



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Council

**Monday, 22 July 2019**

**2.30 pm**

**Council Chamber, Municipal Offices**

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

### Agenda

<b>7.</b>	<b>PUBLIC QUESTIONS</b>	(Pages 3 - 4)
<b>8.</b>	<b>MEMBER QUESTIONS</b>	(Pages 5 - 12)

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

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#### Public Questions (1 total)

<b>1.</b>	<p><b>Question from Amber Astron Christo to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b></p> <p>Are Council Members aware that the failure to sweep Cheltenham streets is having the following negative impact:</p> <ol style="list-style-type: none"> <li>1) It makes the town look scruffy and puts off visitors/tourists, which may have an effect on the economy; it causes residents of the town to have less pride in their surroundings.</li> <li>2) The build-up of dirt in the gutters solidifies after rain, (and is not easily removed by the sweeper lorries), and has become an ideal home for weeds to settle in.</li> <li>3) The failure to sweep leaves/stones/debris has resulted in a huge build-up of dirt that is carried into the drainage system and is blocking some drains every time it rains. I have made reports of this over a period of 18mths. Unnecessary flooding on the pavements, in the road and elsewhere is the result!</li> <li>4) The build up of dry particles/pollen, which will be circulated up into the air every time there is passing traffic, will exacerbate hay fever, asthma and any bronchial problems. So, there is a health risk caused by the negligent failure to sweep the streets</li> </ol> <p>What do the Council intend to do to rectify matters?</p>
	<p><b>Response from Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b></p> <p>I don't agree that the town is so dirty it is putting off visitors. You only have to walk through town at a weekend to see the throngs of residents and visitors in town enjoying the parks and gardens, festivals, restaurants and shopping experience.</p> <p>We all talk about the big issues around climate change, but changing weather patterns are causing issues for our trees and the differences in leaf fall through the year are resulting in a need to review how resources are deployed during the year. Autumn is normally time for leaf clearance on pavements and ensuring the roads are clear of leaves to avoid blocking drains. Unfortunately, we are seeing trees dropping leaves outside of the normal autumn leaf fall period, including over the summer when we have dry spells.</p> <p>As Cabinet Member for Clean and Green Environment, keeping the town clean is a priority and I am pleased to say that the Council has just taken delivery of two new 15 tonne mechanical road sweepers to replace the old vehicles which were taken off the road and replaced with hire vehicles; these too kept breaking down. I am sure these new vehicles, now they are out on the roads every day instead of the hire vehicles, will further improve the cleanliness of our roads.</p>



**Member Questions (14 total)**

<b>1.</b>	<b>Question from Councillor Max Wilkinson to the Leader, Councillor Steve Jordan</b>
	MHCLG Planning Practice Guidance published in March included a new paragraph encouraging local authorities to work together on Community Infrastructure Levy contributions to build cross-boundary infrastructure. Will this guidance provide an opportunity for using the JCS CIL money to fund the Cheltenham to Bishops Cleeve cycle path?
	<b>Response from the Leader</b>
	<p>The Community Infrastructure Levy scheme (CIL), introduced on 1st January 2019, provides an opportunity for the JCS authorities to work together to agree arrangements for CIL governance, CIL priorities, and in turn CIL spend.</p> <p>As part of the preparation of the JCS, an Infrastructure Delivery Plan (IDP) was developed. The IDP identifies a range of infrastructure projects that are required to ensure the successful delivery of growth across the JCS area.</p> <p>A 'Cheltenham to Bishops Cleeve' cycle path is not specifically mentioned in the IDP. The IDP does include some general/non-specified funding requirements for 'Community and Culture' and 'Green Infrastructure'. Furthermore, the IDP will be reviewed as part of the ongoing JCS review. However, proposals such as these are recognised in the emerging transport strategy – Connecting Cheltenham and this will in due course provide part of the evidence base informing future decisions on CIL spend.</p> <p>Proposals for joint governance, which will be presented to members in the Autumn, will provide opportunities for such cross boundary schemes to be considered.</p>
<b>2.</b>	<b>Question from Councillor Max Wilkinson to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Clean air continues to be a hot topic. One of the contributors to harmful emissions in our town centre is idling engines. What measures can the council take to introduce an enforcement regime to prevent emissions from public transport providers, including private hire and Hackney carriage vehicles?
	<b>Response from Cabinet Member Development &amp; Safety</b>
	<p>The percentage contribution that idling engines may be having on local air pollution is not quantified and in fact, this behaviour may well be adversely impacting the air quality in other areas more than the town centre, for example, outside schools.</p> <p>Although there is an enforcement measure available to deal with idling engines (which involves a fine), research indicates this is labour intensive, ineffective and does not result in large scale sustainable behaviour change, or improved air quality. For example, only 29 fines were issued across the country in 2018. In addition, the low level of the fine does not act as a deterrent, or allow enforcement authorities to fully recover their costs. The offence of 'idling' comes from Section</p>

