



## Agenda Supplement

I am now able to enclose, for consideration at the next meeting of the Council on Monday, 19th June, 2017, the following reports that were unavailable when the agenda was printed.

7.		<b>PUBLIC QUESTIONS AND RESPONSES</b> These must be received no later than 12 noon on Tuesday 13 June.	(Pages 3 - 6)
8.		<b>MEMBER QUESTIONS AND RESPONSES</b> These must be received no later than 12 noon on Tuesday 13 June.	(Pages 7 - 10)

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### Council

19 June 2017

#### Public Questions (4 total)

1.	<b>Question from Charmian Sheppard to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>The CBC toolkit on Neighbourhood Planning says that before applying to your local planning authority to be designated as a forum, publicising your intentions is recommended as the first action. Holding engagement events is also recommended. The “How to set up a neighbourhood forum document. Putting the pieces together” document published by Planning Aid England is included in the toolkit and states that a prospective forum “should <b>demonstrate</b> that you have made every effort to secure membership from each as well as from different geographical areas and sections of the community”.</p> <p>Schedule 9 of the Town and Country Planning Act 1990 states that</p> <p>“The Council <b>must be satisfied</b> that the forum meets the following conditions –</p> <ol style="list-style-type: none"> <li>it is established for <b>the express purpose</b> of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned.”</li> </ol> <p>It also says that a local planning authority must have regard to the desirability of designating an organisation or body whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area and whose purpose reflects the character of that area.</p> <p>What evidence did the council gather to be satisfied that the Springbank Forum Application was established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned and that it had made every effort to secure membership from each as well as from different geographical areas and sections of the community before recommending approval to Cabinet?</p>
	<b>Response from Cabinet Member</b>
	<p>The Springbank Neighbourhood Forum constitution, submitted as part of the application, states that “The Forum aims to promote or improve the social, economic and environmental wellbeing and conditions in the Springbank area as shown on the attached plan (the area), particularly through the preparation and implementation of a Neighbourhood Plan.”</p> <p>The constitution also states that “The Forum will be as representative as possible of the people who live and work in the area. Thus membership will be drawn from different places in the area and from different sections of the community.”</p> <p>A list of 42 members of the forum was included with the application. The location of the members is spread across the ward. It should also be noted that membership of the forum is open to anyone who lives or works in the area.</p>
2.	<b>Question from Charmian Sheppard to the Cabinet Member Development and</b>

	<b>Safety, Councillor Andrew McKinlay</b>
	<p>Government Guidance on Neighbourhood Planning Paragraph:025 Reference ID: 41-025-20140306 states</p> <p>The community should consult the local planning authority before making an area application. There should be a positive and constructive dialogue about the planning ambitions of the community and any wider planning considerations that might influence the neighbourhood planning process if the outcome of that process is to be a neighbourhood plan or Order that meets the basic conditions for neighbourhood planning.</p> <p>What dialogue took place between the Springbank Neighbourhood Forum and the planning authority and what planning ambitions and wider planning considerations were discussed before an area application was made? Who was involved in that dialogue?</p>
	<b>Response from Cabinet Member</b>
	<p>Informal discussions have been ongoing between members of the Springbank Neighbourhood Forum and council officers since the beginning of January 2017. It is clear that the forum wishes to produce a Neighbourhood Plan and help to provide a voice for the local community with regards to the West Cheltenham JCS Strategic Allocation.</p> <p>Whilst there is a need for positive and constructive dialogue paragraph: 035 Reference ID: 41-035-20161116 of the PPG also states that “a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order.”</p>
<b>3.</b>	<b>Question from Liz Penwill to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>CBC Guidance on Neighbourhood Planning states that “Electoral ward boundaries should be used as a starting point for discussions on the appropriate size of a neighbourhood area.” But it also says that the following could be considerations when deciding the boundaries of a neighbourhood area</p> <ul style="list-style-type: none"> <li>• village or settlement boundaries, which could reflect areas of planned expansion</li> <li>• the catchment area for walking to local services such as shops, primary schools, doctors’ surgery, parks or other facilities</li> <li>• the area where formal or informal networks of community based groups operate</li> <li>• the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style</li> <li>• whether the area forms all or part of a coherent estate either for businesses or residents</li> <li>• whether the area is wholly or predominantly a business area</li> <li>• whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway</li> <li>• the natural setting or features in an area</li> <li>• size of the population (living and working) in the area</li> </ul> <p>During the Overview and Scrutiny Committee meeting of 12<sup>th</sup> June you stated a preference for ward sized neighbourhood areas.</p> <p>Up and down the country neighbourhood plans are successfully being developed</p>

