



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

**Monday, 15 October 2018**

**2.30 pm**

**Council Chamber, Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Bernard Fisher (Chair), Roger Whyborn (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Angie Boyes, Nigel Britter, Jonny Brownsteen, Flo Clucas, Chris Coleman, Mike Collins, Stephen Cooke, Iain Dobie, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Alex Hegenbarth, Karl Hobley, Sandra Holliday, Martin Horwood, Peter Jeffries, Steve Jordan, Chris Mason, Paul McCloskey, Andrew McKinlay, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Jo Stafford, Klara Sudbury, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

## **Agenda**

<b>7.</b>	<b>PUBLIC QUESTIONS</b> These must be received no later than 12 noon on Tuesday 9 October 2018.	(Pages 3 - 16)
<b>8.</b>	<b>MEMBER QUESTIONS</b> These must be received no later than 12 noon on Tuesday 9 October 2018.	(Pages 17 - 24)

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**Pat Pratley**  
**Chief Executive**

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15 October 2018

#### Public Questions (23 total)

<b>1.</b>	<b>Question from Malcolm Rogers to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Why have you felt it necessary to go on public media, and indicate to the public, that you are not bothered about taxi drivers losing their livelihoods? By saying it's their choice to buy a £30,000 Wheelchair vehicle or get out of the trade?
	<b>Response from Cabinet Member</b>
	<p>The Council's Taxi and Private Hire Car policy was adopted in March 2018 by Cabinet and supported later in the same month by the Council's Overview and Scrutiny committee.</p> <p>For clarity the policy in relation wheelchair accessible vehicles is as follows:-</p> <p>By 2021 all Taxis will be required to be Wheelchair accessible and only wheelchair accessible vehicles will be licenced as Taxis by Cheltenham Borough Council from that date.</p> <p>Taxi Drivers have been given three years to adjust to the change to help minimise the potential impact on their businesses.</p> <p>There are two basic options available to a current Taxi driver.</p> <ol style="list-style-type: none"> <li>1) Change their existing saloon vehicles for a Wheel chair accessible vehicle (which cost from £10,000 upwards)</li> <li>2) Retain their existing car and operate under a Private Hire Car licence, until such time as they wish to replace it</li> </ol> <p>As you can see the new policy neither forces Taxi Drivers to pay £30,000 for a new car, nor threatens their livelihoods.</p>
<b>2.</b>	<b>Question from Malcolm Rogers to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Have you undertaken a survey, at each rank to see how many wheelchair users are actually using the ranks? And how many elderly and infirm users cannot safely use these wheelchair cars?
	<b>Response from Cabinet Member</b>
	<p>No. The policy has been developed in response to national legislation and guidance, plus consultation with disability groups.</p> <p>The requirement for the council to undertake a substantive unmet demand survey in relation to the policy decision is not strictly necessary.</p> <p>Notwithstanding, Cabinet remains of the view that the council needs to be proactive in improving accessibility standards for the travelling public in Cheltenham. Grandfather rights have caused a stagnation of growth of accessibility standards. Cabinet is of the view that Government have been clear</p>

	<p>that local councils need to be proactive in improving accessibility standards.</p> <p>Through consultation the council have looked at various options giving consideration to the representations made to the council. Given the complexities of the issues involved, the council is considering a wide range of views and evidence in coming to its policy conclusions and would not wish to limit itself to a single piece of evidence.</p> <p>Further consultation is being undertaken with disability groups to inform the policy implementation moving forward.</p>
<b>3.</b>	<b>Question from Edward Cassell to Cabinet Member, Development and Safety, Councillor Andrew McKinlay</b>
	Have the Cabinet identified a specific gap/demand in provision for wheelchair users which isn't currently being met? If so what analysis has been undertaken of what is actually needed?
	<b>Response from Cabinet Member</b>
	See answer to Question 2 above.
<b>4.</b>	<b>Question from Edward Cassell to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	When the all WAV taxi and private hire policy was voted in, the date of '2021' was given. When was this arbitrary date added to the taxi policy, and therefore when was it open to consultation.
	<b>Response from Cabinet Member</b>
	The 2021 deadline was set based on Government guidelines that indicate that three years is an appropriate transition period to introduce WAV Taxis. The decision was made in March 2018 thus 2021
<b>5.</b>	<b>Question from Derrick Sorrell to Cabinet Member Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Which part of the "Equalities Act 2010" refers to, 'changing all Taxis to Wheelchair Accessible Vehicles'
	<b>Response from Cabinet Member</b>
	<p>The Equalities Act 2010 does not refer to all Taxis having to be changed to Wheelchair Accessible Vehicles.</p> <p>However, 160 -165 of the Equalities Act 2010 does refer to the requirement that all Taxis comply with Disability Access Standards. Unfortunately there is no statutorily approved Disability Standard for Taxis, and as a result Councils across the country have adopted the Wheelchair Accessibility Standard to ensure compliance.</p>
<b>6.</b>	<b>Question from Derrick Sorrell to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	At the Overview and Scrutiny meeting Councillor McKinlay referred to all taxis in Scotland being Wheelchair Accessible, to whom did he get this information from or where did he get this information?
	<b>Response from Cabinet Member</b>
	I do not recall saying that all Taxis in Scotland were Wheelchair Accessible. I do recall saying that all Taxis in London were 100% Wheelchair Accessible.

