Monitoring Officer advised that membership of the Planning Committee did not amount to a personal interest on motion B. All members had received a email providing them with legal advice on this matter, particularly with relation to pre-determination and predisposition.
<b>4.</b>	<b>To approve and confirm the minutes of the last meeting</b>
	The minutes of the meeting held on the 28 June 2010 had been circulated and were approved and signed as an accurate record.
<b>5.</b>	<b>Public Questions</b>
	None received.
<b>6.</b>	<b>Communications by Mayor</b>
	The Mayor informed members that during the past month she has met with young people from Cheltenham's twin towns in Göttingen, Annecy and Wehai as well as a group of children from Belarus near Chernobyl.
	She announced the sad death of Barrie Lewis who had been a Parish Councillor for Prestbury and a member of the Council's Standard Committee. She gave condolences to his family on behalf of the Council.
	Members were advised that Swindon Village Parish Council had achieved quality parish status awarded through the Gloucestershire Association of Parish and Town councils.

<b>7.</b>	<b>Communications by the Leader of the Council</b>
	<p>The Leader announced changes to his Cabinet which would be effective from 2 August 2010. Councillor Rawson would replace Councillor Colin Hay as Cabinet Member Corporate Services and Councillor Sudbury would replace Councillor Fisher as Cabinet Member Housing. He thanked the departing members for all their work whilst on the Cabinet.</p> <p>He circulated a list of consequential changes to committee membership. He acknowledged that there were still some vacancies to be filled by the Liberal Democrat group, including an additional member to serve on the Licensing Committee. He agreed to make the appointments as soon as possible.</p>
<b>8.</b>	<b>Member Questions</b>
	None received
<b>9.</b>	<b>Recommendations from Cabinet</b>
	None received
<b>10.</b>	<b>Four yearly elections and executive arrangements</b>
	<p>The Chief Executive introduced the report which had been circulated with the agenda. This report set out the processes which the Council would need to follow if it was minded to move towards whole Council elections. The report also highlighted the requirement for the council to review its form of executive arrangements and consider whether to adopt either a strong leader and cabinet model or a directly elected mayor and cabinet model by 31<sup>st</sup> December 2010. It recommended the Council to make its case to the Secretary of State for Communities and Local Government as to why a review of its executive arrangements would be an unnecessary and costly exercise at this time, particularly given the current economic climate and the need to deliver substantial reductions in public sector spending.</p> <p>The Leader reminded members that this review of four yearly elections had been requested by the Conservative group. In his view it was not a sensible course of action as the projected savings were less, there would be high setup costs in 2011 and limited consultation time if four yearly elections were to commence in 2011. In response to the second recommendation, he was not aware that there was any strong support in the town for an elected mayor and as the current system was almost identical to the strong leader model, it seemed sensible to defer any review until new legislation was announced.</p> <p>The Leader proposed an amendment to the recommendation in 1.2.1 to read, "<i>Council resolves not to pursue a move to four yearly elections</i>" and delete the rest of the line. This was seconded by Councillor Morris.</p> <p>Speaking against the amendment, members considered that the move to four yearly elections was not just a cost saving exercises but would bring much-needed political stability to the Council. It would improve policy delivery by providing officers with a stable three year period to implement the policy of the administration. A member pointed out that Gloucestershire County Council seemed to operate very effectively with four yearly elections and the way to save money was to reduce the number of councillors on the borough council. Another member agreed with the concept of four yearly elections but questioned how an ineffective Cabinet would be dealt with.</p> <p>Speaking for the amendment, a member said that that the election cycle should</p>

