

## **Council**

**21 February 2025**

### **Public Questions (7 total)**

**1. Question from Mr David Redgewell to the Leader, Councillor Rowena Hay**

Can the Leader provide an update on what progress Gloucestershire's six district and borough councils and county council are making towards becoming a unitary council?

**Cabinet Member response**

I'd like to thank Mr Redgewell for his question.

The government has invited all two-tier local authority areas (those with both county and district councils) to submit their proposals for local government reorganisation.

All affected councils have been asked to submit their interim proposals for reorganisation by 21 March with final proposals being submitted by November.

The government has asked that councils work together on developing proposals but has also acknowledged that not every area will agree on the best way forward.

Gloucestershire is a unique county where there are strong identities associated with our towns, cities and places. At present, not all councils in Gloucestershire agree on the best path for reorganisation with some advocating a single unitary and others advocating two.

As Leader of Cheltenham Council, it is important that we get the best for our town, its residents and business and that is what I will continue to strive for regardless of the eventual shape and size of the council that we end up with.

**2. Question from Mr Tim Harman to Cabinet Member for Finance and Assets, Councillor Alisha Lewis**

In reply to another member of the public at the last meeting, the cabinet member indicated that the public toilets in Montpellier Gardens should finally open in the new year after a huge delay. At the time of writing this question, they are still fenced off. Can the cabinet member state when she expects them to finally open?

**Cabinet Member response**

I'd like to thank Tim for his question. The delays in completing the refurbishment of Montpellier Gardens toilets are frustrating for us all. Initially, the project faced delays due to the need for more extensive structural repairs than originally anticipated and as a result of adverse weather which meant parts of the work needed to be pushed back or repaired before the project could progress. The delays since Christmas, and the

last Council meeting where a similar question was posed, have been caused by poor contractor performance.

Both the contractor and their sub-contractors have failed to comply with the contractual requirements to finish the remaining work and provide the necessary health and safety documentation upon its completion. Following the previous lessons learned on the MX project, the Council have had both construction and commercial management officers working to support the delivery of the toilet refurbishment but their tireless efforts have had little impact on the contractor performance. As a result, the Council have taken legal steps available within the contract framework to deal with the situation as it is vital that this public facility is brought back into use for our residents and visitors. This may require the engagement of new contractors to complete the work. Any costs we incur in doing this will be passed to the existing contractor through the mechanisms in the contract.

We will endeavour to make sure that this results in minimal additional delays to the re-opening of the toilets but at present are unable to confirm a date when this is expected. We are obviously deeply disappointed with the status of the project but hope that in the steps we have that we send a clear message to the market that in bidding for work within the public sector that contractors are aware that we expect the same high standard and delivery as anywhere else.

**3. Question from Mr Tim Harman to Cabinet Member for Finance and Assets, Councillor Alisha Lewis**

In reply to another member of the public at the last meeting, the cabinet member indicated that the EV charging facilities in the Bath Terrace car park should open for public use in the new year

Can the cabinet member state when she expects this much-delayed project to be completed and available for public use?

**Cabinet Member response**

I'd like to thank Tim for his question. As he knows, the original plan was for these sites to be open in time for the 2024 Christmas trading period. Some disruption to parking was unavoidable, but the aim was to have everything up and running for the busy festive season.

Unfortunately, last-minute, unforeseen issues with the electricity distribution network operators caused a delay, which in turn held up the EV network operator responsible for the installation. The council stepped in over the festive period and into the new year to help resolve the problem.

I'm pleased to say that this has now been sorted, and I'm sure Tim will be glad to hear that the worst-case scenario is completion within the next three months. If there are any further delays, the operators will still begin paying the council their ground rent—so they'll have every incentive to finish ahead of schedule!

This situation highlights yet again the practical challenges of delivering a national EV network—challenges the previous Government failed to address. We remain committed to making Cheltenham a great place to live, work, and visit for EV drivers, and we will continue delivering more charging sites in key locations across the town.

#### **4. Question from Mrs Emma Nelson to Cabinet Member for Finance and Assets, Councillor Alisha Lewis**

From when the council first learnt of the new Environmental Standards that the Swindon Road Recycling Centre would need to adhere to, what financial contingencies and budget measures were put in place to meet those new standards?

##### **Cabinet Member response**

I would like to thank Emma for her question. The Environment Agency are introducing upcoming changes to their rules that will directly affect the Swindon Road HRC. The government originally published a consultation exercise in 2018 and the date for some of these changes which impact Swindon Road have yet to be announced but are expected in 2025. These changes will mean that CBC will need to apply for a new, more stringent permit than that under which the Swindon Road HRC currently operates.