<p>I include below the full minute of my testimony to the Overview and Scrutiny, for information.</p> <p><b>“Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p><i>What are your thoughts on the policy?</i></p> <p>The Cabinet Member explained the process followed leading up to the decision by Cabinet on 6 March 2018 to adopt the revised policy. The details of the working group as well as consultation and feedback was set out in the Cabinet report which had been circulated. The results of the consultation were set out in detail in Appendix 4 of the Cabinet report.</p> <p>He went on to highlight the 6 main elements of the new policy and in particular he highlighted the reasons for changing the grandfather rights which were fully set out in the report.</p> <p>In 1988 the council had passed a policy that required all taxis to support the disabled. However the taxi drivers with the grandfather rights had continued to use saloon cars which were not accessible by disabled people and therefore not fit for purpose.</p> <p>Disability access was less well-defined so a requirement for wheelchair accessibility would ensure the vehicle could be accessed by everybody. Currently the proportion of wheelchair accessible vehicles (WAVs) in the fleet provided a one in five chance that a vehicle in the taxi rank would be suitable for a wheelchair user which he stated he considered discriminatory and therefore unacceptable.</p> <p>He emphasised that it was the council's policy and not the taxi drivers that was discriminatory. It would be easier to implement the government's requirement for 100% disability access and guide dog accessibility if taxis were required to be 100% wheelchair accessible.</p> <p>He referred to a report produced by the Department for Transport in August 2017 entitled Accessibility Action Plan Consultation saying it gave a clear indication of government thinking on this matter. In the forward by the Government Minister at the time the Minister said <i>“My ambition is to ensure that people with physical and hidden disabilities have the same access to transport and opportunities to travel as everyone else..... this government is committed to improving disabled people's access to transport. As we set out in our 2017 manifesto, we believe that where you live, shop, go out, travel or park your car should not be determined by your disability.”</i></p> <p>The report provided statistics that 7% of children, 18% of people of working age and 44% of pensionable age had some sort of disability. The report went on to detail the significant progress that had been made with buses (94%) and as of 2015 over 58% of taxis were accessible and this included all London taxis.</p> <p>He referred to section 3.8 of the report which highlighted the need for all vehicles designated as wheelchair accessible by the licensing authority to comply with the specific requirements preventing passengers who use assistance dogs or</p>
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wheelchairs from being refused carriage or charged extra for their journey. He stated this presented a loophole if the licensing authority did not designate any vehicles as wheelchair accessible as then the legislation would not apply. Furthermore under the Equality Act 2010, taxi drivers must make reasonable adjustments to enable disabled people to access those services. He stated that clearly 78% of taxis in Cheltenham were not conforming to this requirement.

His conclusion was that the government view was clear in that disability discrimination in public transport was unacceptable and local authorities must use their powers to rectify the situation.

*How would you respond to some of the issues raised in the letter of representation from the National Association?*

The Cabinet Member did not believe he had broken any law and he could prove this was the case. He pointed out that many local authorities had adopted similar policies and every challenge had failed particularly because much of the information referred to in the letter was out of date.

He disputed the allegation that there had been confusion in the consultation document and it had been absolutely clear on the options being put forward. It had been stated in the document that if drivers did not want to swap their vehicle before 2021 they could still operate as a private hire vehicle after that date should they wish.

The representation had made various references to the Equality Act 2010 part of which stated that the parts of this Act were not capable of being introduced. The Cabinet Member disputed this and stated that the government consultation in 2017 demonstrated that the government believed the act was enforceable.

Regarding the financial impact on taxi drivers, the Cabinet Member pointed out that the role of the council as the licensing authority was to ensure public safety and not to secure the income of local taxi drivers. He felt this argument had been overplayed in the representation as drivers could continue to operate with their own vehicles as private hire. Regarding the practice of selling licence plates on the grey market, this had no basis in law because the plates belonged to the licensing authority and not to the driver.

The Cabinet Member suggested that the two legal cases referred to in the representation related to cases which preceded the introduction of the Equality Act 2010 and were taken in lower courts. He referred to a more relevant case heard in January 2011 brought against Stratford-upon-Avon District Council on the grounds of insufficient consultation. The Court of Appeal had judged in this case that although Cabinet did not have all the information, the Licensing Committee had had access to it before recommending the policy to Cabinet. The court also made a judgement on appropriate levels of consultation with disabled groups which the Cabinet Member considered knocked a lot of holes in the arguments made in the letter of representation relating to this call-in.

The representation referred to the cost of a new Wheelchair Accessible Vehicle (WAV) being in the region of £36K. The Cabinet Member outlined his own research which found that a wheelchair compliant vehicle such as a Peugeot

Horizon could be purchased new for £16K and a 3 year-old vehicle for £10K and on Auto Trader he had found 26 suitable silver vehicles on sale earlier that day. He also referred to a response from a taxi driver in the consultation who had suggested that a WAV could be acquired for £2-3 K and therefore would be flooding the taxi market. The taxi drivers could not have it both ways and the Cabinet Member maintained that WAVs were no more expensive.

In conclusion he did not consider that the arguments in the letter of representation held much water and this was evidenced by the fact that at least 60 councils across the country had introduced similar policies to the one that this Cabinet had approved.

The Chair invited questions from Members to the Cabinet Member.

The chair indicated that there appeared to be some discrepancy between what the Cabinet Member had said in the Cabinet meeting about further consultation and the final decision. What flexibility was there for further discussion with the taxi drivers?

The Cabinet Member confirmed he was open to further discussions about the implementation of the policy but the timescale and timeframe were not open for further debate and he considered a three-year implementation was reasonable. These discussions could cover the types of WAVs which would be fit for purpose and safe, a review of the licensing charge, the scale of charges made to the public and the option of reviewing charges annually and any issues regarding the general running of the service.

Although the consultation period of 12 weeks had been a sufficient length the number of respondents had been disappointing and would the Cabinet Member accept that the consultation could have been extended or been more proactive?

