

## Council

22 March 2021

### Public Questions (4 total)

1.	<b>Question from Mr Bailey to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>Where has Cheltenham Borough Council safeguarded any land along any main rivers in the Borough to reduce the effects of Global Warming? The National Planning Policy Framework requires that land be safeguarded to reduce the effects of global warming. Leckhampton land seems to be the last option to safeguard land on the River Hatherley Brook, as such the risk needs addressing now. Failure to plan as required by NPPF 150 could present a life-threatening risk in future years.</p>
	<b>Response from Cabinet Member</b>
	<p>The current Cheltenham Plan was prepared and adopted in 2020 in accordance with the 2012 National Planning Policy Framework (NPPF). This had a paragraph 100 which is very similar to the 157 in the 2019 NPPF to which Mr Bailey I believe is referring. The preparatory work on the Plan including undertaking Strategic Flood Risk Assessments which are available on the Council's website. There were extensive discussions on flooding issues with our Drainage Engineer, the Local Lead Flood Authority (LLFA), local flood groups and the Environment Agency.</p> <p>We did not safeguard any specific land for flood management in the future although that may take place within allocated sites as detailed planning proceeds. No such safeguarding was suggested through the plan preparation process. However, an exception to the above could be said to exist for allocated sites MD3 (Royal Well) and E4 (Chelt Walk) which have some specific policy requirements related to flood risk.</p> <p>For Chelt Walk:</p> <ul style="list-style-type: none"> <li>• Provide at minimum an 8 metre buffer from the top of bank of the River Chelt;</li> <li>• Provide river corridor enhancements that help to protect and enhance the biodiversity and river setting at this location;</li> <li>• Not result in a net loss in flood plain storage or adversely impact out-of-bank flows, with opportunities explored to provide flood risk betterment;</li> <li>• Provide financial contributions to the flood warning service, maintenance and future improvements of the adjacent River Chelt flood alleviation scheme; and</li> <li>• All finished floor levels should be set 600mm above the 1 in 100 year level, including an appropriate allowance for climate change.</li> </ul> <p>For Royal Well:</p> <ul style="list-style-type: none"> <li>• Development should not locate any new development within 8 metres of</li> </ul>

	<p>the culverted River Chelt;</p> <ul style="list-style-type: none"> <li>• Development should not result in a net loss in flood plain storage or adversely impact out of bank flows, with opportunities explored to provide flood risk betterment;</li> <li>• Development should provide financial contributions to the flood warning service, maintenance and future improvements of the adjacent River Chelt flood alleviation scheme;</li> <li>• Development should ensure new finished floor levels be set 600mm above the 1 in 100 year level, including an appropriate allowance for climate change; and</li> <li>• Development should not allow self-contained basement dwellings.</li> </ul> <p>It may be helpful for Mr Bailey to be aware that in the review of the Joint Core Strategy, Level 1 and Level 2 Strategic Flood Risk Assessments will be undertaken in consultation with the Environment Agency, LLFA, Severn Trent Water and other interested stakeholders, to assist in determining how development will be accommodated in the future. Consultation on the first stage of the formal review of the Joint Core Strategy is programmed for the autumn of 2021.</p> <p>Detailed consideration of flood prevention and the impact of climate change will be addressed at the planning application stage.</p>
<b>2.</b>	<b>Question from Mr Bailey to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>What financial risk have been identified that are associated with flooding in the Borough?</p> <ul style="list-style-type: none"> <li>• Flooding directly affects Council assets and the Council is currently indirectly managing watercourses for riparian owners.</li> <li>• All surface water drainage systems need a Lifetime Plan.</li> </ul> <p>Whilst this is largely down to the "Owner" the reality is that it falls to the public purse. Five or six different plans exist for the individual developments in Leckhampton the short term. But the longer term outcomes present a real financial risk unless robust policies are in place.. I have been unable to establish any policies, safeguarded land or any Corporate Risks associated with flooding. If there are financial risk these need to be managed from the date of approval of the application.</p>
	<b>Response from Cabinet Member</b>
	<p>In responding to this question, I am responding to the second part first.</p> <p>As the Lead Local Flood Authority, Gloucestershire County Council are responsible for identifying and allocating flood risk to the districts of Gloucestershire along with the national risk assessments undertaken by the Environment Agency.</p> <p>In 2020, the LLFA identified Cheltenham as high risk for surface water flooding. CBC are working closely with the LLFA to understand the implications of this and the necessary actions, policies and procedures that may need to be established or updated in order to effectively respond to this. This is likely to include update to</p>

our current "Cheltenham Surface Water Management Plan". Please also refer to the answer provided in Q1 for the Joint Core Strategy Strategic Flood Risk Assessments.

CBC have several SuDs, balancing ponds and flood alleviation schemes in our parks and opens spaces such as, Beeches playing field, Coxs Meadow, Sandford Park, Pittville Park, Priors Farm, Chelt Walk St Peters, Honeybourne Way, Coburn Gardens, Brizen Lanes and Springfield Park etc. CBC manages and maintains them solely or as part of a partnership agreement with the Environment Agency or GCC.

