

# Cabinet

**Meeting date: 18 February 2025**

## **Public Questions (6 total)**

### **1. Question from Mr David Redgewell to Cabinet Member for Finance and Assets, Councillor Alisha Lewis**

With Cheltenham being the gateway to South West England and the Cotswolds for the public transport network, and Royal Well bus and coach station important to the local economy for residents and tourists, what budget is in place for 2025-26 to repair and maintain the shelters and waiting facilities, and is this shared with Gloucestershire County Council Integrated Transport Department as part of the bus services improvement plan?

#### **Cabinet Member Response**

I thank Mr Redgewell for his question. As many in the town are aware, the ownership of the furniture, shelters and infrastructure around the Royal Well Bus Node has been quite piecemeal since the County Council took on responsibility for transport provision in our town. Our Council own the two shelters by the old taxi rank and the County Council own those along the Royal Well. There are funds available if responsive repairs are required to these shelters and we will continue to work closely with the County Council to ensure any work done is coordinated with the Integrated Transport Plan.

### **2. Question from Mr David Redgewell to Cabinet Member for Safety and Communities, Councillor Victoria Atherstone**

From 12 December 2024, National Express Coaches has relocated many of its services (to Birmingham, Bristol, Weston-Super-Mare, Taunton, Exeter, Plymouth and Penzance) to the Arle Court Transport Hub, leaving just the services to London, Bournemouth and Southampton, Ross-on-Wye and Hereford operating out of Royal Well. Local bus services to and from Arle Court are limited, not operating on Sundays or after 8pm, while National Express services operate 24/7 from the transport hub. Is Cheltenham Borough Council, as the licensing authority for taxis, planning to install a taxi rank at Arle Court? This would seem an urgent safety provision for passengers, particularly women and girls, arriving at the transport hub at night.

#### **Cabinet Member response**

I thank Mr Redgewell for his question. I fully understand the well-made and valid points and concerns raised by him in his question.

Whilst it is true that Cheltenham Borough Council is the local licensing authority for taxis, this council is not the highways authority. As such, Cheltenham Borough Council is not empowered to designate new taxi ranks on adopted highway or land not owned by this council. The statutory power to formally designate new taxi ranks resides with Gloucestershire County Council Highways.

The road network around the new Arle Court Transport Hub is adopted highway and the land on which the Arle Court Transport Hub is built is not owned by Cheltenham Borough Council.

It is only Gloucestershire County Council Highways that can designate a new taxi rank at, or in the vicinity of, the new Arle Court Transport Hub.

I will ask officers in this council's Licensing Department to make contact with you, Mr Redgewell, to assist you with engagement with the correct department within County Council Highways.

### **3. Question from Mr Steven Thomas to Cabinet Member for Finance and Assets, Councillor Alisha Lewis**

A report published in the Times, following a freedom of information request, shows that Cheltenham Borough Council is proportionally the third highest council in the UK by committing 75.1% of the total revenue it receives from council tax to staff pensions:

<https://www.msn.com/en-gb/money/other/quarter-of-council-tax-raised-is-spent-on-unjustifiably-generous-staff-pensions/ar-AA1wzssj>

Please explain how you can justify this (especially given that you have just approved an increase in council tax in December); surely there would be more funds available for public services (which is what people believe they are paying council tax for) if this was allocated to what it was meant to be used for, instead of funding staff pensions?

#### **Cabinet Member Response**

The Times article correctly included the figure of £7,906,000 for the council's employer contributions to the Local Government Pension Scheme in 2023/24. However, this is broken down into primary and secondary contributions. The total primary contributions made by Cheltenham Borough Council in 2023/24 was £1.648m. In addition to this the council then made a lump sum payment of £6.258m in April 2023 which covered the annual secondary contribution calculated by our actuary for the three years 2023/24, 2024/25 and 2025/26. The breakdown of the pre payment is as follows:

2023/24	£2.365m
2024/25	£2.080m
2025/26	£1.813m

By paying upfront, this created a year-on-year base budget saving for our required secondary contributions. However, the key benefit of the lump sum payment is to reduce our overall pension liability. Implementing this strategy over the past six years now means that from 01 April 2026, our pension fund is more than fully funded and no further secondary contributions will be required. This will generate a budget saving of £1.813m in 2026/27 as well as reducing our primary contribution rate.

Pension liabilities have been an ongoing risk in the local government sector, with many local authorities historically being in a position where they may be unable to meet the future liabilities of employees' pension contributions. The strategies employed by this council mean we not only protect the future pension drawdowns of our hard-working staff but also now mean we can re-invest in core services.

#### **4. Question from Ms Melanie Valentine to Cabinet Member for Waste and Recycling and Public Realm, Councillor Izaak Tailford**

What are you going to do to clean up Hesters Way? It constantly stinks of weed and there is fly-tipping everywhere, it's disgusting.

