



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Council

Monday, 14 December 2015

3.00 pm

Council Chamber, Municipal Offices

Membership	
Councillors:	Duncan Smith (Chairman), Chris Ryder (Vice-Chair), Matt Babbage, Flo Clucas, Adam Lillywhite, Chris Mason, Dan Murch, Chris Nelson, John Payne, Max Wilkinson, Wendy Flynn, Andrew Chard, Paul Baker, Garth Barnes, Nigel Britter, Chris Coleman, Bernard Fisher, Jacky Fletcher, Colin Hay, Tim Harman, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Helena McCloskey, Andrew McKinlay, David Prince, John Rawson, Anne Regan, Rob Reid, Louis Savage, Diggory Seacome, Malcolm Stennett, Klara Sudbury, Pat Thornton, Jon Walklett, Simon Wheeler, Roger Whyborn and Suzanne Williams

Agenda

7.	MEMBER QUESTIONS	
13.	NOTICES OF MOTION	(Pages 3 - 6)

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Andrew North
Chief Executive

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Council – 14 December 2015

Member Questions

1.	Question from Councillor Andrew Chard to Cabinet Member Corporate Services, Councillor Jon Walklett
	<p>Would the Cabinet Member responsible for IT care to comment on the response which I have just received to an email sent to one of his colleagues, the reply to which was (and I quote) "I am currently unable to respond to emails, I have a limited inbox that quickly exceeds my allowance so your email may not be received at all".</p>
	Response from the Cabinet Member
	<p>I would like to thank Councillor Chard for bringing this to our attention.</p> <p>Members who were elected in 2014 did not have a size restriction placed on their mailbox but Councillors who have been Members for a number of years had the standard restrictions on mailboxes. Changes to the size of these restrictions have been made over the years as systems and accounts have been upgraded.</p> <p>The ICT shared service has reviewed and removed any limits that may have restricted the sending of email although there will still be a prompt to say that the mailbox is reaching capacity but this is only a warning - to encourage regular "housekeeping" -and does not prevent the sending or receiving of email.</p> <p>The individual 'out of office' message is controlled by individual users rather than ICT. A note will be issued to Members informing them of the position.</p>
2.	Question from Councillor Jacky Fletcher to Leader, Councillor Steve Jordan
	<p>A petition signed by over 6,700 residents and people who regularly use this road opposing the proposed A40 Bus Lane was presented to a recent meeting of the County Council. I understand that at that time the position of Cheltenham's Liberal Democrat Cabinet on the proposal was unclear. Can the Leader confirm today whether or not his Cabinet support it or oppose the proposal?</p>
	Response from the Cabinet Member
	<p>This proposal has been promoted jointly by Gloucestershire County Council and Stagecoach and Cheltenham Borough Council were not formally approached to provide a position. We had already stated our support for Cheltenham Spa station improvements which we were actively promoting with the Task Force and the rail industry.</p> <p>We are however extremely pleased to understand that the ecological issue that appeared to be the cause of major concern has been addressed by the promoters. We have yet to see the business case which will form part of the final decision making process so it would seem premature to make any judgement, until we have had sight of this key document. However we do generally support GCC's aim to provide an improved public transport corridor along the A40.</p>

