



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Council

**Friday, 10 February 2017**

**2.30 pm**

**Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Chris Ryder (Chairman), Klara Sudbury (Vice-Chair), Matt Babbage, Paul Baker, Garth Barnes, Ian Bickerton, Nigel Britter, Flo Clucas, Chris Coleman, Mike Collins, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Colin Hay, Rowena Hay, Karl Hobley, Sandra Holliday, Peter Jeffries, Steve Jordan, Adam Lillywhite, Chris Mason, Helena McCloskey, Paul McCloskey, Andrew McKinlay, Dan Murch, Chris Nelson, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Pat Thornton, Jon Walklett, Simon Wheeler, Roger Whyborn, Max Wilkinson, Suzanne Williams and David Willingham

#### **A Moment of Reflection**

(to be led by the Mayor or the Mayor's Chaplain)

*This will be of an inclusive nature. All Members are welcome to participate but need not do so.*

#### **Agenda**

<b>7.</b>	<b>PUBLIC QUESTIONS</b> These must be received no later than 12 noon on Monday 6 February 2017.	(Pages 3 - 6)
<b>8.</b>	<b>MEMBER QUESTIONS</b> These must be received no later than 12 noon on Monday 6 February 2017.	(Pages 7 - 12)
<b>14.</b>	<b>NOTICES OF MOTION</b>	(Pages 13 - 14)

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**Pat Pratley**  
**Head of Paid Service**



**Council – 10 February 2017**

**Public Questions (4)**

<b>1.</b>	<b>Question from Adrian Kingsbury to the Leader, Councillor Steve Jordan (questioner will be present)</b>
	The agenda identifies the potential loss of the New Homes Bonus as a Key Risk should the JCS not be approved. Can Cheltenham Borough Council confirm whether they are more concerned about the loss of the New Homes Bonus than the destruction of the Greenbelt through inappropriate development?
	<b>Response from the Leader</b>
	<p>For as long as I have any role in this Council's decisions on the JCS they will be based on trying to meet the housing need for our town in the most appropriate way and not on implications of the New Homes Bonus.</p> <p>Through the JCS examination, the Green Belt within Cheltenham and Tewkesbury Borough has been considered and assessed in detail by an independent inspector. The principal of this assessment has been to examine whether, taking into account the need for housing and employment, the respective contributions of different parts of the greenbelt and other factors, there are exceptional circumstances which justify changes to the designation. The JCS examiner, looking at all the facts has concluded that overall, such exceptional circumstances do exist. The government's suggested reductions in New Homes Bonus for those authorities not progressing in plan making would be a risk for any planning authority, and require that plan making (whatever the outcome) is conducted quickly and efficiently.</p>
<b>2.</b>	<b>Question from Adrian Kingsbury to the Leader</b>
	JCS-PMM052 - Can the Council define what is the "very special circumstances test" that will determine whether development outweighs the harm to the Greenbelt by the virtue of the development being inappropriate?
	<b>Response from the Leader</b>
	<p>National Planning Policy says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. What will amount to very special circumstances depends on the facts of each case. For the test to be met, the harm to the Green Belt would have to be outweighed by major benefits to society, the economy or the environment. Housing need alone will not normally amount to exceptional circumstances. The test has been has been the subject of a number of complex legal judgements.</p> <p>The fundamental principle remains that decisions should be made in accordance with the development plan, (in this case the JCS) which has been through detailed consideration. Therefore using this plan led approach we seek to conserve the Green Belt going forward whilst planning to meet our need, ensuring that piecemeal and opportunistic development in the Green Belt can be prevented.</p>