Our default approach is to encourage and enforce appropriate riparian duties to be undertaken by riparian owners. This is part of our arrangement with GCC who (as the Lead Local Flood Authority) have delegated authority to us for Consenting & Enforcing on ordinary watercourses.

CBC do not actively seek to maintain assets that are not our responsibility. There are however a few exceptional circumstances in which we may deviate from this approach, if there are community and safety benefits to be realised from doing so.

We have assisted a very small number of riparian owners in the past at strategic locations where the riparian owner:

- Is unable to undertake the required maintenance (e.g. financially unable or vulnerable residents).
- Cannot be traced (not all land is registered)
- If CBC have been instrumental in installing an asset on that land in the past (e.g. trash screens or other flood alleviation measures put in place since 2007 flooding) we may voluntarily continue to support owners to maintain that specific asset, but this does not remove their riparian responsibilities

All developments since 2015 should have an agreed SuDS Maintenance Plan and Drainage Scheme. For un-adopted SuDS the overall responsibility for surface water flood risk is managed by GCC as the (Lead Local Flood Authority) LLFA.

There is considerable work being undertaken to review the future maintenance of flood assets in Cheltenham and where applicable riparian owners will be reminded of their responsibilities.

We are also relaunching our Flood Warden scheme and updating communications, engagement and public information around flooding (in partnership with the other agencies involved), which should help increase awareness of riparian responsibilities and flood risk across the borough.

Turning now to the specific question of financial risk, the Council is currently in the process of reviewing its approach to how it manages its resources allocated to managing flooding, however as outlined above, the responsibility for the impact of flooding in terms of assessments, interventions and managements falls with a number of agencies and authorities together with businesses and homeowners at risk, who require flood insurance. There is not a single financial risk measure for

	this, but measures in place across the separate agencies and authorities.
<b>3.</b>	<b>Question from to Jess Cliff to the Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>I am writing in response to the recent murder of Sarah Everard in London.</p> <p>Women all over the country (myself included) are scared to walk alone in the dark. Sarah's death has increased those fears and has demonstrated that it is appropriate to hold those concerns.</p> <p>In response to the event, Lambeth council has committed to install additional lighting in Clapham Common to help reduce the likelihood of these events occurring and to make women feel safer when walking at night. This commitment struck me as particularly prominent since, as a women in my 20s, I have often felt scared when walking alone in the dark, including near my home in Cheltenham.</p> <p>My quickest way back to my house from the centre of the town includes walking through the unlit Sandford park. I normally choose a much longer route home if alone to avoid walking in the dark. I also know of examples of attempted attacks on women in Montpellier Gardens and Imperial Gardens. I hope you'll agree with me that no woman should feel so unsafe, especially in a town like Cheltenham.</p> <p>Would the Council consider installing better lighting in Cheltenham's parks and gardens to help women feel safer?</p>
	<b>Response from Cabinet Member</b>
	<p>It is important that our public spaces feel welcoming, that people feel safe using them and I can understand following the tragic murder of Sarah Everard that our communities are looking at the spaces they use and assessing how they feel being within them. Lighting of our parks and gardens has been subject to numerous conversations over the years; with varying views in respect of the extent in which areas should be lit taking into account crime and safety (both evidential and perception), anti-social behaviour, the effect on wildlife, the impact on dark skies within urban areas, and whether other reasonable lit routes exist. However, I agree, that recent events trigger a refresh of those conversations, we want our open spaces to thrive and that people feel safe using them.</p> <p>The Government has recently announced announced new measures to double the Safer Streets Fund to £45m to improve lighting and CCTV, so that women are safer walking home through parks and streets on their way home. We need to understand more about this funding how this could contribute to our neighbourhoods. The issues raised by this question are cross cutting across a number of services of the council and I will draw together the relevant officers to look further at this issue.</p>
<b>4.</b>	<b>Question from Sarah Pineger to Chair of Licensing, Councillor David Willingham</b>
	<p>In the past week, with the murder of Sarah Everard, I, like many women around the country have reflected on how it feels to be a woman out, especially after dark, alone. I have reflected on advice I was given as a young woman to stay safe, including not walking alone and to wear shoes I can run in.</p>