The Cabinet Member had been disappointed in the level of response and he did not accept that the single response from the local Taxi Association was equivalent to 180 responses. The council had taken steps to promote the consultation via local media but it was a consultation and not a referendum and therefore people couldn't be forced to respond. In conclusion he was entirely comfortable with the consultation that had taken place.

Although it seemed appalling that only 22% of the current taxi fleet could accommodate a wheelchair the move from 22% to 100% WAVs was quite dramatic and the impact on taxi drivers needed to be taken into account. Was such a jump reasonable and could adopting either one of the other two options given taxi drivers more flexibility?

The Cabinet Member advised that when the 100% policy had been adopted 30 years ago, it had been assumed that the grandfather rights would gradually wither but in reality there had been no voluntary switches. The government viewed this as a failure and he could see no other way to achieve the 100% target. The authority now had 186 non-compliant

	<p>vehicles which was too high for a town the size of Cheltenham.</p> <p>A Member asked how the sale of licence plates on the grey market was regulated.</p> <p>The Cabinet Member was not certain of the exact process but he understood that the car with the plate could be sold at a premium (in the order of £8-10K) and then the buyer could transfer the plate to another vehicle. It was custom and practice for the local authority to allow this to happen and many drivers prefer to buy a plate rather than buy a WAV but it had no weight in law or in the licensing policy. He emphasised that if the limit on the number of taxi drivers was removed then there would be no market for the plates and so the practice would soon discontinue.</p> <p>A member understood that the Department of Transport had not yet issued any guidance nor had the Secretary of State prescribed the percentage of WAVs which was acceptable. On this basis was the council's 100% target premature and why had the European regulations not been applied regarding definitions of WAVs and disabled access vehicles?</p> <p>The Cabinet Member advised that the government had not defined what constituted a disabled access vehicle and therefore this was not enforceable. The European regulations predated the Equality Act and therefore were not applicable. In his opinion the council's policy was only premature if the council had to wait for the government to issue further guidance but if you considered the current situation was morally wrong and put disabled people at a disadvantage, it was not premature and followed best practice in London, Bristol, Oxford and many other cities.</p> <p>In the absence of government guidelines a member asked whether the Cabinet Member had considered coming up with a specification for a disabled access vehicle?</p> <p>The Cabinet Member said this had been looked at in depth but officers were unable to find a single authority that had come up with a definition which stood up to challenge and therefore they had defaulted to a 100% policy. He added that saloon cars were low on the ground and did present difficulties for elderly people getting in and out of them whereas WAVs have been demonstrated up and down the country as being easier to get in and out of.</p> <p>A taxi driver was invited to speak by the chair and he gave examples of current taxis in the fleet such as a Hyundai SUV and a Ford Galaxy which catered for the needs of older people and it was all a matter of giving customers choice.</p> <p>In conclusion the Cabinet member disputed the suggestion that the policy was introducing anything outrageous or unusual and he considered it was the right way forward."</p>
7.	<b>Question from Robert Cowie to Cabinet Member Development and Safety,</b>



	<b>Councillor Andrew McKinlay</b>
	Should a subsidy, reduced licence or grant be available for drivers to run the wheelchair accessible cars needed to meet local need rather than the draconian approach being taken?
	<b>Response from Cabinet Member</b>
	No.
<b>8.</b>	<b>Question from Robert Cowie to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	When the future of the taxi industry is concerned with ULEV. Why did Councillor McKinlay ignore the findings of the working group tasked to consult on a new Taxi and Private hire policy, which consisted of Councillors, Stakeholders, and Drivers.
	<b>Response from Cabinet Member</b>
	The findings of the Working Group were included as one of the submissions considered in developing the new policy, and was referenced in the report considered by Cabinet in March 2018.
<b>9.</b>	<b>Question from Hannah Wright to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Earlier this year, Gloucester City Council banned the release of balloons and sky lanterns from council-owned land.
	Sky lanterns and balloons have caused wildlife and livestock deaths, and fires including that which destroyed over 50 caravans near Tewkesbury in 2013, and 'the largest fire West Midlands had seen' at a recycling plant in 2013.
	Will the council consider joining over 80 other councils in England and Wales, in banning the release of sky lanterns from Cheltenham parks?
	<b>Response from Cabinet Member</b>
	Cheltenham Borough Council banned the release of balloons and sky lanterns from council-owned land in 2010. The following information is displayed on the council website: 'Release of sky lanterns and balloons: We have a duty of care to ensure the safety of visitors and the local community. In the interest of safety and protecting the surrounding environment, the launching of 'Sky Lanterns', or items of a similar nature, from council-owned land and premises is not permitted'.
	I would be keen to support a legislative move to restrict the sale and/or use of these items to prevent or mitigate their use on private land as well.
<b>10.</b>	<b>Question from Carl Williams to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	People across the town still have no idea why boots corner is closed and you give no real explanation. Please explain? Has the town had an increased pollution rate since the closure? Yes Is there more congestion? Yes Is footfall in shops down? Yes Are people staying away because of our road system? Yes Do the emergency services support the closure and increased traffic in other areas? No (I have spoken to many emergency services people and all do not understand it) Is the boots corner pedestrianised? No buses and taxis still travel through ( these vehicles are the highest pollutants) Have you made alternative routes or altered the road system to cope? No Have you reduced the amount of available parking