<b>3.</b>	<b>Question from Jean Gladwell to the Leader</b>
	<p>Why when previous councillors have gone to such lengths to keep this land out of JCS is this council using such indecent haste to push it through and concrete over it with high density housing and a science park. Anything done in haste is often repented at leisure. To use such a prime piece of land to tick numbers boxes when Government housing policy is changing is at best reckless.</p> <p>When the motorway link is eventually sorted out this piece of land becomes central to the main road infrastructure to be planned. Allowing traffic on PE Way to be reduced and opening up land on both sides of the town. We have a beautiful Regency town don't you think visitors and new businesses deserve to see a well thought out plan? Not high density badly thought out housing estates like Arle farm side by side with a modern science park and dumped among existing housing stock at the cost of beautiful countryside. This last bit of green space this side of town is too important to rush through.</p>
	<b>Response from the Leader</b>
	<p>No decisions will be rushed through.</p> <p>During the examination detailed evidence was heard over a number of sessions on both the Green Belt sensitivity of the site and the potential for development which would meet both economic and housing needs at West Cheltenham. The agendas for these sessions, and the documents produced in relation to them are available on the JCS examination webpage, particularly JCS Green Belt papers EXAM 142 and EXAM 196. The Main Modifications consultation, which should commence shortly, will allow detailed representations on West Cheltenham to be made, which will be passed in full to the inspector. There will then be further hearing sessions (likely to be in early summer) where representations on West Cheltenham can also be made. Ultimately these are matters for the examination and for the inspector's consideration – having heard from all the parties.</p>
<b>4.</b>	<b>Question from Carol Kingsbury to the Leader (will be present)</b>
	<p>The Government Planning Minister, Gavin Barwell, in an interview on Sunday indicated that the long awaited housing white paper, which is to be published on Tuesday, would represent a "change of tone" from past Conservative housing policy, reflecting the fact that rising costs mean many people can no longer afford to get on the housing ladder.</p> <p>I believe the policy document is to include measures to encourage local authorities to plan "proactively" for more "build to rent" developments which would ensure more secure long-term family friendly tenancies are more widely available hopefully ensuring renting itself does not become unaffordable.</p> <p>How do you propose to incorporate this new strategy into you JCS plan and what percentage of currently proposed development can you guarantee will meet this new requirement?</p>
	<b>Response from the Leader</b>
	<p>The Housing White Paper was released on the 7<sup>th</sup> of February this year. It sets out the government's plans to boost the supply of new homes in England. A major part of the</p>

white paper is a focus on ensuring that councils have up to date development plans for their area, and that they cooperate with one another strongly in their production. The JCS already incorporates a large part of the fundamentals in the White Paper, as the proposals (which are subject to consultation) are an amalgamation and strengthening of previous ministerial statements in this area.

As regards development of 'build to rent' developments, the JCS is a strategic level development document, and the allocations within it are flexible enough to encompass changes to the type and mix of housing tenures which may come forward as part of changes to government policy. It has always been the case that strategic allocations would normally contain a degree of rental property, which, if these policy suggestions are brought forward could involve a formal 'build to rent' element.

Similarly, through the Cheltenham Plan, build to rent schemes could be brought forward as part of local allocations. The government have described affordable private rented homes as a potential alternative to other affordable housing products, but have not given a view on how much affordable provision should be provided by this tenure. This would be a matter for each local authority based on the characteristics of the local housing market area. The Gloucestershire authorities will look into this as part of an ongoing review of the Strategic Housing Market Assessment.