	<p>I have also reflected on those occasions where I felt most scared, most at risk. These occasions include being inappropriately touched by a taxi driver (a taxi I took to stay safe). I'd like to ask the council what they are doing, especially at busy times like race week, or probably when Covid restrictions relax and pubs can reopen), to prevent unlicensed taxis from operating, and also to ensure any complaints against licensed taxi drivers are dealt with seriously and expediently.</p>
	<p><b>Response from Chair of Licensing</b></p>
	<p>I wish to put on record my condolences to the family and friends of Sarah Everard, who will be struggling to come to terms with their grief at this difficult time.</p> <p>I would like to start by reassuring the questioner and the public that Cheltenham Borough Council's licensing processes are based on the highest possible standards in light of legislation and national guidance. We are confident therefore that taking a Cheltenham licensed taxi or private hire vehicle is safe the drivers will get you home safe and secure at the end of a night out in town.</p> <p>The Council has a robust Taxi Licensing Policy and performs background checks on all drivers via the Disclosure and Barring Service (DBS), the Driver Vehicle Licensing Agency (DVLA) and the National Register of Revocations and Refusals (NR3), to name a few, and requires drivers to undertake mandatory safeguarding training. Our Taxi Licensing Policy also requires that taxis are silver in colour, display an approved taxi sign on the roof and a Cheltenham taxi plate on the back, this allows the public to identify a Licensed Cheltenham Taxi, which are the ONLY vehicles that can legally ply for hire in the town. There are a number of taxi ranks around town, some with taxi marshals on busy weekend evenings, and both the taxi marshals and the taxi drivers work diligently to report and prevent unlicensed vehicles illegally plying for hire in the town. Alternatively, the public can call, use an app or go to a number of private hire operators and pre-book a private hire journey.</p> <p>In the event that a member of the public has a complaint about the conduct of a licensed driver, they should report it in writing to the Borough Council either by email: <a href="mailto:licensing@cheltenham.gov.uk">licensing@cheltenham.gov.uk</a> or to Licensing, Municipal Offices, Promenade, Cheltenham GL50 9SA. In the case of a serious offence it may also be appropriate to contact the Police. Complaints will be assessed by officers in accordance with principles of PACE (Police and Criminal Evidence Act) and the council's enforcement policy. Serious cases may result in the driver's licence being immediately suspended and the matter being referred to the Licensing Committee for determination. The Licensing Committee is there to ensure that all licensed drivers are "fit and proper" and has the power to revoke a driver's license with immediate effect if there is sufficient evidence of serious misconduct.</p> <p>In terms of enforcement, Council Officers run test purchasing operations to detect, disrupt and prosecute unlicensed vehicles and drivers. This happens throughout Gold Cup Race-week in March and at other times of the year. In 2019, 12 drivers were prosecuted for illegally plying for hire during the festival. The Council's preparations are already underway for post-Covid reopening and the likely influx of people this will bring back into the Evening and Night Time Economy, and is committed to working with Gloucestershire Constabulary and other partners to</p>

	ensure that this happens safely. I am also keen that the Council works with the University around safety in respect of new students arriving during fresher's week.
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22 March 2021

#### Member Questions (15 total)

<b>1.</b>	<b>Question from Councillor David Willingham to Cabinet Member Housing, Councillor Peter Jeffries</b>
	Where water from the roof of a domestic dwelling drains into the public sewer system, residents end up paying a surface water charge to the water company. My understanding is that if all surface water is diverted into local soak-aways, then this charge is not payable. Given that this may help reduce tenants' bills, could the Cabinet Member for Housing discuss this with CBH, both in terms considering this for new builds and also investigating whether it is possible to retrofit this to larger blocks of flats?
	<b>Response from Cabinet Member</b>
	<p>Where water from the roof of a domestic dwelling drains into the public sewer system, residents pay a surface water charge to the water company. If all surface water is diverted into a local soak-away, then this charge is not payable, however, if the property has a driveway/hard surface that sheds water onto a highway/into public drains then the drainage charge still stands. With regard to existing blocks of flats, then this would be looked at alongside neighbourhood improvement schemes, subject to budget priorities. We would liaise with Severn Trent when looking at such schemes to ensure that if improvement works are undertaken that the charges will be removed.</p> <p>With regard to new build sites, sustainable drainage systems are part of the design considerations in urban areas and are led by the engineering detail. We as a matter of course already install sustainable driveways and attenuation tanks and take advantage of sustainable systems where we can.</p>
<b>2.</b>	<b>Question from Councillor David Willingham to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	Planning application 17/01707/FUL at 453 High Street, required the construction of steps leading up from the High Street to the Honeybourne Line. While the planning conditions for this application required the installation and approval of lighting, it did not require these lights to be illuminated at night. The lack of illumination is a significant safety concern for some of my constituents. Could the Cabinet Member please confirm that these steps are privately maintained, and that if due to the lack of lighting, anyone were to injure themselves while using them at night, the liability would not rest with CBC, but with the freeholder who has actively decided not to light them?
	<b>Response from Cabinet Member</b>
	The applicant has discharged the planning conditions satisfactorily. The steps were improved and lights were provided by the developer for the benefit of the wider community. The lights were not a statutory requirement and were not required to make the development acceptable. CBC are currently in the process of agreeing to make a contribution to the costs of the electricity for the lighting which is expected to be very minimal. This agreement will need to be approved by Finance, and with the