	<p>for disabled people? Yes and no provision near the centre of town</p> <p>The majority of the people in this town are fed up with this scheme. This development in a very old town centre has not been thought through, if you want to pedestrianise the roads you must</p> <ul style="list-style-type: none"> <li>- provide alternative routes capable of taking the increase in traffic</li> <li>- alter the road system to cope</li> <li>- stop ALL traffic through the centre including buses and taxis</li> </ul> <p>This system is causing mayhem, closing businesses and making people lose their jobs.</p>
	<p><b>Response from Cabinet Member</b></p> <p>The Cheltenham Transport Plan has been discussed for several decades. Its purpose being to cut the severance of the High Street at Boots Corner of several thousand vehicle movements per day. Town centres are under pressure as never before as a result of global changes such as the rise of internet shopping and this Council has responded by encouraging the maintenance of the vibrancy for which Cheltenham is known. A host of changes have been supported in the town centre (such as new employment, housing, leisure, retail and food offers) and including changes to the road system and encouraging people (where they can) to change their transport patterns by promoting walking, cycling and public service vehicles.</p> <p>Earlier data showed that most of the traffic passing through Boots Corner was local (within 3 miles of the vehicle registered address) so it is difficult to see how that was adding to the economic performance of the town, merely providing a route right through the heart of the town.</p> <p>The data on traffic movements and has yet to be released by colleagues at County highways but it would not be surprising for traffic flows overall to fall as individuals re-appraise their journeys and seek alternatives; this phenomenon has occurred elsewhere. Pollution data needs to be measured over a year to meet DEFRA requirements so again it is too early to tell. However, with traffic levels falling by more than 80% through Boots corner the air quality in the town centre is set to improve. Stagecoach has also made a significant investment in low emissions vehicles so it is wrong to say that buses and taxis are the highest polluters.</p> <p>The town has been markedly busy with the Literature Festival and the imminent opening of John Lewis will only add to that. So the suggestion that people are staying away is not borne out. In fact I am advised that footfall at the Brewery is up significantly.</p> <p>I am unaware of any issues from emergency services which are in any case exempt under the traffic regulations so can still pass through Boots Corner.</p> <p>The area cannot be fully pedestrianised as the majority of people in the town centre are brought in by bus and unfortunately due to the historic nature of the town centre the buses need to get in and back out. Additionally, full pedestrianisation would prohibit servicing of the buildings in and around Boots Corner, working against the rationale to support the local economy.</p> <p>Motorists now have easier access to car parks so it is wrong to say that this</p>

	<p>change is stopping people from coming to the town centre, it is designed to have the opposite affect by making the town centre experience that much more attractive by removing vehicle movements that didn't need to be there.</p> <p>Adjustments have been made to the centre at earlier phases and should the scheme become permanent, there will no doubt be other changes necessary to respond to changes alerted to the County Council.</p> <p>Consultation with various representative groups resulted in more not less blue badge bays being introduced prior to the trial starting; all of which are in the town centre.</p> <p>Essentially Cheltenham is late to make such changes to its road network – they have already been implemented in Bath, Oxford, Worcester and Gloucester – so the trial is not radical and by its very nature is seeking feedback and I encourage you to respond  <a href="https://gloucestershire-consult.objective.co.uk/public/trp/phase4/phase4">https://gloucestershire-consult.objective.co.uk/public/trp/phase4/phase4</a></p>
<b>11.</b>	<b>Question from Melissa Ramplin to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>The anti-fur organisation Respect for Animals has contacted every council in the country and rated them according to their policy on selling real fur. Is the portfolio holder aware of the rating given to Cheltenham Borough Council?</p>
	<b>Response from Cabinet Member</b>
	<p>Yes.</p> <p>For information is it at: <a href="http://www.respectforanimals.org/fur-free-markets/the-fur-free-markets-database/listing/cheltenham-borough-council">http://www.respectforanimals.org/fur-free-markets/the-fur-free-markets-database/listing/cheltenham-borough-council</a></p>
<b>12.</b>	<b>Question from Melissa Ramplin to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>What is the Council's position on the sale of imported real fur on Council land, given that fur farming (which accounts for over 85% of real fur) and the trap most commonly used to kill wild animals for fur has been banned in the UK for some time?</p>
	<b>Response from Cabinet Member</b>
	<p>The council actively discourages the sale of real fur on any markets it has responsibility for.</p>
<b>13.</b>	<b>Question from Peter Sayers to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>There were two consultations held before the Boots Corner closure trial was imposed. Both rejected the closure. What weight will be placed on any citizens and business owners objections to the trial against the need to develop the rear of the Municipal Offices?</p>
	<b>Response from Cabinet Member</b>
	<p>The Cheltenham Transport Plan has been under discussion for many years. It was included in the local plan in 2008 following 3 major consultation exercises which showed strong support with about two thirds of residents in favour of the improvements to the town centre including closing Boots Corner to through traffic.</p> <p>This is why CBC requested that GCC as highways authority consider the changes</p>

