



## **Notice of a meeting of Council**

**Monday, 24 July 2017**

**2.30 pm**

**Council Chamber - Municipal Offices**

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

## **Agenda**

<b>8.</b>	<b>MEMBER QUESTIONS</b>	(Pages 3 - 10)

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



### Council

24 July 2017

#### Member Questions (16)

<b>1.</b>	<b>Question from Councillor Paul Baker to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>I am sure we are all hugely frustrated with the appalling condition of the paved area in The Strand, running through to Cambray and the junction with Rodney Road. It is frankly a disgrace to our town and an embarrassment that one of our major shopping streets is in such an appalling condition.</p> <p>Can the Cabinet Member advise what pressure we are bringing to bear on Gloucestershire Highways to initiate a quality refurbishment of this area?</p>
	<b>Response from Cabinet Member</b>
	<p>As Cllr Baker will be aware, responsibility for the maintenance of public highways rests with Gloucestershire County Council (GCC) as the statutory Highways Authority.</p> <p>CBC promoted the need to address the problems with the condition of the High Street with the County Council, offering a contribution of £0.5 million to secure a quality upgrade of this section of the High Street, in recognition of its importance to the retail economy of the town.</p> <p>The County Council has advised that providing a high quality public realm scheme will only be possible with significant additional external contributions, as highway funding is prioritised and allocated to meet safety and maintenance needs. GCC has advised that it is unable to take the lead on this scheme, but is happy to support CBC in delivering the project under the terms of a Section 278 agreement. GCC has also confirmed a contribution of £340k and some technical resource to support the scheme. The responsibility for unforeseen costs and overspends would, however, need to be taken by CBC in these circumstances.</p> <p>Given the nature of the works and the quality that CBC would wish to achieve in this high profile location within the Central Conservation Area, there would be financial risks to CBC, particularly as the authority would need to employ external support to deliver the scheme, as it no longer has any directly employed highways personnel.</p> <p>Dialogue with GCC regarding this issue is continuing. In the meantime, the County Council has confirmed that its inspection and maintenance regime will keep the High Street in a safe condition for users.</p>
<b>2.</b>	<b>Question from Councillor Paul Baker to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>I have been very disappointed with the quality of weed treatment along our roads and pavements and the lack of a thorough sweep of the resultant dead debris. Does the Cabinet Member share my concerns and if so what steps are we taking to improve the position. Can I also ask if the issue is due to cut backs in the budget due to the well-known financial cuts imposed on all local authorities by Government?</p>

	<b>Response from Cabinet Member</b>
	<p>I am aware that Cllr Baker has been in correspondence with both the Director of Environment and Ubico concerning this matter, where the primary responsibility ultimately rests with GCC.</p> <p>This year, it appears that annual weed treatment with glyphosate was delayed for two weeks as a result of adverse weather conditions, which in turn led to more weed growth than normal.</p> <p>Ubico has subcontracted highway weed control to a specialist firm and this has only recently been completed. Weeds then take up to two weeks to die back and are then removed.</p> <p>GCC has confirmed that the funding provided for the Agency Agreement in Cheltenham and the weed treatment carried out as part of this, has not been reduced.</p>
<b>3.</b>	<b>Question from Councillor Paul Baker to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>When I walk through town in the early evening along the High Street and The Promenade I am greeted by piles of refuse and recycling left out by retailers. Often the bags are broken and rubbish spills out across the pavement, it is not acceptable, there must be a better way of working with retailers than this, would he agree?</p>
	<b>Response from Cabinet Member</b>
	<p>This is clearly an issue we can look to address with the business community through the Cheltenham Business Improvement District (BID) team.</p> <p>As Cllr Baker will appreciate, tackling this issue effectively will require co-operation from retailers and other local service providers, which is clearly in their business interests.</p> <p>The proliferation of commercial waste contractors and the range of collection days are likely to be contributing factors to the problem identified.</p> <p>It may be that the Cheltenham BID could negotiate a more comprehensive and cost effective arrangement for local commercial waste collections, to the benefit of both retailers and the environment of the town.</p> <p>I understand that the BID is already looking at how this might best be achieved.</p>
<b>4.</b>	<b>Question from Councillor David Willingham to the Leader, Councillor Steve Jordan</b>
	<p>On Thursday 29th June 2017, CBH organised a Moors Impact Day, which performed litter picking, helped residents remove bulky waste and had fun activities for children in Brook Road, Moors Avenue, St Peter's Square and Yarnold Terrace. CBH were joined by participants from many partner organisations, which included CBC, Ubico, Glos Pol, GFRS, GCC, the Rock, the Big Local and the PCC. Would the Leader of the Council join me in thanking everyone who participated in these activities throughout the day and helped to make this event a success?</p>