Council – 10 February 2017

### Member Questions (10)

<b>1.</b>	<b>Question from Councillor Dennis Parsons to Cabinet Member Healthy Lifestyles, Councillor Flo Clucas</b>
	Will the Cabinet Member arrange to have a permanent memorial placed in a prominent and public location dedicated to Brian Jones, founder of the Rolling Stones, to mark the 75th anniversary of his birth on 28th February this year. Regards
	<b>Response from Cabinet Member</b>
	In thanking Cllr Parsons for his question, I would refer him to the previous response. As he may know, the Council is currently working on a new Public Art strategy, within which it is anticipated that commemorative art will be a feature, both for women and men.
<b>2.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Clean and Green Environment , Councillor Chris Coleman</b>
	During the Christmas and New Year Period a number of "Bring" sites were overflowing with recycled materials and were very unsightly . Will the Cabinet member examine measures to improve the situation for future public holidays such as the provision of additional skips and or more frequent clearances
	<b>Response from Cabinet Member</b>
	Traditionally during the Christmas holidays, the bring site network comes under pressure because of the large increase in users, which means that it's imperative that all visitors use the containers appropriately.  Having reviewed what happened over Christmas, it is apparent that not all users place their recyclables in the recycling banks and unfortunately just throw them on the floor by the side, which then gives the impression that the bank is full, when in fact there is capacity available. The Council communicated this issue previously and will again as part of the next Christmas waste and recycling promotions.  Ubico's skip vehicles work longer hours and during weekends over the Christmas holidays. In addition, the cleansing teams monitor the bring bank sites and remove any items which have been placed by the sides of the banks.
<b>3.</b>	<b>Question from Councillor Louis Savage to the Cabinet Member Corporate Services, Councillor Roger Whyborn</b>
	Can the Cabinet Member outline the total financial cost of holding Borough Council elections in May 2016?
	<b>Response from Cabinet Member</b>
	The financial cost of these elections was within the approved budget. The total cost attributable to the council has been submitted as part of the 2016 election accounts and will be confirmed week commencing 13th February, when the relevant officer returns from annual leave, but in general terms the average cost of holding whole council elections on a four yearly cycle is circa £30,000 per annum.
<b>4.</b>	<b>Question from Councillor Louis Savage to the Cabinet Member Corporate Services, Councillor Roger Whyborn</b>
	Has the Cabinet Member or Cabinet considered the potential savings which could be achieved from moving to whole council elections on a 4 yearly basis?

	<b>Response from Cabinet Member</b>
	A similar question was raised at the council meeting on 4th April 2016, and the response remains unchanged. The preferred frequency of elections is based on a judgement as to the best way to ensure the maximum accountability of local politicians to the voting public commensurate with efficient local government. It is my belief, and that of this administration, that by retaining the current 2 year cycle we are offering Cheltenham's electorate more opportunity to express their democratic will than would be the case with a 4 year cycle, and that a move to a 4 year cycle would be a retrograde step for local democracy.
<b>5.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>
	<p>Every time I have asked you how people can comment on the CTP, I have been sent to Gloucester as the Highways Authority responsible for the scheme, Yet when a group recently wrote to the head of GCC they seemed to see it somewhat differently:</p> <p>"I appreciate you and others are unhappy with the Cheltenham Transport Plan proposals. That is something you must pursue with Cheltenham Borough Council as scheme promoter. Agreeing it was a tough decision, where we did our best to reconcile a number of strongly held views. That decision was taken properly and legally. The council is now moving forward with implementing the phased approach that was agreed."</p> <p>There is therefore little surprise that there have been no objections registered against phase 1, will you please provide a point of contact in Cheltenham where these objections are to be registered and outline how they are to be collated and considered,</p>
	<b>Response from Cabinet Member</b>
	<p>The key word in this question is objection.</p> <p>However, the time for raising objections has been and gone, as clearly identified in the response from GCC. A decision has been taken to proceed in a transparent and legal way and now the focus is upon effective implementation.</p> <p>The decision was taken to progress in a phased manner and this is what is being undertaken. GCC are monitoring for adverse or unexpected outcomes, but I understand that from phase 1 they have received positive feedback from both cyclists and bus operators, and critically the vehicle traffic monitoring showed no unexpected outcomes.</p> <p>The reality is that GCC are seeking evidence over the effectiveness of the scheme and I am sure that if comments were made in that vein rather than objections to the wider scheme, then GCC would welcome them.</p>
<b>6.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>
	The only figures the public have seen for traffic flows before and after the CTP changes are not like for like and do they give the direction of the traffic. Prior to changes they were given figures as hourly peak flows and since the changes a comparable for this has not been offered but a 24 hour figure and peak flows without an indication of direction. Will you please ensure that for phase 2 data is supplied in a format that can be compared with the figures that were given in the 'consultations' for Traffic flows. How will an independent assessment of the success of any phase of the CTP be made when to date these have been made by the promoters of the scheme and those contracted to implement or have an interest in seeing it implemented?
	<b>Response from Cabinet Member</b>
	Traffic modelling requires significant amounts of data to construct, and is a costly exercise, both in terms of time and finances. Consequently, traffic models, particularly large and complex models such as the Cheltenham PARAMICS model used for the CTP modelling, generally assess the highest impact time periods, which is usually the AM and PM peak periods.