	<p>to the road network. GCC in turn conducted a further consultation as part of the road traffic order process. This resulted in a phased approach with a trial at Boots Corner. This would suggest that concerns were listened to and that feedback from the current trial will equally be considered.</p> <p>Whilst there exists a CBC adopted urban design framework for Royal Well and the Municipal Offices, there is currently no scheme to develop the rear of the Municipal Offices.</p>
<b>14.</b>	<p><b>Question from Peter Sayers to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>The risk to residents and visitors to the town due to many thousands of vehicles now diverting into residential streets need quantifying. There are a number of recent large scale studies that indicate the risks from particulate and gas pollution. For example: <i>Particulate Matter Air Pollution and Cardiovascular Disease</i> (<a href="https://www.ahajournals.org/doi/full/10.1161/cir.0b013e3181d8ece1">https://www.ahajournals.org/doi/full/10.1161/cir.0b013e3181d8ece1</a>) which found among other threats to health, that 'Exposure to PM &lt;2.5 µm in diameter (PM2.5) over a few hours to weeks can trigger cardiovascular disease-related mortality and nonfatal events'.</p> <p>Another example: <i>Short-term exposure to traffic-related air pollution and daily mortality in London, UK</i> (<a href="https://www.nature.com/articles/jes201565">https://www.nature.com/articles/jes201565</a>)</p> <p>It appears from the recent research that particulate and gas pollution risks are higher than previously assumed.</p> <p>For a scheme of this size with so many vehicles involved, mobile comprehensive gas and particulate monitors before and during the trial should have been put in place and relocated as the traffic 'finds its way'. Can the Council explain why this has only been partially implemented in a few fixed locations and how the criteria to judge the success or otherwise of the Boots Corner trial will be evaluated without comprehensive data that would reassure all concerned?</p>
	<p><b>Response from Cabinet Member</b></p> <p>I welcome the wider debate and note the studies identified. Whilst taking different approaches both support the basis for which the original Local Sustainable Transport funding was secured, namely to encourage alternative travel methods, notably walking, cycling and public service provision, and thereby reduce the polluting effects of travel. In the case of Cheltenham the added bonus was an opportunity to reduce the severance at Boots Corner and hopefully sustain the performance and vibrancy of the High Street/Town centre.</p> <p>Since securing that funding via GCC, we also welcome national measures to reduce individual sources of pollutants such as Euro 6 compliant diesel engines. Initial indications from the traffic data collected since the trial was implemented in June is that most of the traffic that used to use Boots Corner has spread over other routes or has found alternative wider-afield routes. Simply put a significant percentage of journeys through Boots Corner were 'through' journeys and motorists have found better ways to make these journeys including some switching to public transport. This data has followed what the original transport modelling work indicated that the impact on other routes would not be significant or significantly increase the air quality issues. This will be evaluated as part of the trial and a full report presented to the GCC TRO Committee before any decision is made to if the trial is to become permanent.</p>
<b>15.</b>	<p><b>Question from Christine Nicholls to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p>

	In light of the fact that market stalls are becoming a key place for real fur to be sold (particularly as cheap fur bobble hats) and recent national coverage of real fur being sold at markets as fake, what steps has the council taken to ensure such scandals do not afflict market places in Cheltenham?
	<b>Response from Cabinet Member</b>
	The council actively discourages the sale of real fur on any markets it has responsibility for.  The up and coming street trading policy review and consultation will include proposals relating to the sale of fur and these will be subject to public consultation.
<b>16.</b>	<b>Question from Christine Nicholls to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	What steps has the Council taken to find out whether stallholders will be selling real fur at this year's Christmas Markets taking place on Cheltenham Borough Council run land?
	<b>Response from Cabinet Member</b>
	For the avoidance of doubt, Cheltenham Borough Council as a district authority, does not own the highway on which the Christmas Market operates.  The council has been in communication with the market operator and has expressed the need to avoid the sale of real fur. The council's policy does not at present expressly prohibit the sale of fur.  However, our current street trading policy is being reviewed and we will shortly launch a consultation on a revised policy. There are a number of issues that we are currently looking at as part of the policy review, including, the sale of real fur.
<b>17.</b>	<b>Question from Sophie Nicholls to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Will the upcoming review of Cheltenham Borough Council's licensing policy take a fur free markets policy into account?
	<b>Response from Cabinet Member</b>
	As stated in answer to Qu 16, it is an issue that is being taken into account yes.  The policy will be subject to public consultation which is the opportunity to contribute to the formulation of the revised trading policy.
<b>18.</b>	<b>Question from Sophie Nicholls to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Will the upcoming review of Cheltenham Borough Council's licensing policy seek the input of NGOs about the highly contentious issue of real fur being sold at Cheltenham markets?
	<b>Response from Cabinet Member</b>
	The policy will be subject to public consultation which is the opportunity to contribute to the formulation of the revised trading policy. As a public consultation, there will be opportunity for all, including NGOs, to get involved.
<b>19.</b>	<b>Question from Gilly Whittingham to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Are you aware of any market stalls that both 1) sell real fur and 2) either currently operate on Cheltenham Borough Council run land or are planning to over the Christmas period?
	<b>Response from Cabinet Member</b>

	We are not aware of any no.
<b>20.</b>	<b>Question from Gilly Whittingham to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	What steps has the council taken to develop a policy relating to the sale of real fur on council land?
	<b>Response from Cabinet Member</b>
	The sale of real fur is an issue that is being considered as part of the current policy review. The policy will be subject to public consultation which is the opportunity to contribute to the formulation of the revised trading policy
<b>21.</b>	<b>Question from Jane Foster to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	The TRO Committee promised the residents of this town that traffic would be monitored so that impact could be assessed. Given the absence of traffic counters in key residential areas like Bath Rd, College Road, St George's St (only NO2 monitor), Hewlett Rd, All Saints Rd, Montpellier Terrace, etc, how will this council get a complete picture of the traffic shift in the town, and what will they do going forward to ensure a full and complete set of data is presented in order to make valid decisions around the Boots Corner trial? This is vital and no valid assessment of impact can be made without it.
	<b>Response from Cabinet Member</b>
	<p>Gloucestershire County Council colleagues have a network of 27 traffic monitoring points which formed the baseline prior to any phases being implemented and is designed to give robust and sufficient data in order to evaluate the trial. Clearly for consistency sake these monitoring points have remained the same and the data has been evaluated after each phase to identify impact.</p> <p>The full set of monitoring points is listed below.</p> <p> Monson Ave  Clarence Square  All Saints Road  Fairview Road  Bayshill Road  College Road  St Georges St  High Street  St James Square  Imperial Square Southern Arm  Montpellier Spa Road  Poole Way  St. Johns Ave  High Street  London Road  St. George Road  Imperial Sq Northern Arm  Ambrose St  Rodney Road  Albion Street  Gloucester PI  Winchcombe St North  North Place  Clarence Street </p>