	<p>42 of the Road Traffic Act 1988 and the initial fine is just £20.</p> <p>The latest research is available online at <a href="https://airqualitynews.com/2019/03/07/exclusive-idling-enforcement-branded-not-fit-for-purpose-as-just-a-handful-of-fines-issued-during-2018/">airqualitynews.com</a>  <a href="https://airqualitynews.com/2019/03/07/exclusive-idling-enforcement-branded-not-fit-for-purpose-as-just-a-handful-of-fines-issued-during-2018/">https://airqualitynews.com/2019/03/07/exclusive-idling-enforcement-branded-not-fit-for-purpose-as-just-a-handful-of-fines-issued-during-2018/</a></p> <p>The council will continue to maximise opportunities to deliver air quality benefits by engaging with partners, major employers and the public on long term behaviour change and improved air quality measures. The current borough-wide 'Air Quality Management Area' (AQMA) is likely to be revoked this year, with smaller area/s of air quality management identified instead. Part of this work will include creating a new Air Quality Action Plan (AQAP) containing a suite of air quality improvement measures, in collaboration with partners such as public transport providers, including taxi and private hire firms.</p>
<p><b>3.</b></p>	<p><b>Question from Councillor David Willingham to Cabinet Member Clean and Green Environment Councillor Chris Coleman</b></p>
	<p>Could the Cabinet Member please advise whether this Council has a strategy or policy for proactively identifying and subsequently eradicating invasive, non-native plants (as defined in Schedule 9 of the Wildlife and Countryside Act 1981) from council-owned land?</p>
	<p><b>Response from Cabinet Member Clean and Green Environment</b></p>
	<p>The council records the occurrence of invasive non-native species where they occur on its land on its geographical information system. Where green space staff or contractors encounter non-native species in the course of their daily work, they will report it to the green space team, who will verify the sighting and record it on the mapping system. Once identified the weeds are then treated in an approved manner to either control or eradicate them.</p> <p>Schedule 9 of the Countryside and Wildlife Act is extensive and contains many animals, insects and plants. The most commonly found invasive, non-native plants are Japanese Knotweed, Giant hogweed, Himalayan balsam, Rhododendron ponticum and New Zealand pigmy weed. Currently, we only have a few locations where Japanese Knotweed and Himalayan balsam is present. Sightings of Giant hogweed in Cheltenham are rare and have turned out to be common hogweed on closer inspection.</p> <p>The law states that we must not plant these species, or cause them to grow in the wild and we do not have a statutory duty to control or eradicate them where they occur on our land. However, given the potential damage that Japanese knotweed can cause to adjacent buildings, and the harmful sap associated with giant hog weed, it is our policy to remove, or control these species where they occur on our land.</p>