	<p>The model outputs for the CTP are for the AM and PM peak periods with the full scheme in place in 2026, which was the scenario assessed.</p> <p>As the changes to the streets as part of the CTP are in place 24 hours a day, the average daily flow is a more appropriate measure to understand any effects of the CTP on the network, rather than constraining the assessment to looking at the peak hours.</p>
<b>7.</b>	<p><b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b></p> <p>I have recently received a complaint from a member of my ward about their children feeling sick on their way to school due to the increase in traffic pollution around Pittville Circus since the start of phase 2 for, there are three primary schools in this vicinity. This mother wishes to continue walking her children to school, can please tell me how you are to deal with this increased danger and pollution that is scaring these primary school children and making them feel sick from pollution and reluctant to walk to school, and how you are you to encourage their parents not to give in and drive their children to school so increasing the congestion, but instead continue to subject their children to this fear inducing and health threatening environment at the start of every school day.</p>
	<p><b>Response from Cabinet Member</b></p> <p>Please convey my concerns for the children who have felt ill.</p> <p>CBC is aware of its responsibilities and has an Air Quality Management Area action plan targeted at dealing with known hotspots, however, many of the actions endorsed by colleagues at GCC rely upon the implementation of measures linked to the Cheltenham Transport Plan, such as improving bus access e.g. Albion Street which the member for Pittville so vehemently opposes; see Q5.</p> <p>As widely reported in the national press, there were significant air quality issues across the whole of the country at the end of January 2017. The DEFRA monitoring website shows that Air Pollution levels in the South West, which includes Cheltenham, were classified as moderate to high between 21<sup>st</sup> and 27<sup>th</sup> January.</p> <p>Given the nature of airborne pollution, it is difficult to conclusively determine the cause. However, the DEFRA data suggests that the air quality issues noted by the ward member in late January were related to the wider air quality problems experienced across the whole country and not specific to Pittville Circus, which has not previously been identified as a pollution hotspot.</p>
<b>8.</b>	<p><b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b></p> <p>Why for such an expensive, important and fundamental change for the town, which at the last consultation over 90% of people objected to, have we only had one failed trial, a refusal for further trial of the actual changes and a refusal to wait for the upto date traffic modelling that is about to be performed by the JCS?</p>
	<p><b>Response from Cabinet Member</b></p> <p>Sadly, the member for Pittville remains in denial; colleagues at GCC have successfully implemented phase 1 with no significant adverse effects and some positive outcomes which have been generally welcomed, such as the start of construction of a John Lewis store. GCC comprehensively modelled the proposals for the centre of Cheltenham and whilst in an ideal world all data for all eventualities would be available, the reality is that these proposals have been talked about for 30 years to my knowledge; it is this administration in concert with GCC that is actually doing something about implementing them.</p>