	St. George PI Royal Well Road Winchcombe St South
<b>22.</b>	<b>Question from Simon Firkins to the Leader, Councillor Steve Jordan</b>
	<p>It is proposed to implement CIL in January 2019, at a rate of £200 per square metre for sites between 11 and 449 <u>units</u>. This will be harmful to small and medium sized builders who focus on these often brownfield sites with higher abnormal development costs; and unlike national homebuilders on strategic, greenfield sites smaller builders do not benefit from huge economies of scale.</p> <p>Please consider a review of CIL leading a lower CIL charge for non-strategic schemes, and to introduce a zonal system which properly reflects the clear difference in values across the Borough?</p>
	<b>Response from Cabinet Member</b>
	<p>As set out in the papers of Agenda item 9 of today's meeting, the CIL charge, including non-strategic schemes has been consulted upon and examined by an Independent Inspector.</p> <p>The CIL examination considered detailed evidence on viability and land values, both that presented by the JCS councils and the development industry. The CIL charge before us today reflects examiners recommendations. On this basis I do not support a review.</p>
<b>23.</b>	<b>Question from Simon Firkins to the Leader, Councillor Steve Jordan</b>
	<p>In the event that a review of the charging rate and a zonal system is not taken forward, will the council please agree to a far more appropriate lead in time for the implementation of CIL? This will allow <u>all</u> those involved in the process to plan properly for its implementation and provide the resources to 'clear the decks' of current and pending proposals; and give the opportunity for dialogue and training for all those that might be involved with and influenced by CIL and its implementation.</p>
	<b>Response from Cabinet Member</b>
	<p>The Council's approach to CIL has been in the public domain since 2015 and as such the development industry has been aware of the council's intention to implement a CIL charge.</p> <p>CIL is not a new charge and has been in legislation for a number of years, with many authorities already with an adopted charge. Within the context of the legislation we could set an earlier commencement date, however, we have chosen to recommend the 1st January 2019.</p>

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15 October 2018

#### Member Questions (15 total)

<b>1.</b>	<b>Question from Councillor Louis Savage to the Leader, Councillor Steve Jordan</b>
	Can he confirm that Cheltenham Borough Council uses the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism?
	<b>Response from Cabinet Member</b>
	Cheltenham Borough Council has robust anti-discrimination policies including tackling racism. We work with the Cheltenham Hebrew Congregation and Gloucestershire Liberal Jewish Community to hold an annual act of remembrance on national Holocaust Memorial Day at the Council Offices and provide small grants to support this. We have good relationships with the community in Cheltenham. CBC is also represented on the county Hate Crime and Incident Strategic Group and recently held staff training on hate crime. To my knowledge the definition of antisemitism has never been an issue but if it was we would use the definition referred to.
<b>2.</b>	<b>Question from Councillor Louis Savage to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Engine-idling is a major contributor to air pollution. Buses, delivery vehicles and private cars can frequently be observed running engines whilst stationary in Cheltenham town centre. Can he explain the steps which CBC has taken to address this issue? What enforcement powers, if any, are available to the council?
	<b>Response from Cabinet Member</b>
	Engine idling is a contributor to air pollution. It is important to recognise the difference between vehicles stopped in traffic and stationary vehicles with the engine running (true "idling"). Buses from the Stagecoach fleet are fitted with monitoring devices that record fuel consumption, and drivers are encouraged to stop engines when stationary, if they do not, then the engines automatically cut out after a fixed period. It is also important to note that Stagecoach buses often sound like the engines are running, when actually the noise is from an air conditioning fan. Other bus companies do not operate such a system, and also operate (generally) older vehicles. The Public Protection team are currently considering options for further enforcement against idling vehicles as a specific operation or in connection with particular events.  Enforcement powers are available in: The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. Powers are only available on application to Secretary of State and only applicable in an Air Quality Management Area (AQMA). Currently the whole of Cheltenham is an AQMA, however monitoring of pollution levels over the last few years have indicated that most of the Borough meets legal limits for air pollution and the whole-borough AQMA is inappropriate. The Public Protection team is working towards reducing the AQMA to a much smaller area, to allow us to concentrate efforts on dealing with the most affected area. The Regulations specify two offences, one is "Stationary idling", which carries a Fixed Penalty Notice of £20, and the other is an "Emissions Offence" with a Fixed Penalty Notice of £60. The FPN fee for the idling offence is so low it