#### **Cabinet Member Response**

Thank you for your question. I can confirm that the Neighbourhood Team will investigate the issues concerning the management of household waste within and around the area, and we will work with colleagues in housing to ensure a proportionate and appropriate mitigation process is in place for all issues that have been reported.

I have asked officers to clarify any reports we have received for the area and there have been nine service requests concerning fly tipping in the last four months; these have been investigated by the Neighbourhood Team and then booked in for removal via UBICO.

25/00121/FLYTPP - 13.01.2025 - ES/14662  
25/00069/FLYTPP - 07.01.2025 - ES/14594  
25/00039/FLYTPP - 06.01.2025 - ES/14571  
24/05985/FLYTPP - 10.12.2024 - ES/14365  
24/05861/FLYTPP - 03.12.2024 - ES/14296  
24/05406/FLYTPP - 31.10.2024 - ES/14011  
24/05289/FLYTPP - 28.10.2024 - ES/13958  
24/05031/FLYTPP - 14.10.2024 - ES/13821  
24/04814/FLYTPP - 01.10.2024 - ES/13710

There have been three service requests for the area concerning anti-social behaviour (ASB) and these are historic dating between 2011-2016.

The council works closely with the police and other agencies on such matters as the use and possession of drugs which is a criminal offence and should be reported to the police or Solace in the first instance as this is a medium/high level of ASB. The Neighbourhood Team will work with TMO and ASB officers within housing to support the efforts of partners in the mitigation, this includes investigation of the detrimental effect on the surrounding community that is causing alarm, harassment or distress.

The Neighbourhood Team, taking a partnership approach with the Police and Tenancy management officers will target the areas reported for these offences, this includes further patrols and presence in the location, relevant warnings and information on waste management, legislation concerning offences committed and enforcement where necessary and possible.

**5. Question from Ms Melanie Valentine to Cabinet Member for Waste and Recycling and Public Realm, Councillor Izaac Tailford**

Are you going to put paths in the King George V Park to make it accessible to everyone, including wheelchairs, prams and buggies?

**Cabinet Member Response**

As a council we are determined to make our town and green spaces as accessible as we can. The long-term vision of the council and the local Friends of King George V Playing Field is to establish a circular path around the site, along with biodiversity and recreational enhancements. The costs of achieving this work is substantial, and consideration also needs to be given to on-going maintenance requirements to keep such facilities in a good and usable condition. There is currently no funding identified in council budgets for the installation of these paths, but it is hoped over coming years that external funding opportunities may lead to all, or some of it being constructed – and I will continue to work with officers to try to achieve this.

**6. Question from Mr Robert Naylor to Cabinet Member for Waste, Recycling and Public Realm, Councillor Izaac Tailford**

Several mature trees have been cut down on Leckhampton Hill, co-ordinated by Gloucestershire Wildlife Trust and FOLK in the name of providing amenity for adders. As CBC is the landowner, can you please confirm who gave permission for these trees to be destroyed and who paid for their destruction, at what cost?

**Cabinet Member Response**

The Council was approached by Gloucestershire Wildlife Trust in 2023 to take part in its "Recovering Adders on the Cotswold Escarpment" Project funded from Natural

England's Species Recovery Programme. Gloucestershire is one of the few remaining strongholds for adders with the species in decline or lost in neighbouring counties.

Since this time the council, along with Friends of Leckhampton Hill and Charlton Kings Common (FOLK), have been assisting Gloucestershire Wildlife Trust (GWT) to halt their decline and create a sustainable population of the species on the site. Initial work included creation of pathways for adder movement through dense vegetation. Following this GWT, in conjunction with Amphibian and Reptile Conservation Trust, surveyed the Hill to identify where adder populations exist and to identify what they considered to be an appropriate area to carry out the second strand to the project which led them to the site in question. Preferred methods of creating suitable habitat include tree felling to open up areas of dense canopy and provide suitable places for adders to bask, paired with coppicing and scrub control, and creating cover with brash and log piles to provide areas where adders can hide from disturbance and predators and create hibernation sites.

This is what has taken place to the area in question, since which time volunteers of the GWT and FOLK have returned to the site to complete the habitat creation by constructing the dead hedge and habitat piles. Officers of the council agreed to the trees being removed on the basis they were of low vitality and their loss was outweighed by the benefits of enhancing habitat for adders. A felling license was obtained from the Forestry Commission, with consent from Natural England. Other healthier trees were retained.

In terms of the cost, the GWT are the holders of the Natural England's Species Recovery programme budget which is in the order of £23,000 for the entire project. This element of the work cost around £6000.

I took a trip up the hill with our ranger to take a look for myself, and I do believe the work undertaken is justifiable and for a sound cause of nature recovery for a vulnerable species. But I am very aware that the work came as a surprise to many residents and there should have been greater engagement and proactive information sharing during the process, particularly as Leckhampton Hill is such a well loved and visited site.