	<p>not be chosen for the convenience of officers but on the basis of what was best for the people of Cheltenham. If an administration was ineffective there were no legal powers to do anything about it until the next election. That was democracy at work.</p> <p>The Chief Executive confirmed that there was very little action that could be taken to remove an ineffective Cabinet. He was aware of the coalition government plans to provide a mechanism for removing ineffective MPs but was not aware of any plans to extend this to local councillors.</p> <p>The Leader acknowledged that stability was an issue but felt that a gap of four years between elections was more likely to provide radical change than 2 yearly elections.</p> <p>Upon a vote the amendment was <b>CARRIED</b> and this became the substantive motion. Voting: For 25, Against 9, Abstentions 0.</p> <p>Councillor Smith proposed an amendment to recommendation 1.2.1 to add the additional wording that "<i>Council reconsiders the matter during 2013</i>"</p> <p>This was seconded by Councillor McLain.</p> <p>In proposing the amendment, Councillor Smith reminded members that the KPMG public interest report had raised a number of issues regarding governance of the council and had encouraged the council to consider this issue in order to provide more consistency in political administration. He highlighted that the Council had the power to refer the ward boundaries to the Boundary Commission and a reduction in the number of councillors would lead to a leaner and more efficient local government. This review could also be done in 2013.</p> <p>In seconding the amendment, Councillor McLain reminded members that the GO-7 project was now GO-4 and suggested that the shared services agenda needed stability and strong relationships between partners.</p> <p>The Cabinet Member Corporate Services rejected the suggestion that there was any link between the fall out on the G0-7 project and the election cycle of the authorities concerned. The Leader reminded members that any recommendation regarding a review of four yearly elections was not included in the final KPMG report.</p> <p>Upon a vote on 1.2.1 the amendment was <b>LOST</b>. Voting: For 10, Against 25</p> <p>Upon a vote the recommendation in 1.2.2 was <b>CARRIED</b> unanimously.</p> <p><b>RESOLVED THAT:</b></p> <ul style="list-style-type: none"><li>i. <b>It be agreed that the Council should not pursue a move to four yearly elections</b></li><li>ii. <b>The Chief Executive be requested to write to the Secretary of State to seek support for the council adopting the position of not undertaking a review of its executive arrangements by 31<sup>st</sup> December 2010.</b></li></ul>

11.	<b>Appointment of a Parish Councillor representative to the Standards Committee</b>
	<p>The Borough Solicitor and Monitoring Officer advised that the four-year term of Parish Councillor Stuart Fowler on the Council's Standard Committee had come to an end in March 2010 and therefore the C5 Parish Councillor group had been approached to nominate a new parish council representative to the committee. C5 had met earlier that month and had nominated Parish Councillor David Iliffe, currently chair of Swindon Village Parish Council. This nomination had been supported by the Standards Committee and they were now recommending to Council that he be appointed.</p> <p>The Mayor advised that the death of Barrie Lewis had created an additional vacancy for a parish council representative and requested that Council delegate authority to the Borough Solicitor and Monitoring Officer to fill this position.</p> <p><b>RESOLVED THAT:</b></p> <ol style="list-style-type: none"> <li>i. <b>Parish Councillor David Iliffe be appointed to the Standards Committee for a four-year term</b></li> <li>ii. <b>Authority be delegated to the Borough Solicitor and Monitoring officer to appoint a further parish council representative to the Standards Committee upon the recommendation of C5 Parish Council group.</b></li> </ol> <p>Voting unanimous</p>
12.	<b>Notices of Motion</b>
	<p>Before considering motion A and B, the Mayor referred members to the legal advice they had received relating to these motions in an e-mail from One Legal. She advised members that the order of motion A and B had been switched at the request of the proposer and therefore the advice from the solicitor now referred to motion B as stated on the revised agenda which had been circulated at the start of the meeting. She read out the relevant wording.</p> <p><b>Motion A</b></p> <p>The following motion was proposed by Councillor Hibbert and seconded by Councillor Colin Hay;</p> <p><i>Whilst accepting that the current policy within the local plan includes a link road, from New Barn Lane to Prestbury Road , to relieve the Tatchley Junction in Prestbury, Council asks officers, in the context of the Local Development Framework, to consider whether the need for this link road in the emerging LDF is still necessary. (Particularly in view of the potential significant increase in traffic that would use the link road as a by-pass.)</i></p> <p><i>Furthermore, In view of the shortage of sports pitches within the Borough of Cheltenham, this Council requests that the GCC recreation field be made available for improved recreational facilities for the wider community.</i></p> <p><i>Council requests that The Leader write to the leader of Gloucestershire County Council setting out the view of Cheltenham Borough Council.</i></p> <p>In proposing the motion Councillor Hibbert acknowledged that the local plan had identified that the Tatchley junction was unsatisfactory and the emerging Local Development Framework still identified the link road as a potential solution. However in her view the junction was not an accident blackspot and could be</p>