<b>4.</b>	<b>Question from Councillor David Willingham to Cabinet Member Clean and Green Environment Councillor Chris Coleman</b>
	If a policy or strategy exists could a copy or a link to it please be shared, if not, could I please request that officers are tasked to develop a strategy to tackle these hazards to UK biodiversity and in the case of Giant Hogweed ( <i>Heracleum mantegazzianum</i> ) hazards to human health and well-being?
	<b>Response from Cabinet Member Clean and Green Environment</b>
	We are happy to let Councillor Willingham see the mapping, or provide a paper copy or link (if that proves possible).
<b>5.</b>	<b>Question from Councillor David Willingham to Cabinet Member Clean and Green Environment Councillor Chris Coleman</b>
	In 2008 a biodiversity audit ( <a href="https://www.cheltenham.gov.uk/download/downloads/id/976/biodiversity_audit.pdf">https://www.cheltenham.gov.uk/download/downloads/id/976/biodiversity_audit.pdf</a> ) identified that Japanese Knotweed ( <i>Fallopia japonica</i> ) was found on the Honeybourne Line Open Space. Could I please be advised whether these biodiversity audits have continued since then and whether reactive weed control work was undertaken following the publication of that report?
	<b>Response from Cabinet Member Cabinet Member Clean and Green Environment</b>
	Yes, the areas of Japanese Knotweed identified on the Honeybourne line have been the subject of annual treatment and monitoring over the last three years. The biodiversity audit was undertaken across all Council green space sites and has not been undertaken since. Resources and efforts have instead been focussed on projects to increase biodiversity on the ground.
<b>6.</b>	<b>Question from Councillor Max Wilkinson to Cabinet Member Finance, Councillor Rowena Hay</b>
	In the light of continuing discussions over parking charges, it is clear that the council is not making the case for discouraging journeys by car to reduce emissions. It is also clear that the council must do much more to achieve carbon neutrality by the 2030 target. Will cabinet member for finance therefore commit to ring-fence a portion of increasing parking revenue for specific climate emergency projects, for example planting trees to offset carbon emissions from motor vehicles?
	<b>Response from Cabinet Member Finance</b>
	Thanks to Cllr Wilkinson for his question.  At the cabinet meeting on the ninth July in presenting the financial outturn & budget monitoring report, I made a proposal that consideration be given to an element of any surplus car parking income over and above what is already budgeted could be placed into an earmarked reserve for climate change initiatives.  As you know following this councils decision to declare a climate change emergency there will be a report coming later in the year which will contain potential actions, I cannot imagine that trees will not be on the list if they are not then we could and should add them.  It is my intention to bring a formal commitment back for cabinet approval in the

	quarter two budget monitoring report in October this year.
<b>7.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Residents have raised with me concerns about Taxi Engines Idling on the Highway, Taxi Ranks etc. and the impact of this on noise and air pollution. A number of Councils have adopted powers to restrict this. Will the Cabinet Member consider taking similar action in Cheltenham with adequate enforcement?
	<b>Response from Cabinet Member Development and Safety</b>
	<p>The environmental health team has previously considered whether to recommend to Council that similar enforcement action is undertaken in Cheltenham, but have not taken this forward, due to current concerns about the resourcing implications and the effectiveness of outcomes.</p> <p>As reported recently in Air Quality News, there are only five councils in the country which have implemented enforcement action against idling engines (Westminster, Southwark, Norwich, Reading and Camden) and only two of those actually issued any fines last year (Westminster and Southwark). A total of 29 fines were issued in 2018 across the whole country, with feedback indicating that powers need to be made more practical and enforceable, with better cost recovery for enforcing authorities. In addition, the current fine level of £20 is not likely to act as a strong deterrent.</p> <p>Please note that the response to question 2 is also relevant to this question.</p>
<b>8.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	The Licensing Committee has commenced a review of the policy on Sexual Entertainment Venues. When the policy was last reviewed full Council was given the opportunity of voting on the policy which enabled an amendment to be moved and debated on the number of such premises within the policy. Will the Cabinet Member give an assurance that the whole Council will again be given an opportunity to vote on the policy?
	<b>Response from Cabinet Member Development and Safety</b>
	<p>The provisions regarding sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982 are non-executive functions. As such, any amendments to the Council's adopted sexual entertainment venues policy will need to be approved by Full Council.</p> <p>Cabinet will therefore consider proposed changes initially and make recommendations to Full Council at the appropriate time.</p>
<b>9.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	Following the Cabinet's decision to make changes to recycling arrangements and to close three "bring sites" will the Cabinet Member indicate if he has assessed the impact on the remaining sites such as Bath Road which are already under pressure and will he consider additional collections?
	<b>Response from Cabinet Member Clean and Green Environment</b>
	The Cabinet report outlined further consultation planned over the summer