	new occupier of the property.
<b>3.</b>	<b>Question from Councillor David Willingham to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>On the roundabout junction of Gloucester Road and Queen's Road, there is a Grade-II listed ornamental lamppost. This is described as follows "<i>Lamp post. c1900. Cast iron. Square base with armorial bollards. Enriched upper base with annulet of relief pigeons. Plain shaft. Lamp has circular capping with decoration and 2 arms forming overthrow.</i>" The lighting from this street lamp was reported to Gloucestershire County Council as defective on 15<sup>th</sup> November 2018, it was eventually removed by GCC for repairs, but has still not been re-instated. Does the Cabinet Member share my concern about the County Council's unduly slow response in dealing with this matter, and its seeming lack of care for our town's heritage assets, and could the Cabinet Member please advise whether there are any steps other than listed building enforcement that CBC can take to expedite the reinstatement of this heritage asset?</p>
	<b>Response from Cabinet Member</b>
	<p>I thank Councillor Willingham for his question and share his concern over the delay in repairs. I am also grateful for him sharing the response he has received from Gloucestershire County Council, which states that the lantern has been with a specialist lighting company for refurbishment since February 2020. This task has been hindered significantly due to a number of factors, including the need for bespoke manufacturing processes and temporary factory closures. It is due for return from refurbishment within the next three weeks and arrangements will be made to have it reinstalled on its return.</p> <p>I will monitor the situation and hope that further action by this authority will not be required.</p>
<b>4.</b>	<b>Question from Councillor David Willingham to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>Permitted planning application 19/02278/FUL for gating the alleyway between 308 and 310 High Street (leading from High Street and New Street), which was approved on 8<sup>th</sup> January 2020 contains a condition that requires the extinguishment of a public right of way. GCC Public Rights of Way online mapping currently shows that there are no public rights down this alleyway, but there is a significant likelihood that a County Council error in the definitive map has incorrectly located "Cheltenham Footpath 24" (ZCH24) 20m too far to the Northwest, and this alleyway is historically a public footpath. Given the three year commencement condition on the planning permission, could the Cabinet Member please advise me how long the applicant must wait for GCC to correct the definitive map before proceeding upon the basis that there is no footpath to be extinguished, and could I be advised whether CBC can do anything to expedite getting a resolution to this matter, as the alleyway is a crime, anti-social behaviour and fly-tipping hotspot?</p>
	<b>Response from Cabinet Member</b>
	<p>Thank you Councillor Willingham for raising this issue over this regrettable error and for making me aware of the response from the question he has asked of my counterpart at Gloucestershire County Council. That response is that GCC officers have been asked to look at resolving this issue as a priority but that there are statutory timescales at play. GCC suggest that Cheltenham Borough Council should</p>



	consider using a Public Spaces Protection Order and gating, which could be delivered much more speedily. In fact, that is what we are intending to do and undertook the required consultation but officers were then informed by GCC that we could not proceed because of the issue identified above. I propose that I take this matter up directly with the GCC Portfolio Holder to emphasise the urgency of action by the County Council.
<b>5.</b>	<b>Question from Councillor Martin Horwood to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	At the Overview & Scrutiny Committee on 8 <sup>th</sup> March, a welcome commitment was given to transparency in the administration of section 106 and Community Infrastructure Levy funds by the council, and specifically to the creation of a public register detailing all such monies held or anticipated by the council, with details of any restrictions on spending these funds for each item (such as original 106 agreement texts), any decisions so far taken to allocate them to any particular budget, organisation or project, and by whom these decisions were taken. Can the cabinet member responsible confirm this plan and by when they will aim for the public register to be published?
	<b>Response from Cabinet Member</b>
	<p>I thank Councillor Horwood for his questions and his reference to the discussion which took place at the Overview and Scrutiny Committee which I attended, the draft minutes of which can be found here:  <a href="https://democracy.cheltenham.gov.uk/documents/g3203/Public%20minutes%2008th-Mar-2021%2018.00%20Overview%20Scrutiny%20Committee.pdf?T=11">https://democracy.cheltenham.gov.uk/documents/g3203/Public%20minutes%2008th-Mar-2021%2018.00%20Overview%20Scrutiny%20Committee.pdf?T=11</a></p> <p>As highlighted at the meeting some information is available and was published with the Council papers from July 2020:</p> <p>As indicated in the question this project is likely to involve an examination of the texts of all s106 Agreements, which is likely to take some time and the allocation of resources. There is a need to scope out the work required, establish the costs, and approve a project plan before I can give you a timescale, however I would look for this to be achieved by the Summer. Nevertheless, based on a little research we are seeking quotes as to the use/purchase of a software module to facilitate the publication of the information. In addition, we are exploring possible joint working with Tewkesbury and Gloucester Councils which may help to reduce the cost and improve the efficiency of the task. I undertake to update colleagues on the development of this proposed project.</p>
<b>6.</b>	<b>Question from Councillor Martin Horwood to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	The O&S Committee was told that no process had yet been established for the future governance of CIL funds. Can the cabinet member provide a timetable for the establishment of this process?
	<b>Response from Cabinet Member</b>
	<p>As Councillor Horwood will recall there are a number of elements relating to the use of funds received under the Community Infrastructure Levy process.</p> <p>In respect of the Regulation 59 Infrastructure Funds (wholly relating to Transport infrastructure in accordance with the Council's Infrastructure Statement) the current governance arrangement would be through an approach from the County Council for decision by the Cabinet for the release of funds. A more streamlined governance</p>

