



Notice of a meeting of Council

Monday, 26 March 2018

2.30 pm

Council Chamber - Municipal Offices

Membership	
Councillors:	Klara Sudbury (Chairman), Bernard Fisher (Vice-Chair), Matt Babbage, Paul Baker, Garth Barnes, 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

7.	PUBLIC QUESTIONS These must be received no later than 12 noon on Tuesday 20 March 2018.	(Pages 3 - 6)
8.	MEMBER QUESTIONS These must be received no later than 12 noon on Tuesday 20 March 2018.	(Pages 7 - 10)

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Pat Pratley
Chief Executive

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26 March 2018

Public Questions (5)

1.	Question from Mr Michael Ramstedt to the Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	<p>As one of those affected by the shutdown of the crematorium on February 12th 2018.</p> <p>Can the council guarantee that when the repairs are carried out that the cremators will be fit for purpose during the interim until the new crematorium is on line and that in the interim there will not be any ongoing maintenance issues going forward. And is the council getting value for money from the expensive service contract ?</p>
	Response from Cabinet Member
	<p>It is well known and a matter of public record that the Council has been experiencing problems with its cremator plant for several years, during which time many families have nevertheless received an acceptable quality service from our bereavement services team.</p> <p>No authority or private crematorium can give a 100% guarantee that it will not have any technical issues with its plant, or that it will not have future maintenance problems. However, our maintenance provider has strongly advised the Council that our cremators are now safe to use and that they can be kept in a serviceable condition up until our new crematorium is ready to operate.</p> <p>The current maintenance contract which the authority has with the company ATI was subject to our normal procurement arrangements which have been designed to secure value for money to the public purse. We will be assessing the performance of our contractor and may seek compensation if there is sufficient evidence to indicate a service failure under the terms of the contract.</p>
2.	Question from Mr Michael Ramstedt to the Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	<p>Despite a complaint being raised, families affected during the disruption were not offered any support and the complaint not properly investigated. Are the Cheltenham and Tewkesbury bereavement services therefore fit for purpose and does the council have a robust and fair complaint customer service and carries out such investigations without bias?</p>
	Response from Cabinet Member
	<p>Mr Ramstedt made a complaint to the Council via his ward councillor, which has been fully investigated and responded to in accordance with our corporate complaints' procedure and at each stage, replies have been provided within 10 working days. Unfortunately, statements were made by Mr Ramstedt on social media regarding the processing of his complaint, which was not the appropriate or advised means of escalation. However, Council officers did nevertheless pick up on these comments and dealt with them as a request for review of the complaint at the next stage of the process.</p> <p>The Director of Environment investigated and responded to the complaint at</p>

	<p>Stage 2 and subsequently spoken at length to Mr Ramstedt by telephone, explaining that Stage 3 would be dealt with independently of his department.</p> <p>The final Stage 3 response was sent out on Monday 19th March and Mr Ramstedt has the option of approaching the Local Government Ombudsman if he remains dissatisfied with the outcome.</p>
3.	Question from Mr Jonny Brownsteen to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	<p>The recent severe weather has caused some disruption to and some uncertainty around bin collections. Will the council consider introducing a text message service which residents can opt in to, to inform residents of when to expect their bins to be collected during times of disruption?</p>
	Response from Cabinet Member
	<p>The Council and Ubico are currently looking at future investment in technology which may include text messaging. The Council appreciates residents' understanding in times of service disruption, particularly this winter due to the frequency of snow falls. Every effort is made to ensure as much up to date information as possible is available on the website for residents.</p>
4.	Question from Ms Jo Stafford to Cabinet Member Healthy Lifestyles, Councillor Flo Clucas
	<p>How can residents make their voices heard when applications such as the one for "Picnic in the Park" at Pittville Park, are made? While a family event is always welcome residents living close to the park felt they were not given adequate opportunity to comment on a live music event so close to their homes.</p>
	Response from Cabinet Member
	<p>Large scale events such as the "Picnic in the Park" will require formal licences for putting on entertainment and selling alcohol. The statutory process for determining these types of applications includes the requirement to consult with, amongst others, affected people such as residents. The statutory consultation period is for 28 days and the regulations prescribe that an applicant must put up public notices and advertise the application in a local newspaper.</p> <p>In addition to the statutory process, the council's informal events process includes the ability for local ward Councillors to be engaged at an early stage in the council's engagement with event organisers. This creates an opportunity for Members to engage with their constituents and vice versa.</p>
5.	Question from Ms Jo Stafford to Cabinet Member Healthy Lifestyles, Councillor Flo Clucas
	<p>In light of the decision of the County Council to limit and means test assistance aimed at tackling period poverty, could the Cabinet Member for Healthy Lifestyles please consider what Cheltenham Borough Council and its partners can do to mitigate the effects of period poverty for girls attending Cheltenham schools?</p>
	Response from Cabinet Member
	<p>First, I wish to thank the questioner for raising such an important issue. It is regretful that the decision of the County Council in relation to period poverty does not reflect the needs of many girls or women in Gloucestershire today. While the money that has now been allocated is welcome, it isn't enough. Sanitary products are vital to the health and well-being of girls and women. The inability to afford sanitary protection means that, in Gloucestershire, 1 in 10 girls misses school.</p>

	<p>We want to ensure that every child is able to attend school, without the embarrassment that period poverty can inflict. However, to do so means that this Council, which is not responsible for Education in our town, needs to understand the full extent of the problem in our schools. I will therefore be coming forward with a proposal to survey all schools in Cheltenham, to identify the likely numbers of those who are affected by period poverty and to come forward with options to alleviate the problem.</p>
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26 March 2018

Member Questions (5)