improved. The double mini roundabout discouraged heavy goods vehicles from using this route and necessitated vehicles keeping their speed down. The link road was unnecessary and indeed would attract more heavy goods vehicles to the area by using it as an alternative route to bypass the town centre. She announced that a local petition had been started against the link road and already had in excess of 2000 signatures. She requested that the link road was not carried through to the new emerging LDF and the matter should be reviewed by the Local Transport Plan (LTP3) member working group.

Regarding the second part of the motion, Councillor Hibbert referred to page 110 and 112 of the local plan which stated that provision of play areas was well below the minimum standard and encouraged the county council to allow wider access to recreational land that it owned in the borough. She also referred to Prince William's campaign to maintain local play areas which was now achieving national prominence.

The Leader said that with the demise of the Regional Spatial Strategy (RSS), there was a need for a local plan to set direction. Although the central government targets had gone with the RSS there was still a need for housing, and critically affordable housing in the borough, so development could not be ruled out. Regarding the link road he felt there was a need to look at the consequences arising from it as part of the LDF process. The council wished to see open spaces as part of any development and therefore he sympathised with the motion.

In supporting the motion, Councillor Smith indicated that as a county councillor he and Councillor Hibbert had met with officers from Gloucestershire Highways to raise their concerns about the potential increase in traffic along Hales Road, Hewlett Road and Prestbury Road should the link road go-ahead. When asked what section 106 monies would be available to improve traffic flow in those areas, officers advised that there no such funding was available as the link road would not produce additional traffic in those areas. As the County Councillor for All Saints, Councillor Smith considered that the link road would have a major impact on all areas in the east of the town.

Another member highlighted the lack of consultation by the county council, with parish councillors and ward councillors regarding their intentions for the link road and Starvehill Farm. The recreation field was an important open space and should be protected.

A member highlighted that as the link road had been in the Council's local plan for 3-4 decades, then this implied most councillors must have been in favour of it at some point in time. He felt that this was an issue for the Planning Committee and the large volume of people in the public gallery may have been misled into thinking that this Council meeting could make a decision on the matter.

In seconding the motion, Councillor Hay confirmed that the motion was simply asking for a review of the need for a link road. He was concerned that if it went ahead Prior's Road and Hales Road would not cope well with the increased capacity and there would be congestion for longer in the mornings. Overall the county council's traffic modelling was flawed. The recreation ground was a valuable open space for local people and the strength of feeling was emphasised by the number of signatures to the petition.

In her summing up, Councillor Hibbert welcomed the views that had been expressed by members. She disputed the suggestion that members of the public

had been misled in attending and this motion would acknowledge the strength of public opinion and ensure that all members were confident about the council's policies. Legal advice had confirmed that this was not a planning application but purely a request to re-assess the need for the road in the context of the Local Development Framework.

Upon vote the motion was **CARRIED**.

Voting: For 24 with 8 abstentions

### **Motion B**

The following motion was proposed by Councillor Hibbert and seconded by Councillor Godwin.