	<p>regarding the usage of the household recycling centre and the bring banks and this should go live this week (week commencing 22 July, 2019).</p> <p>This public consultation will provide further information over and above that set out in the Cabinet report, on how our bring sites, including the household recycling centre are used and obviously once the changes are made, officers will be monitoring usage closely to ensure the best service is provided for residents.</p> <p>One of the bring sites to close has just one bring-bank and another has two bring-banks so I do not believe this will have a significant impact on other bring-bank sites. The two bring sites which have more bring-banks are Asda in Hatherley however there is an alternative, Morrisons, relatively close by and closer than the Bath Road. Church Piece in Charlton Kings is the other, which also has an alternative bring site close by at Sixways, which is again closer than the Bath Road. The resource released by the closure of these few sites will mean that the remaining sites can be better serviced.</p> <p>The vast majority of the town has access to a kerbside recycling service and I think we need to ensure residents know that they can use the kerbside service for cardboard, paper, glass, cans and plastic bottles, pots, tubs and trays as well as textiles/shoes, small electrical items and batteries; they therefore do not need to take recycling to bring-bank sites, other than for items not collected at kerbside.</p>
<p><b>10.</b></p>	<p><b>Question from Councillor Louis Savage to Cabinet Member Development and Safety Councillor Andrew McKinlay</b></p>
	<p>Queen Elizabeth II Park provides a valued local amenity to residents of my ward. Unfortunately it has been a target for recurrent unauthorised use by members of the travelling community.</p> <p>-Can the Cabinet Member give an estimate as to the cost to the council for eviction proceedings which have been required at this site in the last 2 years?</p> <p>-Can he also provide an estimate as to the cost of a locked height restriction barrier at this car park, and an update as to if and when this is going to be installed?</p>
	<p><b>Response from Cabinet Member Development and Safety</b></p>
	<p>The Council's Property and Asset Management Division advises that the cost of eviction has been in the region of £2,500.</p> <p>The capital cost of the height restriction barrier is £3,500 and its anticipated date of installation at QEII is mid-October 2019.</p>
<p><b>11.</b></p>	<p><b>Question from Councillor Louis Savage to Cabinet Member Development and Safety Councillor Andrew McKinlay</b></p>
	<p>Sixways car park in an invaluable asset for residents seeking to visit local amenities, including shops and the GP surgery.</p> <p>Can he reassure residents, who are very concerned about the possible introduction of parking charges, that he will support this remaining a free resource for the whole community?</p>
	<p><b>Response from Cabinet Member Development and Safety</b></p>
	<p>Proposed changes to the Borough Parking Order have been the subject of a statutory consultation for three weeks and officers are currently analysing the</p>