	<p>arrangement would be for joint decision making by the Charging Authorities (CBC, Tewkesbury and Gloucester). We are working with our partners to develop an efficient mechanism for delivery for spending from April 2022. A decision/agreement on this will be needed in advance of that to set up the appropriate arrangements.</p> <p>Governance of the allocation of Regulation 59F Neighbourhood Funds does need to be developed although currently those funds stand at only £9,702.77. It should be noted that parished areas can draw on CIL funds received directly, but that does not apply to other areas. As stated at the O&amp; S Committee, a paper is to be prepared for Cabinet approval and I have asked for this to be prepared in the next 3 months.</p>
<b>7.</b>	<b>Question from Councillor Martin Horwood to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>If such a CIL governance process is established, can the cabinet member confirm whether or not it will follow a funding panel model, and if so can consideration be given to alignment with the council's wider objectives and local plan, the involvement of members local to the area generating the CIL, and consultation with the relevant parish council or other neighbourhood forum if applicable?</p>
	<b>Response from Cabinet Member</b>
	<p>I would not wish to prejudge the options for the governance arrangements referred to in the earlier question and response. However, guidance on the use of CIL receipts refers to the provision, improvement, replacement, operation or maintenance of infrastructure and anything that is concerned with addressing the demands that development places on an area. In addition, there is a need to engage with communities and agree how best to spend the Neighbourhood Funding. As stated earlier, within Parish areas, funds are passed to those councils.</p>
<b>8.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>Both the High Street and Town Centre in Cheltenham and elsewhere face challenges arising from longer-term structural changes in retail and as a result of the pandemic. Can the Cabinet Member outline the plans that Cheltenham Borough Council have to promote and support the Town Centre to recover and prosper?</p>
	<b>Response from Cabinet Member</b>
	<p>Thank you Councillor Harman for your question, which is a key priority for my portfolio and I welcome your shared concern in respect of the challenges.</p> <p>At a meeting of Overview and Scrutiny Committee on 8<sup>th</sup> March, a presentation was provided by the Chair of the Cheltenham Economic Recovery Task Force and the Council's Director of Planning. This reinforced the challenges, which were in play pre the Covid-19 pandemic and which have been exacerbated by the 3 periods of lockdown and the impacts arising from this, in particular, on our retail, hospitality and cultural sectors.</p> <p>A sub-group of the Task Force has been established, to focus specifically on the town centre, including assessing the future vision for what will be a changing economy. This group has brought together key stakeholders to inform future thinking, which in due course will extend to wider public engagement. A first outcome that will be published very shortly is a positive narrative, which seeks to break down the perceived barriers in respect of alternative uses that can occur within</p>

	<p>the town centre. We will be engaging directly with developers and agents and extend our support to encourage innovative thinking to reinvigorate the High Street and wider town centre.</p> <p>You may be aware of an innovative pilot project the Task Force is developing 'Counter Culture' that is looking at ways to bring together commercial, digital, community and culture, through accessing vacant units in the town centre. There are a number of barriers that need to be broken down to realise this project, but I am supporting the thinking in how we can deliver this project.</p> <p>Recognising the specific challenges faced by our hospitality businesses, the Task Force is currently in the process of bringing together key stakeholders to identify opportunities where this sector can be supported.</p> <p>Through the Task Force we are engaging with key government departments, accessing think-tank learning and opening up opportunities for Cheltenham within the broader national picture.</p> <p>Finally, Councillor Harman will be aware of the positive outcomes we have delivered through the Reopening the High Street Safely Fund. The delivery of this action plan continues and we support the government extension of this programme to June 2021 and are continuing to lobby for further extension and additional funding.</p>
<b>9.</b>	<b>Question from Councillor David Willingham to Cabinet Member Cyber and Safety, Councillor Andrew McKinlay</b>
	<p>In an earlier members' briefing, I believe it was mentioned that the Council have got access to CCTV cameras that can be deployed to try tackle enviro-crime such as fly-tipping. While there are a number of locations that would benefit from this, a few priority areas spring to mind: Lower Mill Street/Arle Avenue/Colletts Drive, the St Peter's Close car park which serves Saracens FC, and the lay-by area adjacent to the Arle Road rail bridge which accesses St Peter's Park. Could the Cabinet Member please advise how members can request that areas be tasked for this type of enforcement action?</p>
	<b>Response from Cabinet Member</b>
	<p>If members have specific areas of concern in terms of littering, fly-tipping or ASB it would be helpful if these could be recorded via the on-line web forms that are accessible from the A to Z on our website (e.g. under 'fly-tipping') at <a href="http://www.cheltenham.gov.uk">www.cheltenham.gov.uk</a></p> <p>We intend that mobile CCTV deployment will be determined in future via consultation with the Community Safety Partnership, to ensure that the most significant issues are targeted, having regard to identified issues across the town.</p> <p>In future, I would very much like to see greater use of mobile CCTV, which has the potential to pay for itself, for example, through the issuing of fixed penalty notices for offences such as fly-tipping and littering from vehicles.</p>
<b>10.</b>	<b>Question from Councillor David Willingham to Cabinet Member Cyber and Safety, Councillor Andrew McKinlay</b>
	The Honeybourne Line bridge over the Lower High Street, appears to have