	is barely economic to try and enforce it. The emissions offence requires vehicles to be stopped on the highway (requiring the help of the Police), tested using specialist equipment that either needs to be bought or hired in, which again has cost recovery implications.
<b>3.</b>	<b>Question from Councillor Dilys Barrell to Cabinet Member, Healthy Lifestyles Councillor Flo Clucas</b>
	Can the Cabinet Member please outline any information that she has in relation to the numbers of young people who are self-harming in Cheltenham, what contributory factors there are, and how the problem might be addressed?
	<b>Response from Cabinet Member</b>
	<p>The council has recently received a children's needs assessment that has been pulled together by officers at Gloucestershire County Council's Strategic Needs Assessment Team. Data from the needs assessment will be shared at a seminar on Weds 7th November to which all elected members have been invited.</p> <p>In terms of the statistics on self-harm the rates of admission for self-harm in Under 18s in Cheltenham (150.6 per 10,000) was above the Gloucestershire rate of 141.5 per 10,000. The chart below shows several wards but particularly St Mark's had significantly higher rates than both the Cheltenham and Gloucestershire rates in the same period.</p> <p>Admissions for self-harm in Cheltenham were predominantly for children aged 10-19, following the Gloucestershire trend, with slightly higher numbers recorded in the 15-19 age group compared to the 10-14 age group. Whilst the numbers of under 18 admissions for self-harm in Gloucestershire have reduced by 46.9% over the period 2013/14 to 2017/18, in Cheltenham however the number has increased by 51.7%.</p> <p>However, when looking at the number of Under 18 admissions by deprivation quintile, Cheltenham does not follow the national trend of self harm increasing with deprivation levels. The data shows Quintile 5 (the areas with lowest deprivation) had the highest number of Under 18 admissions in Cheltenham over the 5 years 2013/14 to 2017/18. However a much higher proportion of children in Cheltenham live in this quintile than in many areas of the county.</p>
<b>4.</b>	<b>Question from Councillor Diggory Seacome to Cabinet Member, Development and Safety, Councillor Andrew McKinlay</b>
	Can Andrew McKinlay please tell me if there is any update on my suggestion (which he agreed was being considered) to alter the entrance to Post Office Lane so that traffic coming from the Boots side could escape down it, thus bringing the benefit of deliveries being made possible to residents in that stretch of the road.
	<b>Response from Cabinet Member</b>
	The traffic flow along Post Office Lane was reversed as part of the phase 4 trial such that traffic can legally enter from the North but not South. This allows traffic either delivering or inadvertently heading towards the bus gate to legally avoid the enforcement camera. In addition, GCC are putting up signs to clearly indicate that loading and unloading should be done in designated bays only and that the lane should not be blocked. The BID are also speaking to the local businesses to explain the importance of communicating the loading/unloading information to their suppliers. GCC are also investigating a long term solution which will put a no-stopping traffic regulation order on Post Office Lane.
<b>5.</b>	<b>Question from Councillor Baker to Cabinet Member Clean and Green</b>

	<b>Environment, Councillor Chris Coleman</b>
	Can I ask the Cabinet Member what progress has been made in stopping the use of single use plastic by this Council and its associated organisations e.g. Leisure@?
	<b>Response from Cabinet Member</b>
	<p>The Council recognises its role as leader in respect of this issue and that there is a huge opportunity for the authority to influence change, both directly through its own procurement processes and indirectly through its relationship with partner organisations. We appreciate the urgency of this issue particularly in light of the scale of the problem highlighted by Blue Planet and the 'Drowning in Plastic' programmes on the BBC.</p> <p>At the Council meeting on 26 March, members were advised that 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> <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>Since March, the former vending machine in the Municipal Offices which dispensed drinks in plastic cups has been replaced with a machine which dispenses paper cups which are compostable. The new machine also enables users to dispense drinks into their own cups.</p> <p>We are still using up the stock of plastic cups used for the water machine and members vending machine, and plastic stirrers, but should soon be moving on to using recyclable and biodegradable products.</p> <p>Both Officers and Members are continuing to encourage our partner organisations to choose alternatives to plastics where it is practical to do so. UBICO and the Trust have been asked to provide an update and this will be forwarded to members.</p>
<b>6.</b>	<b>Question from Councillor Baker to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	I have been delighted to see how many of our local retailers have dropped the use of single use plastics such as plastic straws and cutlery but many continue to use single use plastic in large quantities. Could we consider the introduction of an award to recognise retailers who have stopped using single use plastics perhaps by issuing a window sticker and having a roll of honour on our website ?
	<b>Response from Cabinet Member</b>
	The Government's new waste and resources strategy is due to be published this autumn and it is expected to set out significant changes for waste and recycling. The requirements of the new strategy are expected to build on the EU circular economy commitments and shape how communities and local authorities

	<p>approach reduction, re-use and recycling.</p> <p>Any suggestions for reduction, re-use and recycling can be reviewed as part of the new waste and resources strategy and taken forward where possible. The suggestion of an award will be considered and if members have any other suggestions relating to waste and recycling or street cleansing initiatives please forward them to Karen Watson, <a href="mailto:Karen.watson@cheltenham.gov.uk">Karen.watson@cheltenham.gov.uk</a>.</p>
<b>7.</b>	<b>Question from Councillor Baker to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	Can we have an update on the success of our recent kerbside recycling initiatives?
	<b>Response from Cabinet Member</b>
	<p>The enhanced recycling service was introduced in October 2017 and was so successful that additional capacity was required to collect the increased recycling presented at kerbside.</p> <p>In addition to glass, paper and tins, householders are now able to present more plastics at kerbside - plastic pots, tubs and trays, as well as black plastic, can now be put into the recycling boxes. Householders are also able to present small electrical items, batteries, textiles and shoes and more cardboard.</p> <p>Total Household Waste Recycled, Composted, AD &amp; Reused is measured by a national performance indicator, NI 192, and this measure demonstrates that Cheltenham's household recycling rate has increased from 48.39% in March 2018 to 52.72% a year as at August 2018.</p>
<b>8.</b>	<b>Question from Councillor Martin Horwood to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Does the Cabinet Member reject the county council's changed proposal for the site of a new Leckhampton secondary school which would encroach on the Local Green Space in the draft Cheltenham Local Plan and potentially add significantly to local traffic congestion by allowing both the new school and the housing it was going to replace?
	<b>Response from Cabinet Member</b>
	<p>On 20<sup>th</sup> September 2018 we were notified of the County Council's intention to prepare a planning application in an area proposed by the Cheltenham Plan as Local Green Space. In this notification a request was made to change the Cheltenham Plan designation of Local Green Space and allocate land to accommodate a secondary school.</p> <p>We had a detailed debate at council on 11 December 2017 regarding the location of land to accommodate a new school and designation of Local Green Space. Having carefully considered the implications of changing the plan to accommodate the request made by Gloucestershire County Council, I am of the view that the Cheltenham Plan, as consulted upon earlier this year, remains sound and that development should remain to be focussed in the allocation already established by Cheltenham Plan policy MD5.</p>
<b>9.</b>	<b>Question from Councillor Martin Horwood to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Will the council defend the boundary of the proposed Local Green Space in