	<b>Response from Cabinet Member</b>
	I would certainly thank everyone who participated in the Moors Impact Day and would take the opportunity to thank everyone who takes part in similar events in local communities across the borough.
<b>5.</b>	<b>Question from Councillor Klara Sudbury to Cabinet Member Finance, Councillor Rowena Hay</b>
	Cheltenham Borough Council is seeking legal advice over the liability for repairs to the footbridge over Pilley Nature Reserve (near Old Pats). I ask on behalf of one of my constituents who would like to know, how much is this legal advice costing CBC? Would the cost of Counsel be better used to repair this bridge, the closure of which is causing considerable inconvenience for many local residents.
	<b>Response from Cabinet Member</b>
	<p>I fully appreciate and share your residents' frustration that this problem has been running for some considerable time. A brief overview of why may be helpful to your resident.</p> <p>The bridge known as the Pilley Footbridge was one of several bridges transferred to the Cheltenham Corporation, Cheltenham Borough Council's predecessor authority, in 1971. The Cheltenham Corporation was highway authority. The use of the Footbridge is for pedestrian access only and is designated as a Public Right of Way (PROW). The footbridge is in need of substantial repair but the County Council (which is the highway authority) takes the view that whilst it is responsible for the surface of the footpath across the footbridge, it is not responsible for the maintenance and repair of the footbridge structure itself. The Borough Council, with the benefit of counsel's advice, believes that the County Council is responsible for the footbridge structure.</p> <p>The costs of repair of the footbridge are estimated at circa £60k and the cost to replace the Bridge estimated at £100k. The Council has expended £1,145 to date in obtaining Counsels advice. If the Borough Council were to repair the footbridge before the legal principle has been determined then that would set a presumption that the Council accepted ongoing liability for this footbridge, which would have significant financial implications.</p> <p>It is extremely important to establish the legal principle in this case as the same repairing liability may apply to other bridges in the borough.</p> <p>I rather hope that Councillor Sudbury will ask the same question to the relevant Cabinet Member at the next County Council meeting in the hope that this can be resolved for the benefit of local residents.</p>
<b>6.</b>	<b>Question from Councillor Klara Sudbury to Cabinet Member Finance, Councillor Rowena Hay</b>
	Further to question 5 and on behalf of a local resident, what firm is providing Counsel's advice in relation to Pilley Bridge Nature Reserve and is there any connection between that firm and either Cheltenham Borough or Gloucestershire councils?
	<b>Response from Cabinet Member</b>
	The advice in this matter is being provided by experienced counsel in Bristol. I can

	confirm that there is no connection between counsel's chambers and the Borough, other than they were 1 of 3 chambers asked to quote for providing the legal advice in this matter. I am not aware of any connection between the chambers and the County.
<b>7.</b>	<b>Question from Councillor Klara Sudbury to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Residents in Cheltenham Town Centre, including St Luke's, remain incredibly concerned about the potential for increased traffic congestion and pollution as a result of the Cheltenham Plan. What air pollution and traffic monitoring has taken place, is taking place now and will take place in the future given the need to fully understand the situation before and at each stage of the CTP?
	<b>Response from Cabinet Member</b>
	<p>The CTP highway amendments are a key component of CBC's Air Quality Action Plan targets. (<a href="http://www.cheltenham.gov.uk/downloads/file/3780/air_quality_action_plan_2014">http://www.cheltenham.gov.uk/downloads/file/3780/air_quality_action_plan_2014</a>)</p> <p>CBC regularly monitors local air quality as part of its statutory duties. In Cheltenham, the pollutant of principal concern, nitrogen dioxide, is measured through the use of diffusion tubes which are analysed on a monthly basis. The results are collated over the course of a year and the council reports to DEFRA on an annual basis about how Cheltenham's air quality compares against national objectives.</p> <p>A baseline assessment of the pre-CTP traffic flows was collected in November 2015 at 28 sites across Cheltenham. The surveys have been repeated following the construction of each Phase of the CTP to understand if there are any noticeable effects on the efficiency of the network across the town.</p>
<b>8.</b>	<b>Question from Councillor Klara Sudbury to the Leader, Councillor Steve Jordan</b>
	Last year's Christmas lights switch on took place on a Thursday evening, supposedly coinciding with the start of late night shopping but when only a very small handful of shops were open. The town centre was deserted and the whole event was a massive anti-climax. What is this council doing to make this year's Christmas lights switch on something the people of this town will want to come to and be proud of?
	<b>Response from Cabinet Member</b>
	<p>I think it's fair to say we were all disappointed in the Christmas lights switch on last year. In recent years the switch on event itself has been organised by the 3 main arcades (Regent, Beechwood and the Brewery). Last year 2 of the 3 were unavailable due to building works which made the switch on event difficult to organise.</p> <p>The council spends about £35k per year on the Christmas lights which in reality maintains the existing display which is owed by the council. However the creation of the BID has led to new opportunities. I have instructed officers to consider options for an improved switch on this year. A soft tendering exercise was recently undertaken with a range of illumination contractors to inform a bid for tender, this tender is currently out to the market facilitated by Cheltenham BID.</p>