9.	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>
	<p>Phase 3 of the CTP, the two waying of Clarence Parade and Clarence Street. Please identify the new routes this enables. This greatly constricts the most expeditious south north route through the town, in a similar manner to which phase 2 constricts a major East West and South North route. Why are we pursuing this scheme under the guise of a 'transport Plan' when it disperses more traffic past schools and through residential areas, permanently and intentionally reduces the capacity and resilience of the towns road network by probably 30% when we are planning to grow the town by 20% in the immediate future? Surely the aim of a 'Transport plan' should be to improve the existing situation in terms of safety, environment, capacity and resilience across the whole town, not just possibly the environment of one street.</p>
	<b>Response from Cabinet Member</b>
	<p>I do not agree with the assertions made. Phase 2 of the Cheltenham Transport Plan is not constricting a major East West and South North route. It is merely allowing easier access from the busiest access route (M5 J11) into town centre car parking, thereby removing traffic from the network at the earliest opportunity.</p> <p>Interestingly, I have been advised by GCC that the extent of disruption and queuing during construction for Phase 2 is lower than expected to date; evidence that the previous "trial" generated useful learning for traffic management .</p> <p>Phase 1 and 2 are increasing capacity by creating 2 way accessibility; the traffic monitoring post implementation will determine any dispersal impact.</p> <p>I do, however, agree with Cllr Lillywhite about the aims of the transport plan. Indeed, one of the key objectives of the CTP is to encourage people not to use their vehicles for unnecessary journeys, particularly short ones, subsequently improving safety, environment, capacity and resilience across the whole town.</p>
10.	<b>Question from Councillor Chris Nelson to the Leader Councillor Steve Jordan</b>
	<p>Despite being assured at our last JCS Council meeting last October that the 2013 Saturn transport model would be available in November of last year, we are still waiting for it to be signed off by the authorities. This model is now 4 years late!!</p> <p>I have absolutely no confidence that the JCS housing developments will be examined in a timely manner to assess their impact on our transport infrastructure, with a view to developing effective and affordable mitigation measures. If this proves to be the case and the JCS Examination in Public fails to scrutinize this delayed transportation analysis, <b>will the Leader please ensure that the Cheltenham Plan will eventually look at these strategic traffic issues, rather than waiting for each site to come forward individually and examined in isolation?</b> It is always much easier to influence a proposed mitigation measure before it is part of an actual development application, when improvements are much more difficult to engineer.</p> <p>If the JCS transport solution - whatever that may be - is not thoroughly scrutinized, we are likely to see much more town wide congestion and delays on our roads, leading to a significant and adverse impact on the development of our economy and local tourism.</p>
	<b>Response from Cabinet Member</b>

In her interim report, the Inspector made clear that the 2008 traffic model, which was peer reviewed in 2012, is the best information currently available. The inspector considered whether to delay the progress of the plan to await the 2013 model but took the view that this would cause undue delay and would not be necessary.

The Inspector went on to say that "Consequently on the evidence before me, I am satisfied that the JCS can justifiably proceed with the proposed transport mitigation strategy, the main parts of which should be reflected in the JCS with a suitable note referring to the awaited update."  
(paragraph 200 of the Interim Report)

Ongoing work is being undertaken to ensure validation of the transport model is achieved. This is being undertaken on behalf of the JCS authorities via consultants working for the County Council with the aim that policies can be tested and results published prior to the next set JCS examination hearings. The model is being run to test the impact of the JCS so needs to include all agreed strategic sites. The October meeting of Tewkesbury Council created uncertainty over whether Twigworth was included but this was resolved at their 31 January meeting. Officers met on 2 February with County and Highways England colleagues to progress this work. Once validation has been met, a timetable will be made available setting out when the JCS transport modelling will be published.



### Council

10 February 2017

#### Motions (2)

<b>Motion A</b>	<b>Proposed by: Councillor Flo Clucas</b>	<b>Seconded by: Councillor Andrew McKinlay</b>
	<p>This Council, mindful of the Referendum vote in Cheltenham and the wishes of many Cheltonians and other UK citizens to continue as far as possible to enjoy the benefits of EU Citizenship, supports the proposal by the Lead Negotiator for the European Parliament that, following Brexit, Associate Citizenship be made available to UK citizens who wish to have it.</p> <p>Further, that the Leader be requested to ensure that such support be communicated to local MEPs, MP and to Mr Guy Verhofstadt, Lead Negotiator.'</p>	
<b>Motion B</b>	<b>Proposed by: Councillor Dennis Parsons</b>	<b>Seconded by: Councillor Jon Walklett</b>
	<p>That this Council urges Her Majesty's Government to make the use of a crossbow a criminal offence unless the user possesses a current licence from the Police permitting its use; and that the licensing checks and conditions for granting and renewing a licence be similar to those in force for a firearms licence.</p>	