3.	Question from Councillor Tim Harman to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	Does the Cabinet Member think that we have sufficient litter bins in Cheltenham to cope with demand?
	Response from the Cabinet Member
	<p>Litter and dog bins are located across Cheltenham in locations where they are considered to be needed. It is Council policy that new and replacement litter and dog waste bins are provided on request, subject to confirmation of need and within budget.</p> <p>There are currently 8 requests outstanding for litter bins at various locations throughout the Borough. These should be installed in the next 6 weeks.</p> <p>Officers are also carrying out a review of current bin locations following recent new developments and road changes around the town. If any member believes there is a need for additional litter bins in their ward then they should contact Customer Services and their request will be passed to the appropriate Officer for consideration.</p>
4.	Question from Councillor Flo Clucas to Cabinet Member Finance, Councillor John Rawson
	What will the impact be on the Council's finances of the Chancellor's comprehensive spending review announcement on November 25th? What will the effect be on the Borough Council's services? How many Cheltenham families, older residents and young people would be affected by the government's changes?
	Response from the Cabinet Member
	<p>Over the Spending Review's four-year period, central government's core funding of local government (made up of revenue support grant and business rates income) will fall by 24 per cent in real terms. We are still awaiting precise details of the grant settlement for next year, but the Council's draft budget, published last week, assumes a cut of £227,000 in the coming financial year. If this happens it will mean that core Government funding has halved between 2009/10 and 2016/17.</p> <p>The Government is also consulting on major changes in New Homes Bonus, including means of 'sharpening' the incentive to reward communities for additional homes and reducing the length of payments from six years to four years. This latter proposal could reduce the NHB payable in 2016/17 by £583,500, although the Government has said it will consider introducing a 'floor' to ensure that no authority loses out disproportionately.</p> <p>The Council's draft budget aims to ensure that, as far as humanly possible, these cuts do not affect local front-line services or the wellbeing of the local population. Our draft budget for 2016/17 identifies £738,000 of efficiency savings in the coming year and there are plans to save a further £657,000 a year over the following three years by sharing more of its services with neighbouring councils. However local government's capacity to absorb cuts is coming close to its limits, not just in Cheltenham but around the country, as the Local Government Association has made clear.</p>

5.	Question from Councillor Flo Clucas to Cabinet Member Finance, Councillor John Rawson
	The Government has recently announced significant changes to Housing Benefit, including the elimination of the family premium from the Housing Benefit calculation for new clients. Will these changes affect the local council tax support scheme, the Council's own scheme which provides financial assistance to some of the poorest members of our community?
	Response from the Cabinet Member
	<p>By way of background, council tax support is the scheme by which people on very low incomes receive help in paying in their council tax. From April 2013 the Government cut its funding for council tax support and allowed councils to operate their own local council tax support scheme for working age claimants instead of being bound by a national scheme as previously. Pensioners continued to have their council tax support decided by nationally-set rules.</p> <p>The Council could have decided that it would reduce benefits to working age claimants to claw back the reduction in Government funding, as many councils decided to do. Instead it decided to protect claimants – who include some of the poorest people in the community - and instead find other ways of offsetting the Government funding cut.</p> <p>Last month, the Government announced two significant changes in Housing Benefit from April 2016, which we could choose to incorporate into our local council tax support scheme for working age customers.</p> <p>The first change is to reduce the time limit for backdating a working age claim from six months to one month where 'continuous good cause' has been shown for not contacting us at the correct time. The time limit for pensioners in the housing benefit and council tax support scheme is three months.</p> <p>The second change is to remove the "family premium" from 1st May 2016 for new working and pension age claimants with children; or for existing claimants who become responsible for a child for the first time.</p> <p>There are strong administrative arguments for importing these Housing Benefit changes into the local council tax support scheme, as it would make it easier to manage the claims of people of working age who are applying for both benefits.</p> <p>However, the family premium is £17.45 per week. If this were removed from the local council tax support scheme, new customers might have to pay up to an extra £3.49 per week if their total income is above the new maximum award for their family circumstances.</p> <p>My recommendation at tomorrow's Cabinet meeting will be that we should continue with our current local council tax support scheme for people of working age, unchanged apart from annual uprating.</p> <p>Three years ago we were proud to be among those councils who protected council tax support against funding cuts. It seems mean spirited and vindictive to reduce the council tax support now for some very poor people in order to gain a relatively small amount of money. For people who are very hard-pressed</p>