Specialist advice and quotations have been sought, and it is estimated that approximately £1million will need to be spent on the Swindon Road HRC in the next financial year in order for an application for a new permit to be successful.

- Permit application £20,000 (excluding any extra research or additional background reports needed to meet the standards required by EA)
- Ground works £638,405
- Move compactors £10,267
- Other compliance works £320,000 (approx, depending on EA judgement)

All of the above does not, however, guarantee success. We could complete all of the steps above and still be refused a permit - leaving taxpayers £1 million down with little to show for it.

The planned maintenance of all the Council's assets is managed by the property team and work is funded by the annual £600k budget which is allocated across all operational sites owned by the Council. We operate planned maintenance reserves and budgets to address any cyclical repairs required to our buildings.

This specific instance of works required on the Household Recycling Centre was not forecasted as part of the capital investment strategy, as the requirements set out by the Environment Agency are in response to changing central government regulations rather than to any structural or maintenance issues we may have been monitoring or forward planning remediation of on the site. The goalposts have been shifted under us, with little clarity from government on exactly when we'd have to meet the new criteria. We're not entirely sure they know themselves!

The additional level of capital investment required to meet these requirements exacerbates funding challenges facing the Council at a time when our own financial recovery post pandemic is now threatened by the new Government's Fair Funding review which will be implemented in 2026/27. The levels of funding cuts expected for this Council are currently unknown and make decisions around funding major schemes of additional expenditure extremely challenging. It is right that we are undertaking the prolonged closure, to better understand the comparable operational costs of delivering services in different formats, like our bring banks across town, and to stress test additional demand on the County Council's Wingmoor Farm site.

**5. Question from Mrs Emma Nelson to Deputy Leader & Cabinet Member Major Developments & Housing Delivery, Councillor Peter Jeffries**

In terms of the total amount borrowed, interest rate, length of loan, and total interest payable, could the Cabinet Member for finance please clarify the exact terms of the Council's loan to purchase land at the Golden Valley (Cyber Central) site?

**Cabinet Member response**

I would like to thank Emma for her question.

In order to finance the short-term cash-flow of the original £37.5m transaction, the council took out eight loans from five local authorities with an interest rate of less than 0.7%. It is also worth noting that the £37.5m was split between the General Fund (£26.6m) and the Housing Revenue Account (£10.9m), recognising the difference between delivering affordable housing and the commercial elements.

Treasury management is the management of the Authority's cash flows, borrowing and investments, and the associated risks. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of financial risk are therefore central to the Authority's prudent financial management. Cheltenham Borough Council manages its overall portfolio rather than isolating individual transactions through its Treasury Management activity for the maximum benefit to the taxpayers of Cheltenham which is reflected in the council's strong asset to debt ratio of 0.32.

More importantly I need to put on record why Cheltenham Borough Council made this investment.

After a decade of austerity, a global pandemic followed by the current cost of living crisis – the Council has been dealing with a perfect storm of cuts in funding, rising demand for services, and economic growth challenges.

With regeneration at the core, the Council had to change its mind-set to become more commercially focussed but under an ethos of acting commercially for the wider public benefit.

Whilst early adoption of this commercial mind-set was focussed on investment in existing assets such as Offices and a Supermarket, we cannot lose sight of the fact that our primary role is one of enabler and that are main streams of income are local taxation through council tax and business rates.

At present those green fields do not raise tax revenues – unlike institutional investors, none of our investments are primarily about yield – yes we need to make a commercial return – but the drivers for us are local taxation generation, job creation and place-making – ensuring an environment where everyone thrives and providing opportunities for the next generation.

**6. Question from Mr Rich Newman to Cabinet Member for Safety and Communities, Councillor Victoria Atherstone**

Regarding the Bell Inn on Bath Road, what measures is this council taking to respond to the clear community message, as demonstrated by the number of signatures on the petition, to declare The Bell an Asset of Community Value?

**Cabinet Member Response**

I would like to thank Mr Newman for his question about the asset of community value nomination for the Bell Inn.

The nomination was received by the Council on the 6 January and was reviewed initially by an assessment panel on 22 January. The panel requested some additional evidence, and the nominator resubmitted the nomination form.

The updated nomination form, and supplementary information has now been re-assessed by the assessment panel.

I am pleased to confirm that the Director of Community and Economic Development will be making a decision by Friday 28 February. The decision will be communicated to the nominator, the freeholder and leaseholder.