1.	Question from Councillor Wilkinson to Cabinet Member Development and Safety, Councillor McKinlay
	Residents have reported that agency employed staff at Cheltenham Racecourse were being asked to work very long shifts and not offered suitable breaks during the recent Festival. Could the appropriate Cabinet Member confirm whether a 12-hour shift without breaks breaches any employment, licensing or other regulations that the council is responsible for monitoring? If so, what enforcement action can the council take?
	Response from Cabinet Member
	<p>The Working Time Regulations 1998 state provision for rest breaks at work and time off. They are not enforced by local authorities but an aggrieved employee can seek help from ACAS (Advisory, Conciliation, & Arbitration Service) if they are not satisfied with the response from their employer: http://www.acas.org.uk/index.aspx?articleid=4489.</p> <p>The Health & Safety Executive summarises the position with regard work breaks: http://www.hse.gov.uk/contact/faqs/workingtime.htm</p>
2.	Question from Councillor Willingham to the Leader, Councillor Jordan
	Would the Leader of the Council join me in thanking the hard working Council Officers in our Licensing team, and the Licensing Officers from neighbouring authorities and the Police, who worked very hard to try to keep the people of Cheltenham, and the visitors to our town, safe during race week?
	Response from Cabinet Member
	Race week is very important to Cheltenham and the surrounding area both in terms of the boost to the economy and the chance it gives for local residents to enjoy a world class sporting event on our own doorstep. Running the event and in particular keeping people safe during it is a massive team effort and I would thank all those involved. This is a good example of partnership working between the local authorities and I thank them for their support.
3.	Question from Councillor Willingham to the Leader, Councillor Jordan
	Would the Leader of the Council also join me in thanking the other agencies and volunteer organisations, including the Police, the NHS and ambulance service, the street pastors, the guardians, the student community patrol, the taxi marshals, and cleansing staff from Ubico all of whom have worked antisocial hours to try to keep people safe during race week?
	Response from Cabinet Member
	As mentioned in the answer to qu3 I would join in thanking all those involved and particularly given the antisocial hours required.
4.	Question from Councillor Baker to Cabinet Member Development and Safety, Councillor McKinlay
	In the absence of any Government legislation to control or ban the use of single use plastic such as take away packaging, and the unlikelihood of any such

	legislation appearing in my life time, is there anything we can do as a Borough Council locally such as introducing new By-laws or planning conditions ?
	Response from Cabinet Member
	<p>Whilst Cllr Baker's sentiment is entirely understood, planning conditions have to meet strict tests if they are to be applied to new development. Conditions must be: necessary, enforceable, precise, relevant to planning, relevant to the development to be permitted, and reasonable in all other respects.</p> <p>In terms of necessity, the question that should be asked is whether or not planning permission would be refused if the condition was not attached. This would be a very difficult test to pass.</p> <p>Government advice also states that conditions should not be used to remedy a pre-existing problem or issue not created by the proposed development. Given that conditions have to be relevant to planning, government advice also states that conditions should not be used where specific controls outside of planning legislation provide alternative means of managing certain matters – in this instance, single use plastic.</p> <p>The above does not mean that single use plastic is not recognised as an ongoing concern, merely that the planning system is not the place to remedy the issue.</p>
5.	Question from Councillor Baker to Cabinet Member Corporate Services, Councillor Whyborn
	<p>I note with concern that 1) 300 million tonnes of new plastic is made each year, half of which is for single use, such as packaging for convenience foods. In many cases, such as plastic straws, takeaway food containers and coffee cups, there are practical alternatives available that are either reusable or sustainable, and 2) that plastic in a marine environment leads to coastal / offshore dead zones, entanglement, death through ingestion, toxic transfer and, once degraded into micro plastics, contamination of the food chain – including our own. We are quite literally eating the plastic that has ended up in our seas. 3) More positively, I note the success of the plastic bag tax in reducing use of single use plastic bags by 85%.</p> <p>Can the Cabinet Member responsible for procurement, advise whether the council therefore has any plans to:</p> <ol style="list-style-type: none"> 1. becoming a single use plastic free council by phasing out the use of single use plastic products such as bottles, cups, cutlery and drinking straws in council activities, where it is reasonable to do so, replacing them with sustainable or reusable alternatives where practicable and 2. further consider the environmental effects of not only the product, but also the packaging, in future procurement decisions in such a way as to encourage re-usable and recyclable packaging, and 3. encourage similar policies by bodies who carry out services on behalf of CBC as well as the wider community in Cheltenham
	Response from Cabinet Member
	Since December 2017, the officers began to purchase wooden stirrers instead of plastic stirrers and to purchase paper cups rather than the Polyethylene PE coated cups for the member's room.

	<p>Plastic water cups are only made available at the water machines in the committee suite which are collected for recycling. Elsewhere throughout the building staff are expected to use their own drinking receptacles.</p> <p>The general use of the vending machine is low and officers are currently in dialogue with the supplier to explore options for the machine including alternatives to the use of plastic cups.</p> <p>As far as procurement is concerned, in terms of construction activity, the Waste Management (England and Wales) Regulations 2006 are already in place and are captured as a requirement under the standard contract forms Prelims the council use for capital and maintenance work.</p> <p>The Crown Commercial Services standard questionnaire that the council is required to publish with all Invitation to Tender documents does not currently address the use of plastic. Officers anticipate that this will change in due course and therefore it will be something the Supply Chain as a whole will need to work at going forward. In the meantime the council can consider the use of plastic on a case by case basis when preparing our own evaluation criteria for ITT's.</p> <p>Both Officers and Members will endeavour to encourage our partner organisations to choose alternatives to plastics where it is practical to do so.</p>
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