	<p>sustained further damage that has dislodged some of the panels on the underside of the bridge, and has allowed pigeons to make roosts in and under the bridge. This is evidenced by the deposits of guano on the road and pavement. While I recognise that the High Street at this location is a busy A-road, bird guano carries health risks such as psittacosis, and pedestrians walking under the bridge would not appreciate any “gifts from above”. Could I ask the Cabinet Member for an assurance that this Council will work with the County Council to try to arrange a closure or part closure of the road (possibly during a weekend) so that the bridge can have its bird proofing repaired and improved?</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>Although bird guano can be unsightly and unpleasant, it is highly unlikely to present a public health risk to people just passing by, due to the transient nature of any inadvertent contact, particularly as individuals should be practicing good hand hygiene as a result of Covid-19.</p> <p>However, the borough council, through the property team, will look at any repairs required in relation to the bridge and any related temporary road closure needed via Gloucestershire County Council, in order to facilitate the reinstatement of bird-proofing measures.</p>
<b>11.</b>	<p><b>Question from Councillor David Willingham to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b></p>
	<p>With the unfortunate closure of DW Sports on Gloucester Road, there are now several parcels of land in the Arle Avenue, Lower Mill Street and Colletts Drive area that might benefit from a unified regeneration approach. This is especially important now that the previously derelict gas club on the other side of the River Chelt has been redeveloped as flats. Could I please ask Cabinet Members to investigate whether this is something that CBC and/or CBH could pursue, or whether we could encourage this as private redevelopment via planning policy?</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>I’m grateful to Councillor Willingham for bringing this area to my attention. I am aware that you have started dialogue with the relevant officers to draw the key issues together. As you are aware, there are a number of complex issues relating to this area which will need to be considered comprehensively.</p> <p>The local plan enables the delivery of previously developed land and we would welcome this area being developed. However, as you rightly note, this is not a simple task, due in part to the mix of private landownerships, land contamination and other constraints. A co-ordinated regeneration approach will be needed to bring this forward. I am happy to take your request away and discuss with officers how such an approach can be developed and when it could reasonably be resourced, having regard to other corporate priorities.</p>
<b>12.</b>	<p><b>Question from Councillor Tony Oliver to Cabinet Member Housing, Councillor Peter Jeffries</b></p>
	<p>From my casework in Warden Hill, I know that Cheltenham Borough Homes has a good record for taking steps to sanction tenants that indulge in anti-social behaviour within their community. Sadly, there are also instances in my ward, where it has proved impossible to secure similar sanctions, when the offending tenants live in</p>

	<p>privately rented accommodation. There may be exceptions, but where private landlords fail to take responsibility for the actions of their tenants, anti-social behaviour can spread and have a dangerously corrosive effect on community cohesion, leaving innocent neighbours prey to day-to-day annoyance or persecution from the perpetrators of anti-social behaviour.</p> <p>What powers does the Council have to control irresponsible private landlords, and if these are insufficient, does the Council have the option to threaten compulsory purchase of properties where private tenants are causing a gross public nuisance?</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>The council initially takes a graduated approach, as does Cheltenham Borough Homes, when dealing with ASB. The options we have available to us, from initial investigation through to enforcement, are listed below. (Please note: these are for situations where the landlord is a private one, not a housing association. All housing associations will investigate their own ASB cases):</p> <ul style="list-style-type: none"> <li>- First stage – a complaint is received about the tenant(s) in a property and we seek to gain as much as information as is available from the complainant, including if they are aware, who the landlord is and if any contact has been made with them.</li> <li>- Warning letter – this will initially go to the tenant(s) to warn them of their behaviour and that it is causing ASB and an impact on the community. If we know who the landlord is, we may, depending on the case, make contact with them regarding the behaviour of their tenant(s). We can also contact letting agents if the landlord is registered with one.</li> <li>- From the information gleaned and any response we receive as a result of the above work, we review whether there is any support the person/family need – is there anything they need support with to address the root cause of their ASB. If the ASB is related to a young person, this may be a referral through to the GCC Youth Support Team (YST). [NB the process for investigating ASB from a young person, is different to someone who is over 18, although some of the same tools under the law are the same, there is a different process].</li> <li>- Should the ASB continue, we invite the tenant(s) to sign up to an ABC (Acceptable Behaviour Contract), this is voluntary and will ask them to stop certain behaviours for a period of time. This is not a legal notice and so cannot be breached and subsequently taken to court.</li> <li>- Throughout the above, we liaise closely with complainants to identify if there has been a positive change in behaviour.</li> <li>- Once we have identified who the private landlord is or the letting agency, we liaise with them to ask how they can assist in reducing the ASB, perhaps through the terms of the tenant's contract and what warnings can be given.</li> <li>- If the behaviour continues despite support being in place and we have given sufficient time to make a difference to a person, we can then seek ASB injunctions, which carry conditions from the court which means we can action</li> </ul>

breaches. These orders are made by court on the tenant(s) and not the landlord, as they are about placing conditions on the person to stop a certain behaviour, or for them to start e.g. engagement with a support agency.