	The Cheltenham BID plays an important role in working with retailers to ensure they are engaged and actively embrace the opportunities late night shopping brings to the town, combined with Christmas lights and festive window displays. Conversations are already underway to plan for the activities for Christmas 2017.
<b>9.</b>	<b>Question from Councillor Klara Sudbury to the Leader, Councillor Steve Jordan</b>
	What investment is planned to make Cheltenham Christmas lights more joyful and colourful so that people of all generations will find spending time in our town centre magical rather than depressing?
	<b>Response from Cabinet Member</b>
	Further to my response to question 8, work in regard to this is ongoing. I need to fully understand the details of any tender submission made before making commitments regarding future investment.
<b>10.</b>	<b>Question from Councillor Klara Sudbury to the Leader, Councillor Steve Jordan</b>
	With Gloucestershire County Council creating a no-go for commuters in roads in and around Cheltenham, what is this council doing to ensure low paid workers who work in our town centre (and who may not be able to use other forms of transport for a variety of reasons) are not priced out of working in our town centre?
	<b>Response from Cabinet Member</b>
	Parking schemes that give higher priority to residents will by definition give lower priority to others such as commuters. While that is a fact of life, what I have been encouraging the County Council to do, particularly in relation to the West Cheltenham scheme, is properly communicate with local businesses whose staff may be affected. This should include fully explaining the details of the new scheme and what the alternatives are. It should cover where parking is actually available as well as public transport options. As a member of the Cheltenham BID I have supported the arrangement with Stagecoach who have offered discounts to employees of all the BID member businesses.
<b>11.</b>	<b>Question from Councillor Klara Sudbury to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Why are the pavements in Cheltenham High Street, Promenade and Cambray Place in such dreadful repair and what can this council do to force the County Council to take its responsibility to improve them seriously?
	<b>Response from Cabinet Member</b>
	Please see my response to question 1. Both I and officers are actively working with Gloucestershire County Council on the important points you raise.
<b>12.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Clean and Green Environment</b>
	What is the council's policy and target timescales for graffiti removal, including obscene graffiti and graffiti on private property?
	<b>Response from Cabinet Member</b>
	All instances of graffiti are reported through the customer service team and passed directly to Ubico. Upon receiving a report, Ubico work to a 7-day timescale to inspect and remove the graffiti from all Council responsible areas. However, in the case of obscene graffiti, this is inspected and removed immediately, even if it is on private property, as the landowner is contacted to gain agreement on the course of action to be taken, either by them or Ubico.