	<p>covering areas and populations far in excess of those in West Cheltenham, the character of the area being deemed more important than ward boundaries, Cheltenham Borough Council and Cheltenham Borough Homes, in their Master Planning exercise, recognise the four wards that make up West Cheltenham as having shared characteristics and are treating them as a whole.</p> <p>What criteria did you apply when deciding that the area that the West Cheltenham Forum applied for was too large?</p>
	<b>Response from Cabinet Member</b>
	<p>The answer to the question lies in the word "Neighbourhood".</p> <p>The template for Neighbourhood Areas is laid out in the legislation, which envisages Parish Councils as the statutory bodies responsible for developing Neighbourhood plans.</p> <p>In Cheltenham there are five Parish Councils which range in size, the largest of which is Charlton Kings which covers the equivalent of two borough Council wards.</p> <p>The aim of the Cheltenham guidance is to provide a coherent frame work for the development of Neighbourhood plans across the town which are compatible with the size of the statutorily recognised Parish Councils.</p> <p>As a result I concluded that the most appropriate building blocks for Neighbourhood areas were the existing Borough Council Ward boundaries. These would provide easily understood boundaries, prevent areas of the town being excluded from Neighbourhood areas as a result of inconsistent boundaries, and provide areas of the same scale as the Parish Councils.</p> <p>As a result I envisaged Neighbourhood Areas being formed on the boundaries of either one or two wards. This would allow them to be large enough to provide a meaningful Neighbourhood planning Area while being small enough to be a recognisable Neighbourhood.</p> <p>I do not think that it is credible to suggest that an area consisting of four borough council wards can form a single coherent Neighbourhood.</p>
<b>4.</b>	<b>Question from Liz Penwill to the Leader, Councillor Steve Jordan</b>
	<p>At the Overview and Scrutiny Meeting on 12<sup>th</sup> June, Cllr McKinley said that he had concluded the West Cheltenham Forum were no longer interested in designation. On 6<sup>th</sup> March, you chaired a meeting with the West Cheltenham Forum Steering Group, and Cheltenham Borough Councillors for West Cheltenham (including Cabinet members Coleman and Jeffries) where the WCF Steering Group made it clear that they intended reapplying for area and forum designation. Cllr Jeffries went from this meeting to a meeting of the West Cheltenham Greenbelt Group, where the minutes of that meeting show that he proposed setting up a Neighbourhood Forum to those present. Were you aware of Cllr Jeffries intentions to do this and, if so, why did you not, in the interests of Good Governance, inform the West Cheltenham Forum Steering Group?</p>
	<b>Response from Cabinet Member</b>

	<p>As I recall Cllr Jeffries had to leave before the end of the meeting on 6<sup>th</sup> March but I wasn't aware of the content of any subsequent meeting he attended. My intention in chairing the 6<sup>th</sup> March meeting was to explore whether there was a potential consensus on the size and number of neighbourhood forums appropriate in the area. There were clearly differing views, so the realistic option for the Cabinet was to consider each subsequent application to create a neighbourhood forum on its merits, which is the legal requirement.</p>
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**Council  
19 June 2017**

### Member Questions (6 total)

<b>1.</b>	<b>Question from Councillor Willingham to the Leader, Councillor Steve Jordan</b>
	In light of the recent tragic events in London and Europe where vehicles have been used to attack innocent pedestrians, and recognising that it is not appropriate to disclose what is being done, could the Leader of the Council please confirm whether this Council is working with partners, including, but not limited to, Gloucestershire Police and Gloucestershire County Council, to ensure that unauthorised vehicles are denied access to the pedestrianised areas of our town centre, that measures are being considered to harden the town centre and other vulnerable areas against similar attacks, and that where possible measures will be implemented in a fashion that is sympathetic to the surrounding architecture and existing streetscene?
	<b>Response from Cabinet Member</b>
	While Gloucestershire Highways would lead on any infrastructure changes to the town centre, this issue will be looked at a part of the current design of improvements to the High Street. In addition Councillor Andrew McKinlay is leading a review of town centre security issues. The £250k rollout of upgraded CCTV equipment will also commence shortly.
<b>2.</b>	<b>Question from Councillor Willingham to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Within the Borough, there are locations, including some in the ward I represent, where operational Network Rail land is substantially defaced by litter, and despite having reported these issues to Network Rail on multiple occasions, and after many months of waiting, nothing appears to have been done by them to clear this litter. Would the Cabinet Member please ask Officers to work with ward members who have Network Rail litter-hotspots in the wards they represent, to identify the offending locations with the aim of issuing a litter abatement notice (under s92 of the Environmental Protection Act 1990) against Network Rail, requiring them to both clear the existing litter and also keep those litter-hotspots clear of litter in the future?
	<b>Response from Cabinet Member</b>
	<p>The Environment division's enforcement team has actively pursued Network Rail (NR) in response to complaints about the condition of the parcel of land at the Cheltenham Spa Station end of the Honeybourne Line. As a result of this action, the land was fully cleared in October last year. However, this anti-social behaviour-related problem, which has been fully reported to NR, appears to be recurring and is one which clearly needs to be addressed again.</p> <p>Officers will work with ward members to identify those areas where there are repeat problems with litter, to identify the most appropriate means of escalating these issues to secure action by Network Rail. In addition, we will seek action to try and identify the perpetrators, to help prevent the issue at source. This may involve the use of available statutory powers, or representations to the regulator to secure effective action by Network Rail and the Transport Police as appropriate.</p>