- An alternative option is that if the ASB or neighbourhood issues caused are impacting the community, we can review if a community protection warning is suitable. This is a more formal process which lists what we want the person to stop doing within a defined timescale. If this is not effective, we can issue a community protection notice, outlining the behaviour we want stopped, plus reasonable timescales. If the condition is not met, or if the tenant does not stop the behaviours listed, we as a council have the legislative power to issue a fixed penalty notice (FPN) or can take the case to court, where penalties can be issued by the judge. Community protection warnings and notices can be served on landlords, but this would be more for environmental issues, therefore, it would not be effective or legally suitable to serve one of these on a landlord for their tenant's behaviour, as the only people who can decide to stop the ASB, is the person/people themselves.
- Another option available, should the property be used for ASB and/or criminality, or the tenant needs safeguarding to stop others from entering, we can apply to the court (after background work and consultation with tenant/landlord) for a closure order. This can be full or partial – each of these last for 3 months (unless extended by a judge). A full closure order means that no one can enter a property for the period of the order (except the landlord, emergency services and listed contractors e.g. gas/electricity board). A partial closure would mean that the tenant/tenants could remain living there and the people listed could enter, but no one else would be permitted to enter the house for the period of the order. If we apply for a full closure order, it is likely that the landlord will not receive rent for that period of time. If a full closure order is made, we can discuss with the landlord if they will be starting legal eviction proceedings against the tenant, so that they do not return to living in the property after our order has ended. The legal responsibility to begin these proceedings and adhere to the timescales set out in tenancy law are all on the landlord.

In addition, under the Anti-Social Behaviour, Crime and Policing Act 2014, there is a provision for registered social landlords and private landlords, in the circumstances outlined below, to apply to the court for a “mandatory grounds for possession order”. The majority of the items in the list below are dependent on a judge finding a person guilty of a breach of an order, or the making of a closure order for example.

The landlord then has to apply for the possession order themselves, this is not something a council can do for them, but we can provide information on the breach/existence of a closure order etc. to assist the landlord in this legal application. Many landlords may not have their own dedicated legal representation, or they may not have the correct level of insurance cover to claim from and therefore need to find the money to pay for the court hearing for the possession order to be heard, which can be an unforeseen cost for them.

The circumstances where a landlord may apply for absolute grounds of possession are:

	<p>The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:</p> <ul style="list-style-type: none"> <li>• has been convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985);</li> <li>• has been found by a court to have breached a civil injunction;</li> <li>• is convicted for breaching a criminal behaviour order (CBO);</li> <li>• is convicted for breaching a noise abatement notice; or</li> <li>• the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.</li> </ul> <p>As a result of the covid pandemic, there have been very strict rules and bans in place preventing landlords from evicting tenants – once reviewed again in line with the re-opening of the country, there will be updates on this aspect.</p> <p>Overall, we work on an “engage, support, enforce” model in Solace and enforcement cannot always be our first call (unless an emergency high risk situation presents and there is a need for a ‘without notice’ application – this is only in very specific circumstances and would involve partners such as the police). We always work with landlords where their tenants are causing issues for a community and ask for them to also review the powers they have under the law surrounding tenants and contracts.</p> <p>In Cheltenham, some control over antisocial behaviour by private tenants is also provided by way of license conditions for houses in multiple occupation, which have or require a mandatory licence under the Housing Act 2004.</p> <p>Such conditions include that the manager (landlord) must take reasonable and practicable steps to prevent or reduce antisocial behaviour from their tenants or visitors to their properties.</p> <p>Compulsory purchase is not an available power to provide a solution to antisocial behaviour by tenants under Housing or Planning Act legislation.</p> <p>Finally, CBH will work with any case, providing a council tenant is either a victim or perpetrator and this will often involve working with private rented tenants, or owner occupiers. If appropriate, we can impose sanctions available through the tenancy agreement, but will also work with partners to enable sanctions applicable to other tenures. CBH are keen to consider and understand the wider community impacts of each ASB case. CBH regularly works with CBC, Solace, the police and support agencies, as this provides the most effective outcomes in resolving ASB cases. Mental health and support needs are often key issues in ASB cases and CBH increasingly works to address related support needs, as an effective way of resolving an ASB case</p>
13.	<p><b>Question from Councillor Tim Harman to Cabinet Member Cyber and Safety, Councillor Andrew McKinlay</b></p>
	<p>Everyone was horrified by the abduction and murder of Sarah Everard. Can the Cabinet Member inform Council of additional steps that Cheltenham Borough Council can and will take to improve safety in public spaces, such as additional</p>