	<p>financially £3.49 a week is a serious sum of money and the change could cause real hardship.</p> <p>However the changes to the family premium will affect people of pension age, as their council tax support scheme is laid down by the Government and we have no discretion to alter it. Also, the Government has indicated that it will be making further changes next year and we may have to review our local council tax support scheme in a year's time in the light of those changes.</p>
6.	Question from Councillor Matt Babbage to Cabinet Member Finance, Councillor John Rawson
	Can the Cabinet Members for Finance/Healthy Lifestyles give an update on the investigation into the Wilson Art Gallery & Museum gas and electricity bill overspend, and progress on rectifying the problem?
	Response from the Cabinet Member
	<p>Part of the reason for the relatively high utilities costs at The Wilson since it reopened is that the building is larger than it was before and more of it is being used for longer periods than previously. This is, in a sense, a measure of the Wilson's success.</p> <p>However, as I reported to Council in July, the highly sophisticated controlled environment equipment – needed to protect and preserve the collections – seems to be unbalanced and to be using too much energy. This has led our property team to question whether the installations have been correctly commissioned. This is currently subject to a contractual disagreement and which ultimately may require a legal remedy.</p> <p>An independent report has been commissioned to review the specification and installation of the system so as to identify and offer solutions to our concerns about the installation. This in turn should help resolve the contractual dispute.</p> <p>The review will also look at occupancy patterns; usage of the building together with current energy management practice; and analysis of the heating and cooling data. All of this information will help us reduce energy costs without putting the collections at risk.</p> <p>Training of staff has already taken place to ensure that they use the controlled environment equipment correctly. Further training is likely to be needed in the light of the report's recommendations.</p> <p>In the meantime, officers are looking at what further steps can be taken to improve energy efficiency at The Wilson. An allocation of £10,000 has been included in the proposed planned maintenance budget for 2016/17 to assist in this work.</p>
7.	Question from Councillor Matt Babbage to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Can the Cabinet Member give an update on the situation around the Banksy mural in Fairview?

	<p>Response from the Cabinet Member</p>
	<p>The primary role of the council in relation to the property 159 Fairview Road (which has the Banksy mural on its side wall) is to enforce against any breach of listed building requirements. To this end, a notice was served in September 2015 which was not appealed and therefore took effect on 19th October, 2015. This requires action to be taken to reinstate walls, a chimney breast and wooden floors apparently damaged in the abortive attempt to remove the Banksy. The notice also requires the upgrading to a proper standard of five windows which are not appropriate to this listed building and whose installation was not authorised. Action is required to comply with the notice within 6 months – i.e. by mid-April 2016.</p> <p>An ‘urgent works’ letter has also been served on the owner of the property, requiring repairs to the side wall render which has the Banksy artwork on it. No action has so far been taken by the owner in response to this letter and the Council does now have the option of carrying out the work itself and seeking to claim the cost of the work from the owner.</p> <p>Beyond (and without prejudice to) this statutory position, the Council has been involved in trying to broker the transfer of ownership of the property into ‘safe’ hands. If this proves possible, the Council will more easily be able to ensure the effective reinstatement of the property itself, together with the restoration and longer term protection of the Banksy. It is not proposed, nor does it appear necessary, for this transfer to be at the Council’s cost, but the first task is to achieve a value for the transfer which can be agreed by all parties. The Council is currently supporting the process of trying to achieve a reliable and realistic valuation.</p> <p>As a result of the on-going negotiations, the Council has postponed taking further enforcement action, but this option will be resumed in the event that current negotiations fail to achieve a satisfactory outcome.</p>
<p>8.</p>	<p>Question from Councillor Matt Babbage to Cabinet Member Corporate Services, Councillor Jon Walklett</p>
	<p>Can the Cabinet Member comment on reports that some councillors' emails have been appearing to recipients as if they have been sent from other email addresses, and to confirm the extent of the problem?</p>
	<p>Response from the Cabinet Member</p>
	<p>I am personally aware of three or four members having experienced this problem and the issue was originally logged with ICT shared service helpdesk by Councillor Rawson. Despite this necessarily being currently investigated in conjunction with Apple/iCloud there is no threat to our ICT security.</p>
<p>9.</p>	<p>Question from Councillor Adam Lillywhite to the Leader, Councillor Steve Jordan</p>
	<p>At the last full Council meeting I asked the Leader to explain, “how traffic that would have used Boots Corner would now reach the new store (John Lewis) from the South of town, specifying road names” His response was “On the assumption that the Boots Corner trial progresses then traffic will choose to disperse around the town centre in either an easterly or westerly direction thus accessing Albion Street via London Road and St James’s</p>