	Leckhampton in the draft Cheltenham Local Plan now that the draft plan has been submitted to the Inspectorate?
	<b>Response from Cabinet Member</b>
	The Cheltenham Plan has moved to submission. We will be defending the policies of the Plan as agreed by Council on 11 <sup>th</sup> December 2017.
<b>10.</b>	<b>Question from Councillor Martin Horwood to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Was the county council consulted on the boundary of the Local Green Space before the draft Cheltenham Local Plan was submitted and, if so, over what period?
	<b>Response from Cabinet Member</b>
	<p>Gloucestershire County Council is a statutory consultee and as such was consulted on the Cheltenham Plan as a whole, this included Local Green Space. However, we worked very closely with the education and property teams in the lead up to the consideration of the Plan, including representation by the Head of Education at the council meeting on 11<sup>th</sup> December 2017.</p> <p>A representation was formally submitted to the Pre Submission consultation of the Cheltenham Plan on 23<sup>rd</sup> March 2018 by Gloucestershire county Council which states "I am writing to reconfirm that the most appropriate location for the new secondary school is using a combination of GCC land at Farm Lane, Leckhampton together with part of the land south of the Shurdington Road, Leckhampton. I am therefore writing in support of your Plan Pre- Submission that part of location MD5 be identified specifically to include provision for a secondary school site."</p>
<b>11.</b>	<b>Question from Councillor Martin Horwood to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	When did the county council inform this council of its intention to change the proposed location of the new Leckhampton secondary school and when did they allow this to be made public?
	<b>Response from Cabinet Member</b>
	The Council received formal notification in a letter received 20 <sup>th</sup> September 2018.
<b>12.</b>	<b>Question from Councillor Martin Horwood to the Cabinet Member Development and Safety, Councillor Steve Jordan</b>
	When did the county council confirm to this council that it had reserved to itself the right to give the new Leckhampton secondary school planning permission and is this open to legal challenge?
	<b>Response from Cabinet Member</b>
	<p>Recognising the sensitivities of the site at Leckhampton, Cheltenham officers engaged with Gloucestershire County Council officers on whether the planning application could be delegated to the Planning Committee of Cheltenham Borough Council. Positive engagement on this issue took place and verbal agreement reached with the Head of Education that this could be actioned.</p> <p>We became aware of the change in position of the County Council at the end of April 2018.</p> <p>Applications for school provision are classed as a Regulation 3 application as defined by the Town and Country Planning Regulations. For such applications</p>

	the County Council is deemed to be the Local Planning Authority. The planning application will be managed by the development Management team of the County Council.
<b>13.</b>	<b>Question from Councillor Stephen Cooke to the Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	Under the new green box recycling scheme, Cheltenham Borough residents spend time sorting out their recycling into separate categories and quite reasonably seek reassurance that this effort is worthwhile. What proportion of plastic put in to recycling bins is actually sent for recycling?
	<b>Response from Cabinet Member</b>
	<p>All plastics presented for collection at the kerbside are recycled.</p> <p>As part of the continued promotion of recycling, I have asked officers to make more information available on the website to promote what happens to all the materials we recycle. From next week, food crews will be stickering green wheeled refuse bins to remind householders to present any food waste they generate.</p>
<b>14.</b>	<b>Question from Councillor Stephen Cooke to the Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>When residents have problems with collection of their waste or recycling bins they are advised to contact the council cleansing department at an '@cheltenham.gov' email address who liaise with Ubico to arrange or reschedule collection.</p> <p>As Ubico is a related but separate organisation from CBC, will the Council review the contact mechanism to ensure clear and direct lines of communication and responsibility exist between residents and Ubico?</p>
	<b>Response from</b>
	Customer queries are dealt with by the Council's customer services' team, including those relating to waste, recycling, grounds maintenance and street cleansing. UBICO staff deal directly with householders where issues are not straight forward. The Council, in conjunction with UBICO, is reviewing the need for a technological solution to improve communication with householders, the Council and UBICO.
<b>15.</b>	<b>Question from Councillor Stephen Cooke to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>Disabled parking provision is about access and equity for those who do not have the same choices as able bodied residents. Severely disabled residents may be disadvantaged despite the mitigation measures highlighted at the last council meeting and instituted as part of the reconfiguration of roads and disabled parking following the Boots corner closure. As a result, some may lose independent access to the town centre in which they live.</p> <p>What measures are the Council taking to ensure equitable provision and access for those with the most severe disabilities who cannot take advantage of the mitigation measures so far proposed, and will the Cabinet member be prepared to meet with me to consider measures to address exceptional cases?"</p>
	<b>Response from Cabinet Member</b>
	Prior to the trial starting and in line with all other phases, meetings were held with representatives of various disability representative groups. This resulted in the additional blue badge parking bays being included in the scheme.

	<p>There are however alternatives for those individuals for whom these bays do not work. These include</p> <ul style="list-style-type: none"><li>• the CBC shop mobility scheme which will deliver a scooter to a central car park if accessing the office is challenging</li><li>• public service bus; all of the Stagecoach fleet in Cheltenham is low floored but again this assumes that an individual can access a bus stop picking up point</li><li>• taxis which are also exempt from the restrictions. CBC is encouraging that more taxis are fully disable compliant</li></ul> <p>I am happy to discuss any specific concerns with Cllr Cooke.</p>
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