	<p>results, which include over 600 responses and two petitions, one of which relates to the Whitefriars car park at Sixways.</p> <p>There will be a workshop event to allow Members to feed their views on key issues into the response to the consultation, which will be the subject of a report to Cabinet in the autumn.</p> <p>It would be wrong to pre-empt the outcome of the Member event or the wider consultation, but it is worth bearing in mind that the Council does face difficult decisions in balancing community needs against the cost of running services for free in some parts of the town, when charges are already being levied in other areas. We are also facing calls to discourage car use, especially for shorter trips, to address concerns about air quality and climate change.</p>
<p><b>12.</b></p>	<p><b>Question from Councillor Stephen Cooke to Cabinet Member Development and Safety Councillor Andrew McKinlay</b></p>
	<p>Given the unanimous support earlier this year for the motion declaring a Climate Change emergency, what measures are in place or are being considered to ensure that future housing and construction projects in Cheltenham are carbon neutral?</p>
	<p><b>Response from Cabinet Member Development and Safety</b></p>
	<p>Through the examination of the JCS more proactive planning policies that addressed this issue were removed, on the basis that the local planning authority could not adequately implement the requirements. To do this effectively, we need national changes to the building regulations that translate these requirements into direct delivery. Minimum standards under the regulations do not currently require such levels to be achieved for compliance. The JCS is currently under review and this position will therefore need to be reconsidered.</p> <p>In the meantime, we are working with CBH to explore how we can improve the energy efficiency of our council-owned homes through our new build schemes. Our most recent 'Monkscroft Villas' scheme, approved at July's Cabinet, outlined our intention to include Solar Photovoltaic panels to the roof area of these flats.</p> <p>The authority has also commissioned a consultant to produce a report and associated recommendations to Cabinet and Council in the autumn, in relation to the actions required to achieve carbon neutrality by 2030, for both the authority's activities and the borough as a whole. The role of future housing projects and measures to improve the efficiency of the housing stock as a whole will inevitably be covered by these recommendations, as housing is a significant contributor to current carbon emissions.</p>
<p><b>13.</b></p>	<p><b>Question from Councillor Stephen Cooke to Cabinet Member Development and Safety Councillor Andrew McKinlay</b></p>
	<p>Sudden cardiac arrest (SCA) is a leading cause of premature death. SCA occurs when the electrical rhythm of the heart is replaced by disorganised electrical activity resulting in ventricular fibrillation (VF) and loss of heart function. Prompt treatment using an electrical defibrillator machine can successfully correct VF and save lives. The quicker defibrillation is applied the more likely it is to be successful.</p> <p>Automatic External Defibrillator (AED) machines are increasingly available in the community for members of the public to use, often funded by charities. These</p>

	<p>are easy to use but their number and location is not widely known.</p> <p>Pending the launch of a national register of defibrillators planned for 2019, does CBC have a record of the locations of AED devices in the community which can be made available to the public?</p>
	<p><b>Response from Cabinet Member Development and Safety</b></p>
	<p>There is a list which is administered with the South West Ambulance Service Trust (SWAST), which every business that has an AED is encouraged to register with. We fill out a form every month to confirm the location of the AED and that it is in good working order, with pads in date. Our health and safety advisor checks the Council's AED's monthly and confirms this position to SWAST. I am aware of the CBC/TCT, CBH and Ubico sites (Swindon Road, Hester's Way and Oakley Resource Centres, The Wilson, Leisure@, the Town Hall, the Crematorium and the Depot) that have AED's and they will be registered in the same way as the one at the Municipal Offices. The list is not mandatory and therefore relies on voluntary inclusion.</p> <p>It is not practical for CBC to populate and update a list of all the AED's in the Cheltenham area, as it would mean regularly going to every business to ask them for details. Most pubs, clubs, libraries, chemists, fitness centres, doctors' surgeries etc. should now have them and the Council would encourage them to register these with SWAST.</p> <p>In addition, South Central Ambulance Service (SCAS) has a phone-based application ('app') called 'Save a Life' with a mapping tool which can be used to record the location of defibrillators. This can be downloaded onto a mobile phone and allows users to locate the nearest available defibrillator. We are currently liaising with the Cheltenham BID, SWAST and the 'Public Hearts Cheltenham' fundraising group to establish whether this app, or an alternative solution is the best way to publicise the location of the 50+ defibrillators in the town.</p>
<p><b>14.</b></p>	<p><b>Question from Councillor David Willingham to Cabinet Member Development and Safety Councillor Andrew McKinlay</b></p>
	<p>Can I get an assurance from the Cabinet Member that if internal audit or the audit committee were minded to appraise the circumstances surrounding the issues presented in item thirteen, with a view to making recommendations on improving the decision making processes of the council pertinent to the matters identified, that they will be fully supported by officers in conducting any such assessment?</p>
	<p><b>Response from Cabinet Member Development and Safety</b></p>
	<p>Thank you for your question. I can confirm that our Executive Director Finance and Assets has already requested that SWAP (our internal audit providers) have been instructed to undertake a full review on the decision-making process surrounding the issues presented in item thirteen.</p> <p>These findings will be reported to the Audit Committee once they have been concluded.</p>

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