	<p>Street or from North Street.” Respectfully, he has not answered the question, Firstly, North Street would only be accessible through Boots Corner, therefore the traffic would not have ‘dispersed’ and it would not have closed. Secondly, the route including St James street, accounts for traffic from the East, not how it gets there from the South. Can he please specify the roads to be used by the traffic travelling from the South of the town?</p>
	<p>Response from the Cabinet Member</p>
	<p>I beg to differ. North Street is currently accessible by vehicular traffic both northwards and southwards. My understanding is that traffic will continue to access in a southerly direction and thereby connect to Albion Street and that buses and service traffic will still be able to use the street northwards. Traffic from the South of the town can use various routes including Princess Elizabeth Way, Gloucester Road, Bath Road, Old Bath Road etc. as currently; it really depends upon where a journey begins and the target destination.</p>
10.	<p>Question from Councillor Adam Lillywhite to Cabinet Member Development & Safety, Councillor Andrew McKinlay</p>
	<p>The CTP consultation did not include any traffic modelling data for All Saints Rd yet for the adjacent Fairview Rd there is an average increase of over 200%, When figures were finally released after many requests, All Saints Rd showed just a 6% increase, can He please explain how these figures have been ‘capped’, and how this has been explained to the residents when no such understanding could be gained from the ‘consultation’?</p>
	<p>Response from the Cabinet Member</p>
	<p>As my fellow Councillor knows Cheltenham Borough Council is not the Highways Authority and so I would suggest that this question is posed to Gloucestershire County Council. However I am not aware of any data capping or manipulation as I believed that GCC had provided comprehensive data sets during the consultation process.</p>
11.	<p>Question from Councillor Adam Lillywhite to Cabinet Member Development & Safety, Councillor Andrew McKinlay</p>
	<p>Night time traffic figures, Given that the aim of the CTP is to remove traffic from the town centre and disperse it through other, mainly residential streets of the town, Day and night, can you please explain the refusal of the Highways Authority to give any night time traffic figures despite incessant requests over the last four years?</p>
	<p>Response from the Cabinet Member</p>
	<p>Again this question is being posed to the wrong authority, however my understanding is that traffic models are based upon morning and evening peak models as the objective is to understand traffic behaviour at the peak rather than off peak periods.</p>

12.	Question from Councillor Adam Lillywhite to Cabinet Member Development & Safety, Councillor Andrew McKinlay
	<p>The OED definition of a Plan is, 'A method of achieving something that has been worked out in detail beforehand', Yet the 'CTP' fails to to consider the LTP or the JCS, indeed the only plan is to reduce the northbound road capacity by 30%, how can this be reconciled with the planned increase of 20% of households and jobs in the town when there is already such limited highway capacity, so clearly demonstrated at peaks times by the lack of resilience.</p> <p>In transport terms, what is the CTP aiming to achieve?</p>
	Response from the Cabinet Member
	<p>I have the benefit of access to a full set of the full Oxford English Dictionary and can advise that volume VII N-Poy provides various definitions of the word plan including</p> <ol style="list-style-type: none"> 1. A diagram, table or program indicating the relations of some set of objects, or the times, places etc of some intended proceedings 2. A design according to which things or parts of a thing, are, or are to be, arranged; a scheme of arrangement <p>but I could not find the specific definition cited above.</p> <p>As the Cheltenham Transport Plan has been accompanied by both diagrams and a phased timetable by colleagues at GCC – it would appear to meet the definition of a plan.</p> <p>As you will be aware the plan was also supported by improvements and encouragement for non-personalised transport including walking, cycling and public transport. Has London ceased to grow because of the limitations of the road network? Or have people adapted to alternative modes of travel? Cheltenham has a unique historic fabric and the CTP recognised this very early on hence the option to simply increase capacity by repeating the mistakes of the 1960's when several key streets were irrevocably damaged is not being pursued. The scheme objectives are to assist in maintaining the economic vibrancy of the town, particularly the High Street, as demonstrated by the John Lewis announcement to which the traffic flow on Albion Street was a precursor. Equally it will help reduce the strangle hold of the one-way system.</p>

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Motions (3)