It is important that people are aware of the what, why and how of any big changes we make in our green spaces. Greater engagement would have also provided us with a better understanding of the amenity value of the larch trees to hill users so that could have been taken into account.

I am aware that lots of information sharing has taken place since the project started in 2023, largely through FOLK who are the established public consultation body on the Hill, and that they have publicised the scheme in their quarterly newsletter and social media pages. But I think we could have done more as a council on this, and it is definitely something to improve upon going forward.

I have therefore asked that further work be done in the future, establishing a protocol for one-off projects such as this to ensure enough public information is given prior to works taking place, and plans adjusted where appropriate.

Our Green Space and Public Realm Manager has recently shared a more in-depth response to an open letter submitted regarding this topic, and I would be happy to share this if you have not seen it.

Finally, I do want to say how much we value the constructive relationship we have with FOLK and all the fantastic work they do (voluntarily) on behalf of the hill users. I cannot stress enough how vital Friends Of and volunteer groups are to our town and our beautiful green spaces.

# Cabinet

18 February 2025

## Member Questions (2 total)

### 1. Question from Councillor David Willingham to Cabinet Member for Planning and Building Control, Councillor Mike Collins

In Bracking, [2013] EWCA Civ 1345, case law considering the Equality Act 2010 s149 Public Sector Equality Duty, determined the following principles were applicable to decisions:

- i. The public authority decision maker must be aware of the duty to have "due regard" to the relevant matters;
- ii. The duty must be fulfilled before and at the time when a particular policy is being considered;
- iii. **The duty must be "exercised in substance, with rigour, and with an open mind". It is not a question of "ticking boxes"; while there is no duty to make express reference to the regard paid to the relevant duty, reference to it and to the relevant criteria reduces the scope for argument;**
- iv. The duty is non-delegable; and
- v. Is a continuing one.
- vi. It is good practice for a decision maker to keep records demonstrating consideration of the duty.

In the majority of reports that go to planning committees, the following boilerplate text is included in the report:

#### Public Sector Equalities Duty (PSED)

*As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:*

- *Removing or minimising disadvantages suffered by people due to their protected characteristics;*
- *Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and*
- *Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.*

*Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in*

*considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.*

*In the context of the above PSED duties, this proposal is considered to be acceptable.*

Could the Cabinet Member for Planning and Building Control please explain how the use of the same boilerplate text in every application demonstrates that any rigour has been applied to the consideration of the PSED within the planning process, and advise how the situation will be ameliorated?

### **Cabinet Member Response**

Can I thank Cllr Willingham for his question. It is agreed that in some circumstances 'boilerplate' text will not be appropriate, such as where a specific equality issue has been identified by the case officer and a more detailed exploration of the issue in the committee report will be necessary. An example of this can be seen in the committee report relating to the redevelopment of North Place (ref. 24/00236/FUL); where the equalities impact of a loss of disabled parking was explored amongst other things. In cases where a specific equality issue has not been identified however, standard text reminding members of the committee of their obligations under the Equality Act is considered sufficient; it is not necessary, nor is it proportionate, to explore equality issues in any great depth where none have been identified.

### **2. Question from Councillor David Willingham to Cabinet Member for Planning and Building Control, Councillor Mike Collins**

In dealing with the Public Sector Equality Duty in planning matters, I am concerned that the needs of those with the protected characteristic of disability have not always been given consideration commensurate with the difficulties they face, with developers seeking to remove accessibility features to maximise profit. The assessment of such matters can be complex requiring an understanding of the different issues affecting those with a wide range of disabilities including, but not limited, to neurodiverse difference, and impaired mobility, vision, or hearing; and addressing issues requires the will to push back against developers. Does the Cabinet Member for Planning and Building Control agree with me that more needs to be done to force developers to ensure accessibility, and could he please advise what additional work can be done within planning and via training of members of the planning committee to ensure the needs of, and impact on, those with protected characteristics is fully understood by the decision-makers and demonstrably considered during the planning process?

### **Cabinet Member Response**

I would like to thank Cllr Willingham for his question. What the planning team can or cannot *force* developers to do is largely dependent on what is prescribed by planning policy. The role of Development Management officers (and the Planning Committee)



is ultimately to apply and implement adopted planning policy. The Joint Core Strategy contains policies promoting inclusive design as does the Gloucestershire Local Transport Plan, particularly in respect of inclusive public transport and inclusive pedestrian facilities; these policies are material to all planning decisions. Whether planning policies should go further in promoting and securing inclusive design is a matter that can be considered in the formulation of our next development plan (the 'Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan'). Councillor Willingham is encouraged to engage with our planning policy team on this issue.

Training about equalities and the Equality Act already forms part of the Planning Service's rolling training programme for members of the Planning Committee.

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