	In the rare event of non-co-operation by a private landowner, issues can be escalated to the enforcement team to take statutory action.
<b>13.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Corporate Services</b>
	What is the council's policy on guest speakers at council-run, subsidiary-run and other connected events, including politically connected guests and paid speakers?
	<b>Response from Cabinet Member</b>
	<p>I'm not aware that the council has any specific policy to guide us in selecting guest speakers and it would be helpful to know if any particular event has triggered this line of questioning.</p> <p>What we do have are the code of conducts in relation to political neutrality:  Code of Conduct for Employees  5.3 Political Neutrality - You must not allow your own personal or political opinions to interfere with your work. Council employees serve the Council as a whole and in carrying out your work you must be politically neutral, ensuring that individual rights of all elected Members are respected.</p> <p>Protocol for Member/Officer Relations  2.0 Political Neutrality  2.1 The primary responsibility of any Officer is to serve the Council as a corporate body. Where this duty conflicts with any duty to individual Members of the authority then the duty to the Council shall prevail.  2.2 Officers must act apolitically, whether or not they hold politically restricted posts, and Members must try to avoid putting Officers, whether intentionally or otherwise, in situations where their political neutrality might be compromised or appear to be compromised. This would include actions such as applying pressure on an Officer to alter the presentation or substance of their advice in reports.</p> <p>Also we have the Code of Members' Conduct  7.4 Do not use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or disadvantage.....  7.10 Do make sure that Authority resources are not used improperly for political purposes (including party political purposes)  7.11 Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986</p> <p>Plus we have issue specific guidance when we are in purdah:  The word "publicity" has the widest possible meaning, and the restrictions apply to any public events organised or sponsored by the Council. Councillors should not use such events to publicise themselves, their parties, or the policies or candidates they support. Wherever possible it is better to avoid scheduling public events and photo opportunities during the purdah period.</p>
<b>14.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Corporate Services</b>
	How much has been paid to guest speakers at council-run, subsidiary-run and other connected events over the past 12 months?
	<b>Response from</b>
	All the service managers have been requested to supply any relevant information



	<p>on council-run events. Assuming training events do not count as guest speakers the only other 'events' in the last 12 months that they have identified are set out below though I am not sure whether I would categorise them as guest speakers:</p> <ul style="list-style-type: none"> <li>• In the course of consultancy arrangements with the council , a number of consultants have made representations to the Joint Core Strategy examination</li> <li>• Consultants have been engaged regarding Gloucestershire airport and have spoken at Member Seminars and at Council.</li> </ul>
<b>15.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Finance</b>
	How much of the £271,000 allocated to Cheltenham for 2017/18 from the Discretionary Business Rates Relief Fund has the council passed on to businesses in Cheltenham?
	<b>Response from Cabinet Member</b>
	<p>We are still working on the design of a scheme which allocates as much of this fund as possible to provide support to local businesses. Officers have liaised countywide to come up with a consistent basis for a scheme, subsequently we have then modified this to take account of the type and size of businesses in Cheltenham and to ensure that we allocate as much of the funding as possible to small local businesses.</p> <p>Whilst the Government announced its decision in the March budget there have been delays outside of our control, Government consulted then a general election, a need to wait for clarification on conditions, funding, the ability to toggle between years and last but not least clarification on funding the cost of computer system changes and administration. All of these were received by the end of June.</p> <p>We are aiming to approve this scheme at Cabinet on 12th September and issue revised bills within 2-3 weeks. Businesses likely to qualify are being identified so in some cases will automatically be granted relief and in others we will need to send application forms. Of course any that have paid in full will be reimbursed and those who pay by instalments will receive adjusted bills.</p> <p>Separate reliefs with government prescribed conditions will also be available to some pubs with large increases in bills. The computer software updates for this are expected in the next couple of weeks and will be given within two weeks after that.</p> <p>Small businesses losing some or all of their small business rates relief who qualify under the prescribed Government conditions which are funded separately by the Government will be awarded as soon as we get the necessary changes to our computer system likely to be in late August/early September.</p> <p>The singular answer to your question could have been none, however I hope that the detail given reassures Cllr Babbage that a lot of work and thought over a short time frame has been given to ensure that this authority captures the maximum number of our very important small local businesses it can, within the amount of money allocated to Cheltenham.</p>
<b>16.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Finance</b>
	What criteria are the council using to decide how to allocate the Discretionary

	Business Rates Relief Fund to businesses in Cheltenham?
	<b>Response from Cabinet Member</b>
	<p>Modelling is reaching the final stages but this is the criteria we have used so far.</p> <ul style="list-style-type: none"> <li>• There has been an increase in the rates bill from 1st April compared to last year as a result of the revaluation</li> <li>• The increase is more than £50 (the percentage relief level to each business has yet to be determined I am hoping this will be next week)</li> <li>• The rateable value is below £200,000</li> <li>• The property must be occupied</li> <li>• We will give relief to smaller local businesses occupying one property but will give relief where a second property is occupied provided it is within Gloucestershire.</li> </ul>