Motion A	Proposed by: Councillor Whyborn	Seconded by: Councillor Flynn
	<p>Cheltenham Borough Council notes that many councils across the country, of various party political control, have implemented or are now implementing 20mph speed limits over wide areas without traffic calming. Over 14 million people now live in areas, where 20 mph has become the default speed limit in residential and urban streets, except for arterial roads.</p> <p>Council recognises that 20 mph limits have the potential to promote increased road safety, particularly for young and elderly pedestrians and cyclists, as well as to enable active and sustainable travel. Nationally Public health and other bodies such as NICE, Public Health England, the LGA and the WHO all support such a policy. It is described as the most cost-effective way to improve health equality by tackling inactivity, obesity and isolation, whilst also being child, disability, elderly and dementia friendly.</p> <p>Council notes that the report of the Cycling and Walking Scrutiny Group includes recommendations to "initiate a review to assess the appetite for a 20 mile speed limit across town from residents, businesses, and visitors", and also notes the County Council report "Draft Local Transport Plan Policy Document PD 2 (Cycle)" in which implementation of a 20 mph zones programme are described as an operational priority.</p> <p>Council requests that Cabinet consider the recommendations of Overview and Scrutiny committee of 26th Oct 2015 regarding Cycling and Walking, and include provision for a consultation exercise in the 2016/17 corporate work plan to establish where there is appetite for 20 mile per hour limits in Cheltenham and that the Council use its best endeavours in conjunction with Gloucestershire County Council to work towards trials in suitable areas where public support exists.</p>	
Motion B	Proposed by: Councillor Savage	Seconded by: Councillor Harman
	<p>As a Council we have a responsibility to work to reduce inequalities in mental health, tackle discrimination on the ground of mental health and work to support positive mental health in our community.</p> <p>This Council will work with local partners to support people with mental health needs, particularly in areas such as housing and community safety.</p> <p>This Council resolves to sign the Local Authorities' Mental Health Challenge run collaboratively by the Centre for Mental Health, Mental Health Foundation, Mental Health Providers Forum, Mind, Rethink Mental Illness, YoungMinds and the Royal College of Psychiatrists."</p>	

Motion C	Proposed by: Councillor Wilkinson	Seconded by: Councillor Jeffries
	<p>RIGHT TO BUY AND THE FORCED SELL OFF OF COUNCIL HOUSING</p> <p>This Council notes:</p> <ul style="list-style-type: none"> • the Government’s proposal to extend the Right to Buy to Housing Association tenants, to be paid for by a forced sell off of the most expensive Council Housing stock; • with alarm the shortage of affordable rented homes in Cheltenham with 2,500 households on our council’s housing waiting list and is very concerned that the Housing and Planning Bill risks making matters worse. • the LGA “First 100 Days” campaign which highlighted there are 1.7 million households on waiting lists for affordable housing across England and that more than 3.4 million adults between 20 and 34 live with their parents. <p>Council opposes the forced sell off of council housing to pay for this plan and is concerned that the Government also:</p> <ul style="list-style-type: none"> • Fails to address the situation for many local authorities which no longer have any housing stock to sell as they have transferred theirs to housing associations; • Fails to address the situation in areas of high housing demand, like Cheltenham, where there are often few suitable sites to build replacement social housing stock; • Fails to recognise that this means housing associations will simply be trying to catch up with replacing homes rather than building affordable housing to give more people homes they need <p>Council notes that even the Mayor of London has said he did not want to see councils “deprived at a rapid rate of their housing stock” if more homes were not being built to replace them.</p> <p>Council also regrets the following decisions of the Government that will reduce the amount of good quality social housing for rent to local families:</p> <ul style="list-style-type: none"> • The decision that the focus on building “affordable homes” is on homes to buy for £250,000, a price unaffordable for most families trying to get on the property ladder, rather than affordable homes to rent. • That a tax will be imposed by the Government on the rents of council tenants to fund discounts for housing association tenants who are rich enough to buy their properties. Taxing families on the lowest incomes to fund discounts for people who may well be much better off. • The cuts to section 106 payments from developers which will see fewer social housing properties offered to residents in the town from new builds. 	

	<p>These actions will mean that there is less money for the provision of new social rented properties and less money available to provide services to tenants such as repairs, estate services, youth clubs or play centres that significantly improve the life of families.</p> <p>Council resolves:</p> <ul style="list-style-type: none">• to work with other neighbouring authorities to oppose the current government proposals to force councils to sell off high value stock (or any equivalent charge based on estimates of high value stock);• to write to Alex Chalk MP asking him to support the Council's position; to speak up in parliament for more social housing and to push for a genuine "one for one" replacement but not at the cost of losing more council housing.
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