*In the Local Plan Second Review, adopted in July 2006, it states that the housing requirement for Cheltenham to 2011 'is likely to be met on previously developed sites and windfall development'.*

*Starvehall Farm is not a 'previously developed site' but it is an open green space, which has been afforded some protection in the Second Review document. Whilst accepting that the housing requirement for the council's area is kept under regular review we ask Council to agree that there is no need to change the designation of the open green land at Starvehall Farm to housing development within the local plan.*

*The appropriate way for this site's designation to change is via the Local Development Framework process.*

In proposing the motion, Councillor Hibbert stressed that Council was not considering a planning application but this motion was simply requesting Council to reaffirm what was already in the local plan. The local plan for the period up to 2011 had a target of 7350 new homes and as permissions had already been given for 8000 dwellings there was no need to change the current designation of the Starvehall Farm site within this period. With the abolition of the Regional Spatial Strategy, housing needs would be reassessed and with the advent of Big Society it was likely that there would be an emphasis on rural community housing rather than further development in the urban area.

She advised that a local petition on this matter was gathering support and already had 2000 signatures. The petition requested that this land be retained as open green space.

Councillor Morris, as a member of the Planning Committee, felt that this was an issue for that committee and he did not want to compromise his own position by speaking on the matter. However he reminded Council that the County Council was the owner of the land at Starvehall Farm. This land had no designation in the local plan and therefore the motion should be defeated on the basis that it was factually incorrect.

Another member was concerned that the motion would not change the designation of the site and was simply expressing a preference for this site not to be developed. It was open to any developer to put in a planning application and it would then be a matter for the Planning Committee. He also expressed concern that this might create an impression that the council was not prepared to look at sites inside the town and was therefore less concerned about the green belt which

it had always worked hard to protect.

Another member speaking for the amendment, acknowledged that this was not a planning issue but was simply seeking to give reassurance to residents that the council was taking their concerns seriously regarding the protection of open space.

Councillor Surgenor, speaking as the chair of Planning Committee, wished it to be recorded that he was not making any prior judgement on the matter, but he was concerned about the wording of the motion and would therefore not be supporting it. This was echoed by Councillor Fletcher as the vice chair of the same committee.

In seconding the motion, Councillor Godwin referred to the local plan where potential sites for housing development were listed. The Starvehall Farm site was not currently included so this motion was a request for it not to be added to the list. He added that the new coalition government had made clear its view that brown field sites should be developed rather than green open spaces. The strategy for housing land needed to be reassessed with full engagement with the local community post 2011.

In her summing up, Councillor Hibbert reminded members that the wording of the motion had been considered in the light of legal advice and it was simply asking members to reinforce their own local plan.

Upon a vote the motion was **LOST**.

Voting: For 5, Against 19 with 7 abstentions.

### **Motion C**

The following motion was proposed by Councillor Morris and seconded by Councillor Jordan;

*This council supports the Tewkesbury road traders in their request for compensation for loss of earnings caused by the road works being carried out by Wales and West. We urge Wales and West to compensate these traders for their loss, particularly as this is extra work and disruption beyond the original contract.*

Councillor Morris advised members that he wished to amend his motion to include the additional wording "*West End and*" before Tewkesbury road traders. In proposing the motion he said that traders in both areas had been badly affected by the work carried out by the utility companies which was particularly damaging in the current economic climate. There had been a lack of planning and negotiation by the utility company and no contingency plans. The company should recognise their mistake and should now willingly compensate local traders for the business they had lost.

In supporting the motion other members emphasised that the traders concerned were local people and small businesses that could not sustain the loss. The area affected was also one where the council was trying to build up and encourage trade. A member felt that if this motion was passed it should set a precedent for compensation for any trader where a utility company did not complete its work on time. Another member suggested that this could be a matter for review by an overview and scrutiny committee.

Upon a vote it was **CARRIED** unanimously

<b>13.</b>	<b>To receive petitions</b>
	None received
<b>14.</b>	<b>Any other business the Mayor determines to be urgent and which requires a decision</b>
	<b>Councillor Anne Regan</b>  <b>Signature:</b>
	<b>Mayor</b>