



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Cabinet

Tuesday, 5 April 2022
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Rowena Hay, Peter Jeffries, Victoria Atherstone, Flo Clucas, Mike Collins, Iain Dobie, Martin Horwood, Andrew McKinlay and Max Wilkinson

Important Notice

Filming, recording and broadcasting of council meetings

This meeting will be recorded by the council for live broadcast online at <http://www.cheltenham.gov.uk> and www.youtube.com/user/cheltenhamborough.
The Chair will confirm this at the start of the meeting.

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Agenda

4.		PUBLIC AND MEMBER QUESTIONS AND PETITIONS These must be received no later than 12 noon on Tuesday 29 th March.	(Pages 3 - 8)

Contact Officer: Harry Mayo, Democracy Officer, 01242 264211

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Member Questions (8 total)

1.	<p>Question from Councillor David Willingham to Cabinet Member Finance and Assets, Councillor Peter Jeffries</p> <p>On Friday 4th June 2021, there was a major house fire at 168 Arle Road. Since that time, my constituents have had to suffer the burnt-out, boarded-up, roofless shell of the building blighting their street. I understand that the efforts of the council to get remedial action take via enforcement, including the service of a s215 notice have been unsuccessful, and that a Compulsory Purchase Order, which requires a Cabinet decision, is likely to be the only way to remediate this issue and get the property back into use. I note that currently there is nothing in the Forward Plan about this matter.</p> <p>Could I please seek an assurance from the relevant Cabinet Member(s) that:</p> <p>a) Seeking a Compulsory Purchase Order for 168 Arle Road will be added to the Forward Plan if that is a prerequisite for making the decision?</p> <p>b) The legal and municipal processes to tackle this blight and dereliction will be expedited by the Council?</p>
Response from Cabinet Member	
	<p>I can confirm that the Council's enforcement team has successfully taken action regarding this property, ensuring that any immediate danger to public safety has been removed and that the building is now secured against unauthorised entry.</p> <p>Some details of the case are of a personal and confidential nature and therefore, cannot be shared in an open public response to Cllr Willingham's question.</p> <p>I would also advise that enforcement team capacity has recently been impacted by staff Covid cases and available resources are currently being diverted in dealing with inspections of properties to assess their suitability for occupation by Ukrainian guests.</p> <p>Compulsory purchase is not a quick process and is generally only used as a last resort option. However, I am able to confirm that:</p> <p>a) officers are actively assessing the option of compulsory purchase in relation to 168 Arle Road and if appropriate, a report regarding this will be listed on the Forward Plan and brought forward to Cabinet, most likely in June of this year;</p> <p>b) relevant statutory procedures will be followed in order to optimise the likelihood of the authority successfully securing ownership of the property, which should facilitate its renovation and reoccupation.</p>

<p>2.</p>	<p>Question from Councillor David Willingham to Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood</p>
	<p>In the written answer to council on 21st June 2021 about correcting the naming error of “Yarnold Terrace” (which is currently wrongly recorded on some computer systems as “Yarnolds Terrace” with an extra ‘s’). The answer states “<i>Whilst it does appear to be a simple correction, the name as recorded with an ‘s’ cannot legally be changed without consulting all the residents.</i>” However, on page 49 of the cabinet report it states “<i>Under Section 18 of the Towns Improvement Act the local authority can alter the name and numbers of any street without consent of the ratepayers.</i>”</p> <p>Could the Cabinet Member please ask officers to clarify which of these is correct?</p>
<p>Response from Cabinet Member</p>	
	<p>Thank you Cllr Willingham for your question.</p> <p>Further to my previous answer to you on this matter, you are correct that under Section 18 of the Towns Improvement Act the local authority can alter the name and numbers of any street without consent of the ratepayers. It is not a legal requirement to consult, but it is our policy to do so.</p> <p>We are very conscious that any change can lead to quite an administrative burden for the owners it affects. With this in mind and in the context of your second question on this matter, I have proposed some additional wording to help clarify.</p>
<p>3.</p>	<p>Question from Councillor David Willingham to Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood</p>
	<p>Q) Would the Cabinet Member please consider amending the draft “Street Naming and Numbering Policy and Guidance” to include an explicit data correction policy for example by making the following modifications:</p> <p>a) In the bullet list of the “Renaming and renumbering of streets” section add a fourth bullet as follows:</p> <ul style="list-style-type: none"> • There is evidence of a data error suggesting that the street name is incorrectly recorded on computer systems <p>b) Before the “Freeholders” section add a section entitled “Data correction policy” either with or without the optional section, as follows:</p> <p>Data correction policy</p> <p>With the large quantity of street naming data held by the council, it is possible that occasional errors, such as minor differences between the names held on computer systems and those shown on nameplates will be discovered. In cases where such data errors are advised and evidenced to the council, the council will seek to investigate and correct these as soon as possible.</p> <p><optional>When such corrections are made, the council will write to affected dwellings to inform them that the correction is being made.</optional></p>