	CCTV?
	<b>Response from Cabinet Member</b>
	<p>The council manages Cheltenham's extensive public realm CCTV system of around 60 cameras. The locations of the cameras have been the subject of consultation, and agreement with the Police. The images from the cameras are relayed via fibre optic cables to the police control room at Waterwells in Gloucester. CCTV has been instrumental in securing convictions in a number of high profile violent crime cases locally and we work in close partnership with the police to ensure its effectiveness in supplementing local 'on the ground' policing resources. The council itself does not have direct access to the CCTV images, as the police is the designated 'data controller', recording camera footage 24/7, together with active staff monitoring for most hours of the day and night.</p> <p>Clearly, CCTV cannot reasonably be expected to cover the whole town, or provide a guarantee of safety for all members of the public and there are significant financial implications relating to the service, including both capital and on-going revenue costs for line rental. However, in the three year period 2017-20, the authority spent over £0.5 million on public realm CCTV (including upgrading to higher quality digital images) and is currently in discussions about installing additional cameras to cover the planned extension of the Honeybourne Line to Lansdown Road.</p> <p>Whilst more could always be done, I am confident that Cheltenham is doing what it reasonably can, within the resources available, to keep local people safe.</p>
<b>14.</b>	<b>Question from Councillor Angie Boyes to the Chair of Licensing, Councillor David Willingham</b>
	<p>In light of the recent tragic killing of Sarah Everard, it is vital that Cheltenham Borough Council ensures it is doing all it can to protect the safety of women on our streets both in the day and especially at night. As a victim of stalking myself, knowing what it is like to continuously have to look over my shoulder, and having endured numerous instances of sexual harassment over the years, I feel very strongly that we must do everything we can to make women feel safer on Cheltenham's streets. Can the Chair of Licensing, Cllr. David Willingham, please ensure that safety issues for women are included as part of our Purple Flag considerations, our Evening and Night Time Economy co-ordination, our post-Covid recovery planning and our Race Week 2022 planning?</p>
	<b>Response from Chair of Licensing</b>
	<p>The issues that Cllr Boyes raises are of significant concern to me as our town's Evening and Night Time Economy Champion, and will come under more scrutiny following the tragic killing of Sarah Everard.</p> <p>Our Purple Flag status is reassessed annually, with a more thorough assessment happening biennially. This includes submission of Key Performance Indicators on crime and the results of a perceptions survey questionnaire. The latest submission of these KPIs was published in agenda item 7 of Licensing Committee on 3rd March 2021, and shows that in the period 1st March 2019 to 29th February 2020 there were eight sexual offences recorded as occurring between 5pm and 5am on Friday and Saturday nights in the Purple Flag area. It also shows that in 2019 and 2020</p>



	<p>85% of respondents felt safe when they are out in Cheltenham town centre in the evening or at night. This data is currently not broken down by gender or other demographic characteristics and I will ask officers to consider whether it is possible to collect that information in future, so that we can identify whether any particular groups feel more vulnerable.</p> <p>Our Evening and Night Time Economy co-ordination works closely with Gloucestershire Constabulary and Licensed venues to keep our town safe via a Nightsafe group. I will request that the consideration of what members of that group can do to reduce the risk and incidence of violence against women is discussed at the next meeting. It may be simple actions, such as raising awareness of the “Ask for Angela” or ordering an “Angel shot” to indicate to staff that there is a problem, and working with SIA registered door staff to raise their awareness of signs of domestic abuse or coercive control, but different venues may have other ideas that they can contribute, which could also make a positive difference.</p> <p>In terms of the post-Covid recovery, preparations for a safe reopening are already underway. For the re-opening, Gold Cup race week 2022, and other times when our Evening and Night Time Economy is busy such as Fresher’s Week and the Christmas Party season, I will be asking the Council if it can repeat, reinforce and strengthen the previous sexual violence awareness poster campaign, that has been run in partnership with the Gloucestershire Rape and Sexual Abuse Centre and Crimestoppers. This aims to ensure that everyone is aware that unacceptable behaviours involving any unwanted sexual contact, harassment like grabbing, groping, rubbing, pinching or upskirting are sexual violence crimes, and that if someone experiences this type of behaviour, they should call the police.</p>
<b>15.</b>	<b>Question from Councillor Diggory Seacome to the Cabinet Member Finance, Councillor Steve Jordan</b>
	<p>In the 'Snapshot' of the year, issued with Council Tax demands, you make mention of 6,000 business grants paid, at a cost of £31.5 m, which is roughly £5K per business, but no mention is made of the fact that this is Government money.</p> <p>Do you not think this is disingenuous in its presentation to the Tax payers of Cheltenham, giving the impression, that it might well have come from CBC resources?</p>
	<b>Response from Cabinet Member</b>
	<p>“No. It reflects the huge amount of work done by CBC staff to pay out over 8,400 grants worth £37.6m to Cheltenham businesses over the past year. This helped ensure this council was the first in the country to start paying out business grants using its own reserves before any government funding was received. There have been 10 different grant schemes 7 of which are still live and with 2 more starting in April.</p> <p>The work done by Jayne Gilpin and her team has included:-</p> <ul style="list-style-type: none"> <li>• Setting up new systems and processes - for a complex project like this it would normally take months and it was done in less than 2 weeks</li> <li>• Implementing changes to systems and processes for each new scheme.</li> <li>• Understanding the rules for all the different schemes and pay the correct grant to businesses</li> <li>• Designing and creating policies for 3 of the schemes</li> </ul>

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|  | <ul style="list-style-type: none"><li>• There is a lot of fraud and organised crime activity so checks have to be made before every grant payment to ensure they are being paid correctly to businesses entitled to receive them</li><li>• Lots of checks and monitoring to ensure the payments are sent out correctly - 3 payment runs each week</li><li>• Dealing with the constant flow of queries from businesses - virtually full time for 2 staff &amp; responded to well over 2,000 emails</li><li>• Undertaken post payment assurance, fraud and reconciliation checks on grants paid</li><li>• Keeping accurate records to report to government on a weekly basis</li><li>• Collating data for monthly data returns to various government departments"</li></ul> |
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And this was all on top of the day job.