I would like to take this opportunity to thank the nominator for all their hard work in collating the information required by the assessment panel to support the asset of community value nomination process.

**7. Question from Mr Rich Newman to Cabinet Member for Planning and Building Control, Councillor Mike Collins**

What plans does the council have to protect pubs in Cheltenham from unnecessary closure in the future? What can be done to protect our local heritage?

**Cabinet Member response**

I'd like to thank Mr Newman for his question. The planning system cannot directly prevent a business from closing as business closure does not fall within the scope of planning control. However, planning policy does, in certain circumstances, seek to protect certain uses (typically those of community value) by carefully managing changes of use and/or redevelopment.

Many changes of use do not require planning permission, but the relevant legislation *excludes* public houses from that very permissive regime. The starting point therefore is that national legislation brings the potential loss of pubs caused by changes to alternative uses, under council control. As such a planning application will always need to be submitted to Cheltenham Borough Council for a change of use away from an existing public house use.

Planning applications, including those proposing a change of use of a pub, are judged against the policies set out in the Joint Core Strategy and Cheltenham Plan, as well as any other relevant material consideration. The value of a pub to the local community and particularly the impact of a pub's loss (on the community) are material considerations that are weighed into the balance. It is important to note however that all applications are ultimately assessed on their own merits and a key consideration is often the extent to which alternative, similar facilities exist locally.

## Council

21 February 2025

### Member Questions (3 total)

**1. Question from Councillor David Willingham to Cabinet Member for Safety and Communities, Councillor Victoria Atherstone**

Could the Cabinet Member please confirm whether this council has any historic Street Litter Control Notices still in force, and whether are there any Community Protection Notices currently in force in respect of tackling littering. If so, could the Cabinet Member please provide details of where and to whom these notices currently apply?

**Cabinet Member response**

There are no Street Litter Control notices; these are now called CPNs (Community Protection Notices). We also have Public Space Protection Orders (PSPO) that includes littering, and there is a PSPO live for the entire borough, where locations have been highlighted to be an issue of enviro-crime and this covers Cheltenham-wide locations. There are also PSPOs in place in green spaces to specify dog control and alcohol use.

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

I understand Community Protection Notices (CPN) have now replaced Street Litter Control Notices but CPNs do still give councils the powers to force businesses to clear litter from around their premises and to take steps to prevent future littering. Could the Cabinet Member please advise whether these CPNs can be issued pre-emptively based upon previous litter issues elsewhere, and if not, what evidence the council would need to commence action, how this evidence would need to be presented to the council, and by whom?

**Cabinet Member response**

A CPN can be used for an issue of litter in a location caused by a business, as this can be seen as a trade waste offence, and can include mitigation and management of the waste produced by the business and its customers. This can lead to further receptacles being provided for customers and business staff frequently servicing the units to ensure usage by the customer on site and surrounding area. If there is an issue of littering in the area by customers due to the use of the business then this is considered an offence and a fixed penalty notice (FPN) can be issued to the individual, whether in a vehicle or on foot.

The local authority would need to receive reports of this taking place, so a service request can be raised for an officer to attend and investigate the most appropriate mitigation process.

A CPN cannot be issued pre-emptively as evidence needs to be ascertained to confirm the offence and issue is apparent, and alarm, harassment and distress are having a detrimental effect on the surrounding community.

This can be evidenced using the reporting tool function for littering or fly-tipping that will trigger an investigation to the patch officer.

### **3. Question from Councillor David Willingham to Cabinet Member for Safety and Communities, Councillor Victoria Atherstone**

Could the Cabinet Member please give me an assurance that if a litter problem can be evidenced as resulting from a specific vendor, that the council will take robust enforcement action, including issuing a Community Protection Notice (CPN) to hold the business accountable for the costs of dealing with litter that ends up in the public realm, and advise what other litter control powers the council could target in this area?

#### **Cabinet Member response**

If reports are received of litter offences being committed on site or surrounding areas by the customers using the premises, then enforcement action will take place via evidence received or a Neighbourhood officer who will attend the location reported and evidence an offence taking place. If there is a persistent issue, mobile CCTV can be erected to monitor and enforce offences from vehicles and actions anti-social in nature in such as littering and fly-tipping.

If the business is evidenced to be breaching waste management legislation and not mitigating the issue of site waste, a CPN can be issued due to the detrimental effect on the surrounding community; this would provide a list of requirements for improvement and rectification.