	Response from Cabinet Member
	<p>Thank you Cllr Willingham for your careful review of the Cabinet report presented. As noted in my response above, I have proposed an amendment to the policy as below, the wording reflects any changes being reasonable and proportionate for those it affects.</p> <p>Renaming and renumbering of streets Under Section 18 of the Towns Improvement Act, the local authority can alter the name and numbers of any street without consent of the ratepayers. However, this policy builds in engagement where appropriate.</p> <p>Renaming or renumbering Streets will be considered for the following reasons:</p> <ol style="list-style-type: none"> 1. A minimum of two thirds of the owners of the street or relevant part of the street submit a request 2. In the interests of public or highway safety 3. If there is evidence of a serious problem due to similar names or the location of a property in a street 4. There is evidence of a data error suggesting that the street name is incorrectly recorded on computer systems. Should this have occurred the councils will follow best practice and undertake consultation with owners of the properties affected. <p>I would note that it is unusual for there to be street data errors, as the data is synchronised with Highways at Gloucestershire County Council – any spelling errors stop the monthly street health check reports running successfully and any mis-matches are generally corrected within days. Spelling errors on street nameplates can be reviewed as and when reported. We cannot update or change any street name data without consultation with Highways. Street nameplate replacements are not covered by this policy. However, that aside, whilst it may appear to be a simple change, the work involved by the residents to ensure all their records are updated could be a significant task for each of them individually, which is why resident engagement is important in this case.</p>
4.	Question from Councillor David Willingham to Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood
	<p>Could I please get an assurance that if the above is not included that a suitable form words will be added to this policy to ensure that data errors in street naming records can be expeditiously corrected where such errors are reported and evidenced to the Council?</p>
	Response from Cabinet Member
	<p>Please see my response above which clarifies this point by the addition of point 4.</p>
5.	Question from Councillor David Willingham to Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood
	<p>Could the Cabinet Member ask officers to advise me when they expect to have corrected the naming error affecting “Yarnold Terrace”?</p>
	Response from Cabinet Member

	<p>Officers have advised me that you have been updated on this matter. I will however ask officers to highlight the questions you have raised again with Cheltenham Borough Homes as the relevant landlord on the matter. I would also reiterate the likely impact on residents of the administrative tasks required, should any future change be made.</p>
6.	<p>Question from Councillor David Willingham to Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood</p>
	<p>Would the Cabinet Member please review the consultation sections which currently say “ward/parish council” (page 47) and “Parish/Ward Councils” (page 48) and consider changing them so that the Parish Council (if any), the Neighbourhood Forum (if any), Borough Councillors for the affected Ward and County Councillors for the affected Electoral Division are all consulted on such proposals?</p>
	<p>Response from Cabinet Member</p>
	<p>Thank you Cllr Willingham for highlighting that point, which makes sense. I am happy to accommodate the minor amendment.</p>
7.	<p>Question from Councillor David Willingham to Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood</p>
	<p>Would the Cabinet Member please ask officers to consider adding a section clarifying how communities can go about getting currently unnamed paths given names so that they are easier for the emergency services to locate in the case of emergencies or incidents?</p>
	<p>Response from Cabinet Member</p>
	<p>Thank you for this question that has required some clarification with Legal colleagues. The definition of a street is not within the Public Health Act 1925. The definition is contained in the Highways Act 1980.</p> <p>Under this legislations a street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare—</p> <ul style="list-style-type: none"> (a) any highway, road, lane, footway, alley or passage, (b) any square or court, and (c) any land laid out as a way whether it is for the time being formed as a way or not. <p>Where a street passes over a bridge or through a tunnel, references in this Part to the street include that bridge or tunnel.”</p> <p>Relating this then back to your point of unmade paths The street naming policy relates to our regulatory responsibilities. If unnamed paths fall into any of the definitions in (a) to (c) above, then they will fall within our current policy. If they do not fall within the above definitions then they are not subject to the policy.</p> <p>In practical terms we consider that this is more appropriately addressed via Gloucestershire Highways under the National Street Gazetteer, so I have tasked officers to clarify the legal position in regards to this and engage with County Highways. Officers will advise accordingly.</p>

8.	Question from Councillor David Willingham to Cabinet Member Customer and Regulatory Services, Councillor Martin Horwood
	As a minor point, but one that could lead to delays in an emergency: would the Cabinet Member ask officers to consider whether the numbering policy should contain details of how the council deals with triskaidekaphobia? E.g. whether the council permits the house number 13 to be omitted or renumbered in new developments, and if so how it should be numbered. For example, “New properties shall be numbered sequentially or odd/even, the number 13 may not be omitted”, or alternatively “New properties shall be numbered sequentially or odd/even, the number 13 may be replaced with 12a (sequential numbering) or 11a (odd/even numbering).”
	Response from Cabinet Member
	We include the number 13 on new numbering. A developer/applicant would need to specifically request that the number be dropped/changed. It is not considered at this time that a change to the policy is required.

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