<b>3.</b>	<b>Question from Councillor Willingham to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	At the Cheltenham Spa Station end of the Honeybourne Line, there is a parcel of secluded non-operational Network Rail land, hidden behind advertising billboards; this regularly attracts anti-social behaviour, which based upon the items found on the site, such as needles, syringes, empty cans of high-strength alcohol, and handbags/luggage with their contents strewn across parts of this woodland, is indicative of the use of this site for the injection of drugs and associated acquisitive crime. In light of the seeming unwillingness of Network Rail to tackle these issues, and the risk such behaviour puts on users of the Honeybourne Line and the Station, would the Cabinet Member please ask Officers to explore the powers available to this Council to try to tackle this problem or encourage Network Rail to take proper responsibility for their land?
	<b>Response from Cabinet Member</b>
	See answer to Question 2 above.
<b>4.</b>	<b>Question from Councillor Willingham to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	On Lower Mill Street, in the ward I represent, there is a burnt-out shell of a building in a derelict and seemingly neglected scrap-yard, that currently provides a façade that would not look out of place in a dystopian post-apocalyptic horror film. This makes the area unwelcoming and attracts anti-social behaviour including fly-tipping. Would the Cabinet Member please ask Officers to explore the powers available to this Council to improve the visual amenity of this area, or to encourage the redevelopment of this site, so that this imposing scene is not inflicted on pupils and parents walking to or from Gloucester Road Primary School, and other users of the area?
	<b>Response from Cabinet Member</b>
	<p>The derelict building which Councillor Willingham refers to is contained within a secure scrapyard, which has planning permission for that use. By its very nature, the scrapyard does not add positively to the amenity of the area, which largely comprises industrial / commercial premises.</p> <p>Officer advice is that the derelict building does not further detract from visual amenity, given the surrounding use of land.</p> <p>Community protection officers will respond to individual cases of fly tipping, but in view of the locational context, officers believe there are no powers available to the Council that are appropriate or justifiable to use to address the condition of this land.</p> <p>Decisions about the expediency of enforcement action are a matter which Council has delegated to officers within the constitution.</p>
<b>5.</b>	<b>Question from Councillor Flynn to Cabinet Member Housing, Councillor Peter Jeffries</b>
	At its meeting on 16 <sup>th</sup> December, Cabinet rejected the West Cheltenham Forum's application for a forum and neighbourhood area based on it being made for an area which is not appropriate as a neighbourhood area because it cut across ward boundaries and included a number of separate communities, which would



	<p>reduce community cohesion.</p> <p>Can the Cabinet Member please explain to me the logic of the West Cheltenham Masterplan which seeks to treat the four wards, St Marks, Hester's Way, Springbank and St Peters, as a whole and in so doing promote community cohesion?</p>
	<b>Response from Cabinet Member</b>
	<p>Cheltenham Borough Homes (CBH), supported by Cheltenham Borough Council (CBC), has secured £330k funding from DCLG to explore a master-planning exercise to inform the future physical, economic and community regeneration of the West Cheltenham area. The vision is to create a key gateway into Cheltenham, promoting connectivity with new and existing development and to achieve social sustainability.</p> <p>Although the scope of the West Cheltenham master-planning exercise covers four wards (St Marks, St Peters, Hester's Way and Springbank), this description sets the broad location but not a prescriptive boundary, the project team have identified a smaller focused area as the priority for the master-planning exercise. Within this area, the stock profile consists of circa 2,400 CBC owned properties with a further circa 200 leaseholder interests. It may be that this smaller focused area changes as the master planning exercise progresses.</p> <p>The project will primarily focus on the CBC stock in this area and to explore the options to implement an ambitious programme of regeneration to transform the lives of local residents, providing housing fit for future generations and promoting community cohesion.</p>
<b>6.</b>	<b>Question from Councillor Flynn to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>In light of the recent controversy surrounding Cabinet's decisions regarding Neighbourhood Development Plans, does the Cabinet member agree that a working group should be set up to look at how the Council should apply Neighbourhood Planning Policy in the unparished areas of Cheltenham?</p>
	<b>Response from Cabinet Member</b>
	<p>No I don't.</p> <p>The process by which the Council advises and assists communities in the preparation of Neighbourhood Development Plans is clearly laid out in the Localism act 2011.</p> <p>This sets out the Local Planning Authority's responsibilities including designating Neighbourhood Plan Areas by inserting provisions into the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended)</p> <p>These responsibilities are clearly laid out as is the process required for determining any application to designate a Neighbourhood plan area.</p> <p>All applications have to be assessed against the requirements of the legislation and the Councils own Neighbourhood Planning Protocol. All applicants are made aware of these requirements prior to submitting an application.</p>

	<p>The legislation requires that all applications are determined within 13 weeks of them first being publicised.</p> <p>I fail to see how an additional layer of bureaucracy will assist this process.</p> <p>It is of course open to the Overview and Scrutiny Committee to set up its own working party to look at this issue if it so wishes.</p>
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